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PROPOSED ACTION ON REGULATIONS

TITLE 14. DEPARTMENT OF PARKS AND RECREATION
Conflict-of-Interest Code — Notice File No. Z2018-0109-02 71

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION
Security Threat Group Management — Notice File No. Z2018-0109-05 71

TITLE 24. BUILDING STANDARDS COMMISSION
2019 Building Energy Efficiency Standards — Part 11 (CALGreen) — Notice File No. Z2018-0109-03 74

TITLE 24. BUILDING STANDARDS COMMISSION
2019 Building Energy Efficiency Standards — Notice File No. Z2018-0109-04 83

GENERAL PUBLIC INTEREST

DEPARTMENT OF CORRECTIONS AND REHABILITATION
Notice of Rescheduled Public Hearing and Extension of Public Comment Period Concerning Family Visiting (Overnight) and Inmate Discipline (Previously Published in Notice Register 2017, No. 52-Z) 95

DEPARTMENT OF FISH AND WILDLIFE
California Endangered Species Act Consistency Determination No. 2080-2017-010-05 — Rice Ranch Development 95

(Continued on next page)

Time-Dated Material

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 98
Sections Filed, August 9, 2017 to January 10, 2018 100

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 14. DEPARTMENT OF PARKS AND RECREATION

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE DEPARTMENT OF PARKS AND RECREATION

NOTICE IS HEREBY GIVEN that the **Department of Parks and Recreation**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on January 19, 2018 and closing on March 5, 2018. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: Updating employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, updating employee positions that will be required to file statements of economic interest (Form 700), and other technical changes.

Information on the code amendment is available on the agency's intranet site.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **March 5, 2018**, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than **February 18, 2018**.

The **Department of Parks and Recreation** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Fernando T. Aceves, Senior Staff Counsel, (916) 653-9905, fernando.aceves@parks.ca.gov.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, proposes to adopt Sections 3378.9 and 3378.10; amend 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8; and repeal Section 3334 of the California Code of Regulations (CCR), Title 15, Division 3, concerning Security Threat Group Management.

PUBLIC HEARING

- Date and Time: **March 16, 2018** —
10:00 a.m. to 11:00 a.m.
- Place: Department of Corrections and Rehabilitation
Colorado Room
1515 S Street — North Building
Sacramento, CA 95811
- Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **March 16, 2018 at 5:00 p.m.** Any person may submit public comments in writing (by mail or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883,

Sacramento, CA 94283-0001; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Associate Director
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 445-2269**

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

**Anthony Carter
Regulation and Policy Management Branch
Telephone (916) 445-2220**

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

**Juan Jacquez
Division of Adult Institutions
Department of Corrections and Rehabilitation
(916) 324-0794**

Or

**Nancy Hardy
Division of Adult Institutions
Department of Corrections and Rehabilitation
(916) 324-0791**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

This action amends various sections 3190 of the CCR, Title 15, Division 3 concerning Security Threat Group Management.

A class action lawsuit, *Ashker v. Governor of the State of California*, was filed on December 9, 2009. It alleged that CDCR's gang management regulations and practices violate the Due Process Clause of the Fourteenth Amendment and that the conditions of confinement in Pelican Bay's SHU constitute cruel and unusual punishment in violation of the Eighth Amendment. While the litigation was pending, the Department recognized a need to evaluate those strategies and in 2012 adopted new approaches to addressing constantly evolving Security Threat Group (STG) trends.

This 2012 pilot program and 2014 regulations introduced a comprehensive strategy designed to:

- Provide graduated housing with increased program and privileges based on positive programming, as well as consequences for non-compliance associated with STG-related behaviors.
- Enable an offender to engage in reintegration from a SHU environment back to general population or sensitive needs yard through a Step Down Program.
- Support and educate offenders desiring to disavow and/or disengage from the STG lifestyle.
- Prevent or reduce STG influence and STG violence.
- Provide additional levels of due process in the validation process.
- Promote safe and efficient prison operations.
- Weaken the organization and communication of the STG through intelligence and behavior-based management strategies.
- Curtail the ability of STGs to participate in crimes that transcend the boundaries of the institution into the community.
- Provide programs designed to promote social values and behaviors in preparation for the offenders' return to the community.

The 2012 policy changes included an enhanced intelligence-based identification system needed to identify members, associates, and suspects who were believed to present a clear threat to the safety of staff, offenders, and the security of the institutions. This, in association with documented STG-related behavior, provided prison managers the necessary information to make decisions regarding the appropriate housing and program needs for the offender. The 2012 policy supported CDCR's strategic plan through effective classifi-

cation of offenders and placement of the right offender, in the right program, at the right time.

The policy changes were based on recommendations made by subject matter experts within the CDCR as well as consideration of strategies and best practices used by agencies outside of California. This complex retooling of CDCR’s STG management strategy required significant changes to regulations, practices, and institutional culture to ensure success. The 2012 policy supported California’s efforts toward establishing an updated model for managing STGs in a prison environment.

A Settlement Agreement resolving the *Ashker* litigation was reached in September 2015. As set forth in the settlement agreement, CDCR agreed to promulgate regulations, policies, and procedures governing STG management and the Step Down Program. This regulation package is being submitted to comply with the federally approved Settlement Agreement.

This action also revises the following 3 forms that are incorporated by reference:

- CDCR Form 128–B4 (10/17), Evidence Disclosure and Interview Notification
- CDCR Form 128–B5 (10/17), Security Threat Group Validation Chrono
- CDCR Form 128–B8 (10/17), Security Threat Group Certification Worksheet

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that these regulations will bring the Department into compliance with the *Ashker v. State of California* settlement agreement to address and settle claims for declaratory and injunctive relief regarding policies and practices of the CDCR for placing, housing, managing, and retaining inmates validated as prison gang members and associates in the SHU, as well as the conditions of confinement in the SHU at Pelican Bay State Prison and other CDCR SHU facilities.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

The Department has determined that these proposed regulations are consistent and compatible with existing state laws and regulations. The Department reached this conclusion because these proposed regulations supplement existing regulations concerning Security Threat Group Management, which is authorized by law.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT:

- Cost to any local agency or school district that is required to be reimbursed: *None.*
- Cost or savings to any state agency: *None.*
- Other nondiscretionary cost or savings imposed on local agencies: *None.*
- Cost or savings in federal funding to the State: *None.*

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on the health of California residents or the state’s environment, because the proposed regulations relate strictly to the management of CDCR institutions.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is deter-

mined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, 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. Interested persons are accordingly invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be direct-

ed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

TITLE 24. BUILDING STANDARDS COMMISSION

PROPOSED REVISIONS TO THE CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS

CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 11, APPENDICES A4 AND A5 (2019 CALIFORNIA GREEN BUILDING STANDARDS CODE)

California Energy Commission DOCKET NO. 17-BSTD-03

INTRODUCTION

Notice is hereby given that the California Energy Commission (Energy Commission) proposes to adopt changes to the Building Energy Efficiency Standards contained in the California Green Building Standards Code, California Code of Regulations (CCR), Title 24, Part 11 (also known as CALGreen). The proposed amended standards are called the "2019 California Green Building Standards Code" (Standards) and will go into effect on January 1, 2020.

The Energy Commission has prepared this Notice of Proposed Action (NOPA) and an Initial Statement of Reasons (ISOR) regarding the need for the proposed revisions, and has available all the information upon which its proposal is based. The Energy Commission has also published the Express Terms (45-Day Language) of the proposed amendment language. These documents can be obtained from the contact persons designated below or from the Energy Commission website at: <http://www.energy.ca.gov/title24/2019standards/>.

PUBLIC COMMENT PERIOD AND HEARINGS

The Energy Commission's Energy Efficiency Lead Commissioner will hold public hearings to receive public comments on the proposed action. At these hearings, any person may present statements or arguments relevant to the proposed regulatory action summarized be-

low. The proposed language (45–Day Language Express Terms) is posted on the Energy Commission’s website at: <http://www.energy.ca.gov/title24/2019standards/>.

The 45–Day Language Express Terms are also available from the Energy Commission’s Building Standards Office (contact persons are listed later in this NOPA). The Energy Efficiency Lead Commissioner Hearings to discuss the 45–Day Language are scheduled as follows:

February 6, 2018

9:00 a.m.

CALIFORNIA ENERGY COMMISSION

Hearing Room A

1516 Ninth Street

Sacramento, California

(Wheelchair Accessible)

Audio for the Energy Efficiency Lead Commissioner Hearings will be broadcast over the internet. For details, please go to: www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654–4425 or by email at poneh.jones@energy.ca.gov at least 5 days in advance.

A Hearing before the Energy Commission, for possible final adoption of the Express Terms, is scheduled to be held on the date below. This date may be postponed by the Energy Commission through a notice to the docket of this proceeding.

PROPOSED ADOPTION DATE — FULL ENERGY COMMISSION HEARING

March 21, 2018

10 a.m.

CALIFORNIA ENERGY COMMISSION

Hearing Room A

1516 Ninth Street

Sacramento, California

(Wheelchair Accessible)

Audio for the hearings will be broadcast over the internet. For details, please go to: www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654–4425 or by email at poneh.jones@energy.ca.gov at least 5 days in advance.

The public comment period for the 2019 Building Energy Efficiency Standards will begin on January 19, 2018, and end at 5:00 p.m. on March 5, 2018. Any interested person may submit written comments on the proposed amendments. Regarding the Energy Efficiency Lead Commissioner and Adoption Hearing, the En-

ergy Commission requests written comments at the earliest possible date: for the February 6, 2018 hearing, please provide written comments by February 20, 2018. However, written comments will still be accepted if they are received by 5:00 p.m. on March 5, 2018. Written comments must be emailed to Docket@energy.ca.gov or mailed or delivered to the following address (emailing is preferred):

CALIFORNIA ENERGY COMMISSION

Attention: Docket No. 17–BSTD–03

Dockets Office

1516 Ninth Street, MS–4.

Sacramento, CA, 95814

All written comments must contain the official number of the proceeding “Docket No. 17–BSTD–03,” prominently displayed on the first page. When comments are emailed on behalf of an organization, the comments should be a scanned copy of the original on the organization’s letterhead and include a signature of an authorized representative.

Written comments may also be filed electronically by emailing adrian.ownby@energy.ca.gov or faxing them to (916) 654–4304, as long as they are received no later than March 5, 2018, at 5:00 p.m.

Oral comments may be made at the Energy Efficiency Lead Commissioner hearing(s). In addition, oral comments may be made at the March 21, 2018, Full Commission Adoption Hearing.

POTENTIAL POST–HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Interested persons should be aware that these amendments may be subject to change as a result of public comment, staff recommendations, or discussions at meetings with the Energy Efficiency Lead Commissioner or other Commissioners. The proposed regulations could be changed, withdrawn, or replaced.

Pursuant to Government Code 11346.8(c), no state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) non–substantial or solely grammatical in nature, or (2) sufficiently related to the original text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be addressed in the final statement of reasons required by Government Code section 11346.9.

To be notified of any modifications, please sign-up on the Building Standards list-serve to be informed of ongoing activities regarding the 2019 Update. You can sign up for this list-serve here: <http://www.energy.ca.gov/efficiency/listservers.html>.

For assistance in participating in this the rulemaking proceeding, please contact the Energy Commission’s Public Adviser’s Office, at (916) 654-4489, toll free at (800) 822-6228, or by email at publicadviser@energy.ca.gov.

AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the Express Terms under the authority granted by Public Resources Code Sections 25213, 25402, subdivisions (a)-(b), 25402.1, 25402.4, 25402.5, 25402.8, 25910, 25942, and 25943.

The Energy Commission proposes to adopt the Express Terms in order to implement, interpret, or make specific Public Resources Code Sections 25402, subdivisions (a)-(b), 25402.1, 25402.4, 25402.5, 25910, 25942, and 25943, and Health and Safety Code Sections 18930, 18934 & 18935.

INFORMATIVE DIGEST

A. Summary of Existing Laws

Public Resources Code Sections 25402 and 25402.1 were enacted in the 1970s as part of the enabling legislation establishing the Energy Commission and its basic mandates. These sections require the Energy Commission to adopt, implement, and periodically update energy efficiency standards for both residential and nonresidential buildings. In addition, Public Resources Code Section 25910 directs the Energy Commission to adopt standards for the minimum amount of additional insulation installed in existing buildings. Senate Bill (SB) 639 (Statutes of 1993) added Section 25402.6, which expressly directs the Energy Commission to consider both new and replacement, and both interior and exterior, lighting devices when adopting building standards. SB 5X (Statutes of 2001) added subsection (c) to Section 25402.5 to clarify and expand the Energy Commission’s authority to adopt standards for outdoor lighting.

The Global Warming Solutions Act (Assembly Bill (AB) 32, Núñez, Chapter 488, Statutes of 2006) has been the foundation of California’s efforts over the past five years to reduce greenhouse gas emissions (GHG); AB 32 requires that by 2020 the state reduce its GHG emissions to the level that existed in 1990. *Improving the energy efficiency of existing residential and commercial buildings is the single most important activity to reduce greenhouse gas emissions that result from*

electricity and natural gas use. The Energy Commission’s 2017 Integrated Energy Policy Report (IEPR), which is California’s official statement of the state’s energy policy, concludes that climate change is the single most important environmental and economic challenge of the century, that greenhouse gas emissions are the largest contributors to climate change, and that California’s ability to slow the rate of greenhouse gas emissions will depend first on energy efficiency.

Similarly, the California Long-Term Energy Efficiency Strategic Plan (2008) adopted by the California Public Utilities Commission (CPUC) identifies the importance of the Energy Commission’s Building Energy Efficiency Standards in reaching the State’s goal of having new homes be “zero net energy” buildings by 2020 and of having commercial buildings be “zero net energy” buildings by 2030.

Governor Brown’s Clean Energy Jobs Plan (2010) combines existing state energy policy with economic recovery and growth goals by focusing on developing renewable energy and energy efficiency technologies and creating more than half a million green jobs. In the area of building efficiency, the Governor’s Plan calls for:

- Adopting stronger appliance standards for lighting, consumer electronics, and other products;
- Creating new efficiency standards for new buildings;
- Increasing public education and enforcement efforts so that the gains promised by California’s efficiency standards are realized;
- Adopting a plan for achieving “zero-net-energy” homes and businesses;
- Making existing buildings more efficient, especially the half of California homes that were built before the advent of modern building standards; and
- Providing information to commercial investors and homebuyers by disclosing building energy consumption prior to building sale.

Senate Bill 350 (de León, Chapter 547, Statutes of 2015) established California’s 2030 greenhouse gas reduction target of 40 percent below 1990 levels. To achieve this goal, Senate Bill 350 set specific 2030 targets for energy efficiency and renewable electricity, among other actions aimed at reducing greenhouse gas emissions across the energy and transportation sectors. In particular, SB 350 requires the state to double statewide energy efficiency savings in electricity and natural gas end uses by 2030. (Senate Bill 32 (Pavley, Chapter 249, Statutes of 2016) followed by amending the California Global Warming Solutions Act of 2006 to

establish a matching emissions limit in California’s Cap and Trade program.)

The Energy Commission’s Integrated Energy Policy Report (2017) includes an energy efficiency chapter that emphasizes the energy policy goals for the state’s residential and nonresidential buildings. It articulates how the Building Energy Efficiency Standards, including Reach Standards, will be updated periodically to attain the aggressive levels of energy efficiency required to make energy efficient buildings cost-effective for consumers.

The 45-Day Language Express Terms described in this NOPA are designed to comply with and meet all of these state laws and policies. To summarize:

As required by law, the proposed voluntary Standards are likely cost-effective to consumers (that is, the energy bill savings over the life of the building will be greater than any increased construction costs that will result from the Standards). If a local jurisdiction chooses to adopt these voluntary Standards as mandatory in the form of a local ordinance, they will be required to show cost-effectiveness in the applicable jurisdiction.

The proposed voluntary Standards take additional steps in meeting the 2020 and 2030 zero net energy goals; if adopted, they will allow local jurisdictions to mandate that new residential buildings are closer to achieving California’s goal of having all new residential buildings be zero net energy by 2020. They will also further advance California’s requirements locally for nonresidential buildings in a manner that harmonizes California with national nonresidential building standards, ensuring California neither lags behind nor departs from the national work of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and the U.S. Department of Energy.

By saving large amounts of energy within jurisdictions that choose to adopt the voluntary measures, the voluntary Standards will make a major contribution in meeting the State’s goals for reductions in greenhouse gas emissions.

By making buildings more affordable to own and operate in the adopting jurisdictions, the Standards will encourage investment in new construction, make more capital available for other investments, stimulate economic growth, and create new jobs in the adopting jurisdictions.

B. Summary of Existing Regulations

The Energy Commission’s Building Energy Efficiency Standards are contained in two parts of Title 24 of the California Code of Regulations. Administrative regulations, such as how the standards’ requirements are integrated with local governments’ building permit processes, are in Part 1 of Title 24, and the substantive requirements for building construction are in Part 6 of Ti-

tle 24. (Amendments being proposed to Part 1 and Part 6 of Title 24 are being considered in a separate, parallel rulemaking.) In addition, voluntary, or “reach” guidelines for sustainable building practices that are more protective of the environment than the minimum standards are in Part 11 of Title 24, the California Green Building Standards. The Energy Commission is responsible for the Energy Chapters (separate chapters are published for residential and nonresidential buildings) of Part 11.

Part 11 is composed of several chapters, some of which apply to all buildings and all types of construction, while others apply to specified subsets. Part 11 is further divided into mandatory measures that must be met by a qualifying building (primarily specifying the other Parts and Sections of Title 24 that apply) and voluntary or “reach” measures that are not mandatory unless adopted by a local jurisdiction. The Energy Commission is responsible for adopting both mandatory and voluntary energy provisions in Part 11 of Title 24 with other state agencies being responsible for approving and adopting the other portions of Part 11.

The Energy Commission is responsible for adopting the energy provisions found in the following sections of Part 11:

Chapter 4, Division 4.2, Section 4.201 states that the Energy Commission will adopt mandatory standards for residential green buildings through its adoption of Part 6 of Title 24.

Chapter 5, Division 5.2, Section 5.201 states that the Energy Commission will adopt mandatory standards for nonresidential green buildings through its adoption of Part 6 of Title 24.

Appendix A4, Division A4.2 describes the voluntary energy provisions for residential buildings that may only become mandatory when adopted by a local jurisdiction.

Appendix A5, Division A5.2 describes the voluntary energy provisions for nonresidential buildings that may only become mandatory when adopted by a local jurisdiction.

The amendments proposed as a part of this rulemaking are solely to the voluntary provisions in Appendices 4 and 5.

C. Summary of the Effect of the Proposed Regulations

Overview

The changes proposed in this Rulemaking are updates to the voluntary energy efficiency provisions of the California Green Building Standards. These voluntary guidelines, contained in Title 24, Part 11 of the California Code of Regulations, go beyond the mandatory standards in Part 6.

In addition to updating the voluntary provisions in Title 24 Part 11, the Energy Commission is also proposing updates to the mandatory energy efficiency provisions in Title 24, Parts 1 and 6, in a separate, parallel rulemaking.

Residential

The structure of the Residential Section is reverting to the two-tier approach used in the rest of Part 11 and continues to require an Energy Design Rating (EDR). The EDR has been further refined in the proposed Express Terms for Part 6 to include a minimum efficiency only portion (Efficiency EDR) as well as the previous comprehensive EDR (Total EDR), which includes additional energy efficiency (Efficiency EDR) AND on-site renewable electricity generation to meet a specific threshold of expected electricity use. The same definitions and metrics for Efficiency and Total EDRs are used in the proposed language for Part 11 when setting the Tier 1 performance targets and defining the Tier 2 target as having a Total EDR of less than or equal to 6.

Furthermore, the set of residential prerequisites has been expanded to include efficiency measures that should be considered in any project striving to meet advanced levels of energy efficiency. Quality Insulation Installation remains mandatory while one of the new prerequisites (roof deck insulation, ducts in conditioned space, high performance walls, and HERS-verified compact hot water distribution system with HERS-verified drain water heat recovery) must also be selected. All prerequisites applied to a given project result in credit towards the performance goal EDR targets of Tier 1 and Tier 2.

Section A4.204, relating to the performance approach for additions, is proposed to be removed as it largely repeats what is stated in Section A4.203. Local jurisdictions are able to consider extending local ordinances to existing buildings without the express language of this Section, which was found to be redundant and potentially confusing.

Nonresidential

The proposed changes to the nonresidential sections of CALGreen are restricted to the addition and expansion

of prerequisites. Outdoor lighting now includes a color temperature upper limit. Also energy efficiency measures for Warehouse Dock Seal Doors, Daylight Redirecting Devices, Exhaust Air Heat Recovery, and Triple Bottom Line Analysis have been added as prerequisites. Only one of these prerequisites is required to qualify for Tier 1 while two are required to qualify for Tier 2. All prerequisites applied to a given project result in credit towards the performance targets of tier 1 and tier 2.

Cleanup and Alignment

The proposed changes to the voluntary Standards (CALGreen Part 11) also include changes throughout the regulations to clarify, simplify, and streamline the existing language and requirements, as well as to align with the proposed changes to the mandatory Standards (Part 6).

A detailed list of all proposed changes, with descriptions of each change, is located in the Initial Statement of Reasons released concurrently with this notice.

IMPORTANT NOTE: These proposed changes are discussed in more detail in the Initial Statement of Reasons that is being published simultaneously with this NOPA.

D. Policy Statement Overview

The proposed standards will help residential buildings to reach California's zero net energy goals and assist local jurisdictions considering zero net energy related ordinances by providing a clear and specific definition of a zero net energy design building. In addition, clearer phrasing and presentation of the Part 11 regulatory language will aid its effectiveness and implementation.

As these updates to Part 11 amend the voluntary provisions, there is no monetary benefit that can be attributed to the amendments. Instead, Part 11 results in indirect benefits and cost savings by acting as a model for local energy efficiency ordinances.

E. Documents Incorporated by Reference into the 2019 Standards

The Energy Commission proposes to incorporate the following documents by reference:

Reference #	Title	Version / Publication Date	Available From
RA3.6.5, RA4.4.16, RA3.6.9, RA4.4.21	Title 24, Part 6 Reference Appendices	2019	California Energy Commission 1516 9 th Street Sacramento, CA 95814 www.energy.ca.gov
ASTM E783	Standard Test Method for Field Measurement of Air Leakage Through Installed Exterior Windows and Doors	2010	American Society for Testing and Materials 100 Bar Harbor Drive West Conshohocken, Pennsylvania 19428-2959 (800) 262-1373 or (610) 832-9585
ASTM E2387	Standard Practice for Goniometric Optical Scatter Measurements	2011	https://www.astm.org/
ASHRAE 90.1 Section 6.5.6.1	Energy Standard for Buildings Except Low-Rise Residential Buildings	2016	ASHRAE 1791 Tullie Circle N.E. Atlanta, Georgia 30329-2305 www.ashrae.org
ASHRAE Standard 170	Ventilation of Health Care Facilities	2017	
ASHRAE Standard 62.1	Ventilation for Acceptable Indoor Air Quality	2016	
AHRI 1060-2014 or 1061- 2014	Air-to-Air Energy Recovery Ventilation Equipment	2014	Air-Conditioning and Refrigeration Institute 4301 North Fairfax Drive, Suite 425 Arlington, Virginia 22203 (703) 524-8800 http://www.ahrinet.org/

All of these documents will be made available for review at the Energy Commission during the rulemaking action, and will continue to be available in the future by contacting the agency contacts identified in this Notice. All of these documents are also available directly from the publishing entities, as described in the table above. All available contact information, including internet addresses, physical addresses, and phone for these entities has been provided where possible.

These documents are incorporated by reference because it would be cumbersome, unduly expensive, and otherwise impractical to publish them in the California Code of Regulations. In addition, some of the documents are copyrighted, and cannot be reprinted or distributed without violating the licensing agreements. The documents are lengthy and highly technical test methods and engineering documents that would add unnecessary additional volume to the regulation. Distribution to all recipients of the California Code of Regula-

tions is not needed because the interested audience for these documents includes only the technical and engineering staff employed by builders, local building departments, and environmental groups, most of whom are already familiar with these methods and documents.

F. Comparable Federal Statutes Or Regulations

There are no federal energy standards applicable to nonfederal buildings within the scope of Title 24 Part 11. Therefore, the proposed regulations do not differ substantially from existing, comparable federal regulations or statutes, as no such regulations or statutes exist.

G. Consistency and Compatibility with Existing State Regulations

The Energy Commission has conducted an evaluation for any other regulations that are applicable to buildings within the scope of Title 24 Part 11 and for which energy efficiency standards apply, and has concluded that the proposed regulations are neither incon-

sistent nor incompatible with any other existing state regulations. In the few cases identified where other State or federal laws could potentially apply, specific language was added to the Express Terms to ensure consistency with applicable provisions of State and federal law.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE ENERGY COMMISSION, OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS PROPOSED FOR ADOPTION

All of the laws applicable to the proposed Standards, primarily Public Resources Code Sections 25402 and 25402.1, are discussed above.

POTENTIAL MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Energy Commission has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts. The amended provisions are part of the voluntary provisions of Title 24, Part 11.

ESTIMATE OF COSTS OR SAVINGS

See the Economic and Fiscal Analysis (Form 399), published simultaneously with this NOPA, for complete details. To summarize:

- A. **Total statewide costs and benefits:** There are no estimated statewide costs associated with this update to the voluntary appendices. The benefit of this update is that it aligns CALGreen's voluntary provisions with California's current zero net energy policies, and makes it easier for local jurisdictions to consider local and regional zero net energy programs.
- B. **Cost or savings to any state agency:** There are no estimated statewide costs to state agencies associated with this update to the voluntary appendices.
- C. **Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** The updates to the voluntary appendices do not result in new mandates to local agencies.

- D. **Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** The updates to the voluntary appendices do not result in new mandates for schools.
- E. **Other nondiscretionary cost or savings imposed on local agencies:** No costs or savings are imposed on local agencies by the updates to the voluntary appendices. Local agencies may use the provisions in these appendices as templates or examples for drafting of local ordinances; however, agencies are not required to adhere to the specific language or requirements in these appendices.
- F. **Cost or savings in federal funding to the state:** No costs or savings in federal funding to the state are created by the updates to the voluntary appendices.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES, DECLARATION OF EVIDENCE

The Energy Commission has completed an Economic and Fiscal Analysis and made an initial determination that the adoption of the proposed amendments to the voluntary appendices to Part 11 will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states. Comments on this determination (as on everything in this NOPA) are welcome.

- A. **Identification of the types of businesses that would be affected.**
The proposed amendments to the voluntary provisions would have no effect on California businesses.
- B. **A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.**
The proposed amendments to the voluntary provisions would not result in new or increased reporting, recordkeeping, or other compliance requirements or activities.
- C. **Evidence relevant to the Energy Commission's initial determination that the adoption of the proposed Standards will not have a significant statewide adverse economic impact.**
The proposed amendments to the voluntary provisions do not create economic impacts of any kind, due to their voluntary nature. To the extent that actions taken by local agencies may include,

modify, or not include all or part of the voluntary provisions, those actions would be subject to existing laws relating to the evaluation and disclosure of impacts of actions by those local agencies. Consideration of potential actions taken by local agencies in the future is speculative and therefore not included as an impact of the amendments.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Energy 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. The portions of Part 11 that the Energy Commission proposes to modify are voluntary provisions intended to assist local jurisdictions in drafting local ordinances; therefore there are no monetary costs or savings associated with these changes.

ASSESSMENT OF THE EFFECTS OF THE PROPOSED STANDARDS ON JOBS AND BUSINESS EXPANSION, ELIMINATION, OR CREATION

The Energy Commission has made a preliminary assessment on whether, and if so to what extent, the proposed Standards will affect the following:

- A. ***The creation or elimination of jobs within the State of California.***
Jobs will not be eliminated. It is possible that new jobs may be created within the local jurisdictions adopting local Standards as a result of the amended procedures.
- B. ***The creation of new businesses or the elimination of existing businesses within the State of California.***
Businesses will not be eliminated. It is possible that new businesses may be created within the local jurisdictions adopting the voluntary Standards to provide field verification and other compliance services, and to supply energy efficiency products.
- C. ***The expansion of businesses currently doing business with the State of California.***
It is possible that businesses currently doing business in California to provide energy–efficiency products and services, as well as sale and installation of solar photovoltaic systems, will be expanded within the local jurisdictions adopting the voluntary Standards.

- D. ***Benefits of the proposed standards to the health and welfare of California residents, to worker safety, and to the state’s environment.***

The proposed updates to the voluntary appendices will have no direct effect on health, welfare, worker safety, or the environment. The updates may encourage consideration and adoption of local ordinances relating to energy efficiency in buildings, and such ordinances, if adopted, can be expected to have the positive impacts on health, welfare, and the environment known to result from energy efficiency. However, as such impacts are speculative, they are not considered in this rulemaking.

As noted, while local agencies may use the provisions in these appendices as templates or examples for drafting of local ordinances, such agencies are not required to adhere to the specific language or requirements in these appendices. Consideration of potential future actions taken by local agencies is therefore speculative and is not included in the assessment of the effects of the proposed standards.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

Any regulation that requires a report shall not apply to businesses, unless the agency makes a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses. These proposed regulations do not require a report. Therefore, it is not necessary for the Energy Commission to make a finding that it is necessary for the health, safety, or welfare of the public that the regulations apply to businesses.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Energy Commission has made an initial determination that amending the voluntary appendices to Part 11 will not have a significant effect on housing costs. As no new requirements are imposed on new or existing housing by the proposed updates, these updates will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The Energy Commission has made a preliminary determination that no reasonable alternative considered by it, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–

effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

A rulemaking agency must determine in the Final Statement of Reasons that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, 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.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information on which the proposed Standards are based is contained in the rulemaking file, which is available for public review at the Energy Commission's Dockets Office, by contacting the persons named below, or on this website: <http://www.energy.ca.gov/title24/2019standards/>.

This notice, the express terms, and initial statement of reasons can also be accessed from the California Building Standards Commission website: <http://www.bsc.ca.gov/>.

Documents incorporated by reference that are subject to copyright can be inspected on-site at the Energy Commission by contacting the Energy Commission contact persons named below.

If the proposed Standards are adopted, interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared either by going to this website, or by making a written request to the contact people named below.

ENERGY COMMISSION CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Questions on procedural and administrative issues should be addressed to:

Adrian Ownby
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA, 95814
(916) 651-3008
Email: adrian.ownby@energy.ca.gov

CONTACT PEOPLE FOR SUBSTANTIVE AND TECHNICAL QUESTIONS

Questions on the substantive content of the NOPA, ISOR, Express Terms, and other rulemaking documents, including technical questions regarding proposed amendments to the regulations, should be addressed to:

Payam Bozorgchami
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-37
Sacramento, CA 95814
(916) 654-4618
Email: payam.bozorgchami@energy.ca.gov

or

Ingrid Neumann
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-37
Sacramento, CA 95814
(916) 651-1461
Email: ingrid.neumann@energy.ca.gov

PUBLIC PARTICIPATION

For assistance in participating in the rulemaking proceeding, please contact the Energy Commission's Public Adviser's Office, at (916) 654-4489, toll free at (800) 822-6228, or by email at publicadviser@energy.ca.gov

If you have a disability and require special accommodations to attend or participate in a hearing, please contact Poneh Jones at (916) 654-4425 or by email at poneh.jones@energy.ca.gov five days before the hearing.

Media inquiries should be sent to the Media and Public Communications Office at Mediaoffice@energy.ca.gov or (916) 654-4989.

FINAL STATEMENT OF REASONS

If the proposed amendments are adopted, the Energy Commission will prepare a Final Statement of Reasons. This document will update the Initial Statement of Reasons and respond to public comments. It will be posted on the Energy Commission's website for this proceeding described below, and will be distributed to interested persons subscribed to the Building Standards list-server described above. This document may also be obtained after the conclusion of the rulemaking by contacting Adrian Ownby at (916) 651-3008 or by email at adrian.ownby@energy.ca.gov.

WEBSITE INFORMATION

This NOPA, the Initial Statement of Reasons, the Express Terms, any 15–Day Language issued subsequently, and all other relevant rulemaking documents can be accessed at the Energy Commission’s website at: <http://www.energy.ca.gov/title24/2019standards/>.

**TITLE 24. BUILDING STANDARDS
COMMISSION**

**PROPOSED REVISIONS TO THE
CALIFORNIA BUILDING ENERGY
EFFICIENCY STANDARDS**

**THE 2019 CALIFORNIA
ADMINISTRATIVE CODE
THE 2019 CALIFORNIA ENERGY CODE**

**CALIFORNIA CODE OF REGULATIONS,
TITLE 24,
PART 1, CHAPTER 10, and PART 6**

**California Energy Commission
DOCKET NO. 17–BSTD–02**

INTRODUCTION

Notice is hereby given that the California Energy Commission (Energy Commission) proposes to adopt changes to the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (also known as the California Energy Code), and associated administrative regulations in Chapter 10 of Part 1. The proposed amended standards are called the “2019 Building Energy Efficiency Standards” (Standards) and will go into effect on January 1, 2020.

The Energy Commission has prepared this Notice of Proposed Action (NOPA) and an Initial Statement of Reasons (ISOR) regarding the need for the proposed revisions, and has made available all the information upon which its proposal is based. The Energy Commission has also published the Express Terms (45–Day Language) of the proposed amendment language. These documents can be obtained from the contact persons designated below or from the Energy Commission website at: <http://www.energy.ca.gov/title24/2019standards/>.

PUBLIC COMMENT PERIOD AND HEARINGS

The Energy Commission’s Energy Efficiency Lead Commissioner will hold public hearings to receive public comments on the proposed action. At these hearings, any person may present statements or arguments relevant to the proposed regulatory action summarized below. The proposed language (45–Day Language Express Terms) is posted on the Energy Commission’s website at: <http://www.energy.ca.gov/title24/2019standards/>.

The 45–Day Language Express Terms are also available from the Energy Commission’s Building Standards Office (contact persons are listed later in this NOPA). The Energy Efficiency Lead Commissioner Hearings to discuss the 45–Day Language are scheduled as follows:

February 5 and 6, 2018

9:00 a.m.

CALIFORNIA ENERGY COMMISSION
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

The Energy Efficiency Lead Commissioner Hearing will be held on the first date listed. The Energy Efficiency Lead Commissioner Hearing may continue on the second date listed, as necessary.

Audio for the Energy Efficiency Lead Commissioner Hearings will be broadcast over the Internet. For details, please go to www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654–4425 at least 5 days in advance.

A Hearing before the Energy Commission, for possible final adoption of the Express Terms, is scheduled to be held on the date below. This date may be postponed by the Energy Commission through a notice to the docket of this proceeding.

**PROPOSED ADOPTION DATE — FULL ENERGY
COMMISSION HEARING**

March 21, 2018

10 a.m.

CALIFORNIA ENERGY COMMISSION
Hearing Room A
1516 Ninth Street
Sacramento, California
(Wheelchair Accessible)

Audio for the hearings will be broadcast over the internet. For details, please go to: www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in these hearings, please contact Poneh Jones at (916) 654-4425 at least 5 days in advance.

The public comment period for the 2019 Building Energy Efficiency Standards will begin on January 19, 2018, and end at 5:00 p.m. on March 5, 2018. Any interested person may submit written comments on the proposed amendments. Regarding the Energy Efficiency Lead Commissioner and Adoption Hearings, the Energy Commission requests written comments at the earliest possible date: for the February 5th and 6th, 2018 hearings, please provide written comments by February 20, 2018. However, written comments will still be accepted if they are received by 5:00 p.m. on March 5, 2018. Written comments must be emailed to Docket@energy.ca.gov or mailed or delivered to the following address (emailing is preferred):

CALIFORNIA ENERGY COMMISSION
Attention; Docket No. 17-BSTD-02
Dockets Office
1516 Ninth Street, MS-4
Sacramento, CA 95814

All written comments must contain the official number of the proceeding “Docket No. 17-BSTD-02,” prominently displayed on the first page. When comments are emailed on behalf of an organization, the comments should be a scanned copy of the original on the organization’s letterhead and include a signature of an authorized representative.

Written comments may also be filed electronically by emailing adrian.ownby@energy.ca.gov or faxing them to (916) 654-4304, as long as they are received no later than March 5, 2018, at 5:00 p.m.

Oral comments may be made at the Energy Efficiency Lead Commissioner hearing(s). In addition, oral comments may be made at the March 21, 2018, Full Commission Adoption Hearing.

POTENTIAL POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Interested persons should be aware that these amendments may be subject to change as a result of public comment, staff recommendations, or discussions at meetings with the Energy Efficiency Lead Commissioner or other Commissioners. The proposed regulations could be changed, withdrawn, or replaced.

Pursuant to Government Code 11346.8(c), no state agency may adopt, amend, or repeal a regulation which has been changed from that which was originally made available to the public pursuant to Section 11346.5, unless the change is (1) non-substantial or solely grammatical in nature, or (2) sufficiently related to the origi-

nal text that the public was adequately placed on notice that the change could result from the originally proposed regulatory action. If a sufficiently related change is made, the full text of the resulting adoption, amendment, or repeal, with the change clearly indicated, shall be made available to the public for at least 15 days before the agency adopts, amends, or repeals the resulting regulation. Any written comments received regarding the change must be addressed in the final statement of reasons required by Government Code section 11346.9.

To be notified of any modifications, please sign-up on the Building Standards list-serve to be informed of ongoing activities regarding the 2019 Update. You can sign up for this list-serve here: <http://www.energy.ca.gov/efficiency/listservers.html>.

For assistance in participating in this the rulemaking proceeding, please contact the Energy Commission’s Public Adviser’s Office, at (916) 654-4489, toll free at (800) 822-6228, or by email at publicadviser@energy.ca.gov.

AUTHORITY AND REFERENCE

The Energy Commission proposes to adopt the Express Terms under the authority granted by Public Resources Code Sections 25213, 25402, subdivisions (a)-(b), 25402.1, 25402.4, 25402.5, 25402.8, 25910, 25942, and 25943.

The Energy Commission proposes to adopt the Express Terms in order to implement, interpret, or make specific Public Resources Code Sections 25402, subdivisions (a)-(b), 25402.1, 25402.4, 25402.5, 25910, 25942, and 25943, and Health and Safety Code Sections 18930, 18934 & 18935.

INFORMATIVE DIGEST

A. Summary of Existing Laws

Public Resources Code Sections 25402 and 25402.1 were enacted in the 1970s as part of the enabling legislation establishing the Energy Commission and its basic mandates. These sections require the Energy Commission to adopt, implement, and periodically update energy efficiency standards for both residential and nonresidential buildings. In addition, Public Resources Code Section 25910 directs the Energy Commission to adopt standards for the minimum amount of additional insulation installed in existing buildings. Senate Bill (SB) 639 (Statutes of 1993) added Section 25402.5, which expressly directs the Energy Commission to consider both new and replacement, and both interior and exterior, lighting devices when adopting building standards. SB 5X (Statutes of 2001) added subsection (c) to Section 25402.5 to clarify and expand the Energy Commission’s authority to adopt standards for outdoor lighting.

The Global Warming Solutions Act (Assembly Bill (AB) 32, Núñez, Chapter 488, Statutes of 2006) has been the foundation of California’s efforts over the past five years to reduce greenhouse gas emissions (GHG); AB 32 requires that by 2020 the state reduce its GHG emissions to the level that existed in 1990. *Improving the energy efficiency of existing residential and commercial buildings is the single most important activity to reduce greenhouse gas emissions that result from electricity and natural gas use.* The Energy Commission’s 2017 Integrated Energy Policy Report (IEPR), which is California’s official statement of the state’s energy policy, concludes that climate change is the single most important environmental and economic challenge of the century, that greenhouse gas emissions are the largest contributors to climate change, and that California’s ability to slow the rate of greenhouse gas emissions will depend first on energy efficiency.

Similarly, the California Long–Term Energy Efficiency Strategic Plan (2008) adopted by the California Public Utilities Commission (CPUC) identifies the importance of the Energy Commission’s Building Energy Efficiency Standards in reaching the State’s goal of having new homes be “zero net energy” buildings by 2020 and of having commercial buildings be “zero net energy” buildings by 2030.

Governor Brown’s Clean Energy Jobs Plan (2010) combines existing state energy policy with economic recovery and growth goals by focusing on developing renewable energy and energy efficiency technologies and creating more than half a million green jobs. In the area of building efficiency, the Governor’s Plan calls for:

- Adopting stronger appliance standards for lighting, consumer electronics, and other products;
- Creating new efficiency standards for new buildings;
- Increasing public education and enforcement efforts so that the gains promised by California’s efficiency standards are realized;
- Adopting a plan for achieving “zero–net–energy” homes and businesses;
- Making existing buildings more efficient, especially the half of California homes that were built before the advent of modern building standards; and
- Providing information to commercial investors and homebuyers by disclosing building energy consumption prior to building sale.

Senate Bill 350 (de León, Chapter 547, Statutes of 2015) established California’s 2030 greenhouse gas reduction target of 40 percent below 1990 levels. To achieve this goal, SB 350 set specific 2030 targets for

energy efficiency and renewable electricity, among other actions aimed at reducing greenhouse gas emissions across the energy and transportation sectors. In particular, SB 350 requires the state to double statewide energy efficiency savings in electricity and natural gas end uses by 2030. (Senate Bill 32 (Pavley, Chapter 249, Statutes of 2016) followed by amending the California Global Warming Solutions Act of 2006 to establish a matching emissions limit in California’s Cap and Trade program.)

The Energy Commission’s Integrated Energy Policy Report (2017) includes an energy efficiency chapter that emphasizes the energy policy goals for the state’s residential and nonresidential buildings. It articulates how the Building Energy Efficiency Standards, including Reach Standards, will be updated periodically to attain the aggressive levels of energy efficiency required to make energy efficient buildings cost–effective for consumers.

The 45–Day Language Express Terms described in this NOPA are designed to comply with all of these state laws and policies. To summarize:

As required by law, the proposed Standards are cost–effective to consumers (that is, the energy bill savings over the life of the building will be greater than any increased construction costs that will result from the Standards).

The proposed Standards take a crucial step in meeting the 2020 and 2030 zero net energy goals; if adopted, they will advance new residential buildings closer to achieving California’s goal of having all new residential buildings be zero net energy by 2020. They will also advance California’s requirements for nonresidential buildings in a manner that harmonizes California with national nonresidential building standards, ensuring California neither lags behind nor departs from the national work of the American Society of Heating, Refrigerating and Air–Conditioning Engineers (ASHRAE) and the U.S. Department of Energy.

By saving large amounts of energy, the Standards will make a major contribution in meeting the state’s goals for reductions in greenhouse gas emissions.

By making buildings more affordable to operate, the Standards encourage investment in new construction, make capital available for other investments, stimulate economic growth, and create new jobs.

B. Summary of Existing Regulations

The Standards were first adopted in 1976 and have been updated periodically since then as directed by statute. In 1975 the Department of Housing and Community Development adopted rudimentary energy conservation standards under their State Housing Law authority that were a precursor to the first generation of the Standards. However, the Warren–Alquist Act was passed one year earlier with explicit direction to the En-

ergy Commission (formally titled the State Energy Resources Conservation and Development Commission) to adopt and implement the Standards. The Warren–Alquist Act created separate authority and specific direction regarding what the Standards are to address, what criteria are to be met in developing the Standards, and what implementation tools, aids, and technical assistance are to be provided.

The Standards contain energy and water efficiency requirements (and indoor air quality requirements) for newly constructed buildings, additions to existing buildings, and alterations to existing buildings. Public Resources Code Sections 25402 subdivisions (a)–(b) and 25402.1 emphasize the importance of building design and construction flexibility by requiring the Energy Commission to establish performance standards, in the form of an “energy budget” in terms of the energy consumption per square foot of floor space. For this reason, the Standards include both a prescriptive option, allowing builders to comply by using methods known to be efficient, and a performance option, allowing builders complete freedom in their designs provided the building achieves the same overall efficiency as an equivalent building using the prescriptive option. The Standards have done so since 1976 and the 45–Day Language Express Terms described in this NOPA will do the same if adopted.

Public Resources Code Section 25402.1 also requires the Energy Commission to support the performance standards with compliance tools for builders and building designers. Thus in its Alternative Calculation Method (ACM) Approval Manuals, which are adopted by regulation in support of the Standards, and which are described in more detail below, the Energy Commission establishes requirements for input, output and calculational uniformity in computer programs that are used to demonstrate compliance with the Standards. The ACM Manuals thereby allow private firms to develop compliance software for approval by the Energy Commission, which further encourages flexibility and innovation.

The Energy Commission also adopts Reference Appendices that contain data and other information that help builders comply with the Standards.

The Standards are divided into three basic sets. First, there is a basic set of mandatory requirements that apply to all buildings. Second, there is a set of performance standards — the energy budgets — that vary by climate zone (of which there are 16 in California) and building type; thus the Standards are tailored to local conditions. Finally, the third set constitutes an alternative to the performance standards, which is a set of prescriptive packages that are basically a recipe or a checklist compliance approach. A summary outline of the Standards is as follows:

- +ents that apply to all building types are in Part 6, Section 110.
- The requirements for nonresidential buildings, high–rise residential buildings, and hotels/motels are in Part 6, Sections 120 and 130 to 141. Specialized mandatory requirements for such buildings are in Sections 120 and 130; the performance compliance approach is explained in Section 140.1; nonresidential prescriptive packages are in Sections 140.2 to 140.9; and requirements for additions, alterations, and repairs to existing nonresidential buildings are in Section 141.
- The requirements for low–rise residential buildings are in Part 6, Section 150. Specialized mandatory requirements for these buildings are in Section 150.0; the performance compliance approach is explained in Section 150.1; prescriptive packages are also in Section 150.1; and requirements for additions and alterations to existing buildings are in Section 150.2.
- Additional direction relating to the Standards in Part 6 are in the Reference Appendices: the Residential Appendices, the Nonresidential Appendices, the Joint Appendices, and the Alternative Calculation Method Approval Manual.
- The administrative regulations for the Standards are in Part 1, Chapter 10.
- The voluntary Reach Standards are in Part 11, the Green Building Standards (CALGreen).

C. Summary of the Effect of the Proposed Regulations

Overview

The 2019 Standards focus on three key areas: proposing new requirements for installation of solar photovoltaics for newly constructed low–rise residential buildings; updating current ventilation and Indoor Air Quality (IAQ) requirements, including references to ASHRAE 62.1 and 62.2; and extending Title 24 Part 6 to apply to healthcare facilities. The 2019 standards also propose several smaller improvements in energy efficiency, such as efficiency standards for laboratory fume hoods, that are described in greater detail below.

In addition to updating the Standards in Title 24 Parts 1 and 6, the Energy Commission is also proposing updates to the CALGreen energy efficiency provisions in Title 24, Part 11, in a separate, parallel rulemaking.

The following is a list of the specific proposals currently included in the Express Terms. A detailed list of all proposed changes, with descriptions of each change, is located in the Initial Statement of Reasons released concurrently with this notice.

Residential

The proposed changes to the residential sections of the Standards include prescriptive options reflecting updates to building technologies and best practices, and include the following:

- Adding new prescriptive requirements for installing solar photovoltaic systems in newly constructed residential buildings, and specifying use of an Energy Design Rating in the performance approach to compliance to support solar photovoltaic requirements. In addition, Joint Appendix 11 and 12 have been added to support solar photovoltaic and battery storage systems installed to comply with Part 6.
- For ventilation:
 - References to ASHRAE 62.2 have been updated to incorporate the current version by reference. The current version moves high-rise multifamily buildings from 62.1 to 62.2, which is a significant change from prior versions.
 - Amendments to the current version of ASHRAE 62.2 are proposed as found to be appropriate to ensure efficiency and indoor air quality.
 - Increasing air filter filtration requirements to a Minimum Efficiency Reporting Value (MERV) of 13, necessary for filtering out the smallest category of potentially harmful particulates. This change includes requiring that certain return grills accommodate a 2" filter depth, to ensure that MERV 13 filters can be installed with little or no impact on overall system performance.
 - Extending air filtration requirements to apply to supply-only ventilation systems and the supply side of balanced ventilation systems.
 - Changes to multifamily ventilation include specifying that dwelling units may either use balanced ventilation or verify leakage rates with a blower door test.
 - Extending HERS requirements to include verifying HVI certification of kitchen range hoods.
 - Updating HERS procedures specified in the Residential Appendix where needed to support the changes in Part 6.
- For attics, increasing the prescriptive R-value for below roof deck insulation from R-13 to R-19.

- For walls, increasing prescriptive R-value requirements from R19 fill and R5 continuous insulation to R21 fill with R5 continuous insulation, reflecting an overall decrease in the performance U-factor for the assembly from 0.051 to 0.048.
- For fenestration:
 - Updating the definitions of "door" and "glazed door" to match National Fenestration Rating Council (NFRC) definitions. This lowers the threshold for a door to be considered a glazed door from 50% glazing to 25% glazing.
 - Updating the prescriptive U-factor for windows from 0.32 to 0.30, and updating the prescriptive Solar Heat Gain Coefficient (SHGC) required in Climate Zones 2 and 5-15 from 0.25 to 0.23.
 - Adding QII to the prescriptive requirements for newly constructed buildings.
- For lighting, JA8 has been revised to align testing requirements with current federal, state and ENERGY STAR test procedures. In addition, path lights, step lights, and lighting internal to drawers, cabinetry, and closets other than walk-in closets have new options for compliance.
- For water heating:
 - The specifications for compact distribution have been revised.
 - New specifications for Drain Water Heat Recovery have been added.
 - An option for prescriptive compliance using a heat pump water heater has been added.
- For furnaces, updating minimum fan efficacy requirements to 45 cfm per watt.
- Adding addition and alteration requirements that are specific to creating Accessory Dwelling Units.

Nonresidential

The proposed changes to the nonresidential sections of the Standards include prescriptive options reflecting updates to building technologies and best practices, and include the following:

- Extending the Scope of Part 6 to healthcare facilities, and incorporating several Exceptions to ensure appropriate application of efficiency standards.
- For ventilation:
 - Updating references to ASHRAE 62.1 to incorporate the current version by reference.

- Updating filtration requirements to a minimum MERV 13, necessary for filtering out the smallest category of potentially harmful particulates.
- Updating equipment efficiency requirements for cooling towers, and adding new efficiency requirements for adiabatic condensers.
- Adding airflow requirements specific to Small Duct High Velocity (SHDV) systems. This resolves an issue of flow rates for standard ducting being applied to SHDV systems.
- For lighting:
 - Updating prescriptive indoor and outdoor lighting power allowance values to assume the use of LED lighting, and added new Power Adjustment Factors for several daylighting devices.
 - Reducing wattage thresholds for Exceptions to outdoor lighting controls to account for lower wattage LED fixtures.
 - Updating the procedure for determining installed lighting power to allow the efficiency of installed lamps to be considered, and to create a more comprehensive framework for evaluating modular lighting (including track lighting).
 - Adding occupancy sensing requirements for restrooms.
 - Merging and standardizing the prescriptive alteration requirements for lighting controls, and limiting the projects that can proceed without determining the square footage of the affected spaces.
- Adding requirements for laboratory fume hoods to use efficient fans and incorporate automatic sash closure.
- Updating requirements in several areas to maintain alignment with ASHRAE 90.1:
 - Fan system power requirements
 - Equipment efficiency requirements
 - Transfer air for exhaust air makeup
 - Demand control ventilation requirements for classrooms
 - Occupant sensor ventilation control requirements (with amended setpoints)
 - Waterside economizer requirements (with amended minimum efficiency requirements)

Standards Cleanup

The proposed changes to the Standards also include changes throughout the regulations to clarify, simplify,

and streamline the existing language and requirements. The most significant of these changes are the following:

- Acceptance Test Training and Certification — The changes to Title 24 Part 1, Sections 10–103.1 and 10–103.2 add requirements for ATTCPs to disclose when an ATT or ATE is decertified, and to include in their application the conditions and procedures that apply to testers seeking to regain certification. Smaller changes have also been made to standardize the content of amendment applications and to adjust the on-site audit requirements that apply to mechanical ATTCPs.
- Lighting — Sections 130.0, 130.1, 130.2, and 150.0(k) have been rewritten for clarity, in addition to the changes noted previously. A new Section 130.1(f) has been added to clarify the expected interactions of the lighting controls required by Section 130.1.
- Alternative Calculation Method Approval Manual — The changes to the Alternative Calculation Method manual adopted as appendices to the Standards permit the use of other simulation engines that produce results identical to the Energy Commission’s CBECC software.
- Pipe Insulation — Requirements for pipe insulation have been harmonized with the Plumbing Code, an ambiguity regarding insulation of heat pump lines has been corrected, and the requirements for protecting insulation have been standardized between residential and nonresidential piping.
- Demand Responsive Controls — Requirements throughout Part 6 for demand responsive thermostats and lighting controls have been consolidated into one location in Part 6.
- Joint Appendix 1 — Definitions that are redundant with the definitions in Part 6 have been removed.
- Joint Appendix 2 — This Appendix has been amended to allow use of GIS software tools in determining climate zone, and to move the zip code list into a document that can be updated between code revisions.
- Joint Appendix 5 — This Appendix has been rewritten for clarity.
- Joint Appendix 7 — This Appendix has been augmented to more clearly specify the requirements applicable to data registries and external data sources and to do so at a greater level of detail.
- Residential and Nonresidential Appendices — The sections relating to Third Party Quality Control Programs (TPQCPs) have been revised for clarity.

D. Policy Statement Overview

The benefits anticipated from adopting these amendments to Title 24 Part 6 support a myriad of State policy goals, including goals of improving California’s economy, reducing pollution and carbon emissions, improving energy security, reducing consumption of imported fuels and nonrenewable resources, maximizing the benefit provided by California’s energy infrastructure and minimizing the need for additional energy infrastructure spending.

Energy efficiency allows each unit of generated energy to go farther and do more, which slows the growth in demand for new energy production. Reducing this growth in demand also reduces the strain growth places on California’s energy grid, and where demand is met by nonrenewable fuels, reduces the rate at which we consume these fuels, the cost of procuring these fuels, and the amount of pollutants released as these fuels are consumed. Lastly, reducing this growth also reduces the costs of transitioning California to renewable energy resources.

These avoided upstream costs, and the associated monetary savings to consumers in lower monthly energy bills, frees up capital to flow through other areas of

California’s economy and improve the State’s overall economic health.

IMPORTANT NOTE: These proposed changes are discussed in more detail in the Initial Statement of Reasons that is being published simultaneously with this NOPA.

Specific Benefits Anticipated from the 2019 Standards

The proposed Standards are expected to save California residents and businesses hundreds of millions of dollars in energy costs over the next decade. These energy savings also benefit the environment due to the reductions in natural resource utilization and greenhouse gas emissions from energy production. The non-monetary benefits of the proposed Standards include more reliable ventilation and better thermal comfort for the health and welfare of building occupants. The proposed Standards also increase transparency in government by improving the clarity and increasing the simplicity of the Standards. In addition, the proposed Standards will help residential and nonresidential buildings achieve California’s zero net energy goals.

Documents incorporated by reference into the 2019 Standards

The Energy Commission proposes to incorporate the following documents by reference:

Source / Reference #	Title	Version / Publication Date	Available From
JA1-12, NA1-7, RA1-4	Title 24, Part 6 Reference Appendices	2019	California Energy Commission 1516 9 th Street Sacramento, CA 95814 www.energy.ca.gov
ACM	Alternate Calculation Method Approval Manual	2019	
ANSI/AMCA Standard 500-D	Laboratory Methods of Testing Dampers For Rating	2012	American National Standards Institute 25 West 43rd Street, 4th Floor New York, NY 10036 (212) 642-4900 https://www.ansi.org/
ANSI Z9.5	Laboratory Ventilation	2012	
AHRI 550/590	Performance Rating of Water Chilling Packages Using the Vapor Compression Cycle	2015 with Addendum 1	Air-Conditioning and Refrigeration Institute 4301 North Fairfax Drive, Suite 425 Arlington, Virginia 22203 (703) 524-8800 http://www.ahrinet.org/
AHRI 680	Performance Rating of	2015	

	Residential Air Filter Equipment		
ASHRAE Standard 52.2	Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size	2017	ASHRAE 1791 Tullie Circle N.E. Atlanta, Georgia 30329-2305 www.ashrae.org
ASHRAE Standard 62.1	Ventilation for Acceptable Indoor Air Quality	2016, including Addenda K	
ASHRAE Standard 62.2	Ventilation and Acceptable Indoor Air Quality in Residential Buildings	2016, including Addenda b, d, l, q, and s	
ASTM E903	Standard Test Method for Solar Absorptance, Reflectance, and Transmittance of Materials Using Integrating Spheres	2012	American Society for Testing and Materials 100 Bar Harbor Drive West Conshohocken, Pennsylvania 19428-2959 (800) 262-1373 or (610) 832-9585 https://www.astm.org/
ASTM E1175	Standard Test Method for Determining Solar or Photopic Reflectance, Transmittance, and Absorptance of Materials Using a Large Diameter Integrating Sphere	2015	
CTI ATC-106	Acceptance Test Code for Mechanical Draft Evaporative Vapor Condensers	2011	Cooling Technology Institute 2611 FM 1960 West, Suite A-101 Houston, Texas 77068-3730 or PO Box 73383 Houston, Texas 77273-3383 (281) 583-4087 https://www.cti.org/
OpenADR 2.0a	OpenADR 2.0 Profile Specification, A	2011	OpenADR Alliance 16820 Jackson Oaks Drive, Suite 1A
	Profile		Morgan Hill, CA 95037
OpenADR 2.0b	OpenADR 2.0 Profile Specification, B	2015	(408) 778-8370 https://openadr.memberclicks.net

All of these documents will be made available for review at the Energy Commission during the rulemaking action, and will continue to be available in the future by

contacting the agency contacts identified in this Notice. All of these documents are also available directly from the publishing entities, as described in the table above.

All available contact information, including internet addresses, physical addresses, and phone for these entities has been provided where possible.

These documents are incorporated by reference because it would be cumbersome, unduly expensive, and otherwise impractical to publish them in the California Code of Regulations. In addition, some of the documents are copyrighted, and cannot be reprinted or distributed without violating the licensing agreements. The documents are lengthy and highly technical test methods and engineering documents that would add unnecessary additional volume to the regulation. Distribution to all recipients of the California Code of Regulations is not needed because the interested audience for these documents includes only the technical and engineering staff employed by builders, local building departments, and environmental groups, most of whom are already familiar with these methods and documents.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

There are no federal energy standards applicable to nonfederal buildings within the scope of Title 24 Part 6. (The current and proposed California Standards do, however, reference federal energy standards for particular *appliances*.) Therefore, the proposed regulations do not differ substantially from existing, comparable federal regulations or statutes, as no such regulations or statutes exist.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Energy Commission has conducted an evaluation for any other regulations that are applicable to buildings within the Scope of Title 24, Part 6 and for which energy efficiency standards apply, and has concluded that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations. In the few cases identified where other State or federal laws could potentially apply, specific language was added to the Express Terms to ensure consistency with applicable provisions of State and federal law.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE ENERGY COMMISSION, OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS PROPOSED FOR ADOPTION

All of the laws applicable to the proposed Standards, primarily Public Resources Code Sections 25402 and 25402.1, are discussed above.

POTENTIAL MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Energy Commission has determined that the proposed regulatory action would not impose a new mandate on local agencies. Existing law already obligates local building departments to serve as enforcement agencies for the Standards (see Public Resources Code Sections 25402(a)–(b), 25402.1). Existing law already requires compliance with the Standards as they apply to school buildings, and all other buildings, owned by local agencies (see California Code of Regulations, Title 24, Part 1, Chapter 14, Administrative Regulations for the Department of Education). While the proposed Standards add requirements for schools and other building types owned by local agencies, those requirements are the same as those applicable to all nonresidential buildings regardless of owner. Moreover, the proposed Standards recognize the unique characteristics of relocatable school buildings, and they establish procedures to facilitate compliance by relocatables. Finally, the Standards for schools, and for all other buildings, are cost effective, and they will thereby reduce the costs of building and operating school buildings over their useful life.

ESTIMATE OF COSTS OR SAVINGS

See the Economic and Fiscal Analysis (Form 399), published simultaneously with this NOPA, for complete details. To summarize:

- A. **Total statewide costs and benefits:** The Standards are estimated to deliver \$3,870 million in benefits at a cost of \$2,170 million, for a cost-effectiveness ratio of 1.78 to 1.
- B. **Cost or savings to any state agency:** Buildings owned and occupied by state agencies are required to comply with the Standards, as are all other nonresidential buildings. State agencies will benefit from reduced energy bills that more than pay for the costs of the Standards.
- C. **Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** The Standards do not result in new mandates to local agencies. Buildings owned and occupied by local agencies are required to comply with the Standards as any other nonresidential building. Local agencies will benefit from reduced energy bills that more than pay for the costs of the Standards.
- D. **Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code:** School buildings are covered

by the Standards, and the Administrative regulations of the Division of the State Architect require public school buildings to comply with the Standards. Costs of complying with the Standards are not required to be reimbursed. Schools benefit from reduced energy bills, and these reductions fully offset the costs of the Standards over time.

- E. **Other nondiscretionary cost or savings imposed on local agencies:** The Standards do not result in new mandates to local agencies, and thus do not result in any costs or savings imposed on local agencies (excepting the indirect benefit of reduced building energy costs).
- F. **Cost or savings in federal funding to the state:** While the Energy Commission does receive federal funding for the Building Standards program, the updates proposed to the Standards do not alter or affect the State’s ongoing participation in federal funding programs. For this reason, the proposed updates will not result in either costs or savings in federal funding to the state, except that updating the Standards and continuing the Building Standards program allow the State to continue to receive and spend federal funding relating to this program.

INITIAL DETERMINATION OF NO
SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES,
DECLARATION OF EVIDENCE

The Energy Commission has completed an Economic and Fiscal Analysis and made an initial determination that the adoption of the proposed Standards will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states, as is described in more detail below.

A. Identification of the types of businesses that would be affected.

The Standards will require energy efficiency measures for all newly constructed buildings, but those measures are cost-effective, so businesses will experience a positive economic impact. Indirectly, the Standards will require changes in practice, and the retraining of employees, in businesses that are involved in the design and construction of buildings, in compliance analysis and documentation, and in field verification. Any costs attributable to such changes and retraining would be short-term, since the incremental cost increases for new technologies will not persist once these technologies become mainstream, and building practice changes requiring retraining will not result in ongoing cost increases. In any case, these incremental construction

cost increases would ultimately be borne by the beneficiary of the Standards, the entity paying reduced energy bills.

B. A description of the projected reporting, record keeping, and other compliance requirements that would result from the proposed action.

Most reporting, record keeping, and compliance duties associated with the Standards do not change. New acceptance requirements for nonresidential buildings will formalize and standardize documentation, but these requirements exist in a less structured way in the current Standards. Documentation authors who specify measures requiring field verification will need to notify a professional who will perform the acceptance tests, but this notification can be done by phone or electronically in very little time. Any such costs would, therefore, be insignificant, and to the extent they exist, would ultimately be borne by the beneficiary of the Standards, the entity paying reduced energy bills.

C. Evidence relevant to the Energy Commission’s initial determination that the adoption of the proposed Standards will not have a significant statewide adverse economic impact.

The basis for the Energy Commission’s findings on economic impacts is that the Standards are cost-effective, and therefore will have a beneficial economic impact on the owners and occupants of buildings built to comply with the Standards. Evidence for the cost-effectiveness of the Standards requirements is contained in the “Documents Relied Upon” listed in the Initial Statement of Reasons and on the Energy Commission’s website.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESSES

The Energy Commission has determined that energy bill savings in excess of compliance costs will be received by all private persons and businesses directly affected by the proposed Standards. The Energy Commission estimates that an average of \$10,538 additional single family residential construction costs may result from the proposed Standards. This estimate is likely more than what will be realized, since it does not account for volume pricing or reductions in technology costs once these technologies are provided to a mass market. These costs are estimated to result in \$16,251 in net present savings in avoided energy bill costs.

The Energy Commission estimates that the nonresidential Standards may result in an incremental construction cost of \$10,280 for a 15,000 square foot building, slightly less than five percent of typical construction costs for this building size. This estimate is also substantially higher than what will likely be realized,

due to the fact that this cost estimate includes all proposed changes to the nonresidential Standards, but an individual building built under these Standards will not need to include every new efficiency measure in the proposed Standards. These costs are estimated to result

in \$38,016 in net present savings in avoided energy bill costs.

Table 1 summarizes the expected costs and net present value energy bill savings for all new homes and buildings expected to be permitted in 2020.

Table 1. Summary of Statewide Costs and Energy Bill Savings

Sector	Statewide Measure Costs	Statewide Energy Bill Savings	Statewide Net Savings
Residential	\$1,950 Million	\$3,050 Million	\$1,100 Million
Nonresidential	\$220 Million	\$820 Million	\$600 Million
Total	\$2,170 Million	\$3,870 Million	\$1,700 Million

ASSESSMENT OF THE EFFECTS OF THE PROPOSED STANDARDS ON JOBS AND BUSINESS EXPANSION, ELIMINATION, OR CREATION

The Energy Commission has made a preliminary assessment on whether, and if so to what extent, the proposed Standards will affect the following:

A. The creation or elimination of jobs within the State of California.

Jobs will not be eliminated; the benefits to energy efficiency slow the growth in demand anticipated for California’s rising population and growing economy, and are not sufficient to cause total demand for energy to decline. In addition, California’s investor-owned utilities are reimbursed for successful deployment of energy efficiency, so that the avoided consumption by consumers is not imposed as a cost upon these utility companies.

It is possible that new jobs may be created as a result of the new compliance procedures. In addition, because the Standards will save hundreds of millions of dollars in energy costs, there will be more money in the economy that can be used for job creation.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

Businesses will not be eliminated. It is possible that new businesses will be created to provide field verification and other compliance services, and to supply energy efficiency products.

C. The expansion of businesses currently doing business with the State of California.

It is likely that businesses currently doing business in California to provide energy-efficiency products and services, as well as sale and installation of solar photovoltaic systems, will be expanded.

D. Benefits of the proposed standards to the health and welfare of California residents, to worker safety, and to the state’s environment.

The proposed Standards modify existing field verification tests, add new verification tests, and add new equipment specifications that will improve ventilation system installations and operations. This will benefit the health and welfare of building occupants, who are typically California residents, as well as workers in these buildings. The proposed Standards should have no effect on worker safety. The increases in energy and water efficiency stringency in the proposed Standards will benefit California’s environment by reducing the consumption of natural resources and the greenhouse gas emissions that the use of these resources generate.

FINDING OF NECESSITY FOR THE PUBLIC’S HEALTH, SAFETY, OR WELFARE

The proposed Standards require a report as described in the “Initial Determination of no Significant Statewide Adverse Economic Impact on Business, Declaration of Evidence” section of this document. It is necessary for the health, safety, or welfare of the people of the state that the proposed Standards apply to businesses.

INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS

The Energy Commission has made an initial determination that the proposed Standards would have a significant effect on housing costs, as described in the Cost Impacts section above. The initial costs of housing construction will rise, but homeowners and occupants will be the beneficiaries of energy bill savings substantially in excess of the marginal increase in initial costs, so the net result will be more affordable housing.

A detailed analysis of the estimated costs and benefits of the proposed regulations is available in the Economic and Fiscal Impact Statement accompanying the Initial Statement of Reasons for this rulemaking.

CONSIDERATION OF ALTERNATIVES

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

A rulemaking agency must determine in the Final Statement of Reasons that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, 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.

AVAILABILITY OF RULEMAKING DOCUMENTS

All of the information on which the proposed Standards are based is contained in the rulemaking file, which is available for public review at the Energy Commission's Dockets Office, by contacting the persons named below, or on this website: <http://www.energy.ca.gov/title24/2019standards/>.

This notice, the express terms, and the initial statement of reasons can also be accessed from the California Building Standards Commission website: <http://www.bsc.ca.gov/>.

Documents incorporated by reference that are subject to copyright can be inspected on-site at the Energy Commission by contacting the Energy Commission contact persons named below.

If the proposed Standards are adopted, interested parties may obtain a copy of the Final Statement of Reasons once it has been prepared either by going to this website, or by making a written request to the contact person named below.

CONTACT PERSONS FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS

Questions on procedural and administrative issues should be addressed to:

Adrian Ownby
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-25
Sacramento, CA, 95814
(916) 651-3008
Email: adrian.ownby@energy.ca.gov

CONTACT FOR SUBSTANTIVE AND TECHNICAL QUESTIONS

Questions on the substantive content of the NOPA, ISOR, Express Terms, and other rulemaking documents, including technical questions regarding proposed amendments to regulation, should be addressed to:

Payam Bozorgchami, PE
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-37
Sacramento, CA 95814
(916) 654-4618
Email: payam.bozorgchami@energy.ca.gov

or

Peter Strait
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-37
Sacramento, CA 95814
(916) 651-2817
Email: peter.strait@energy.ca.gov

PUBLIC PARTICIPATION

For assistance in participating in the rulemaking proceeding, please contact the Energy Commission's Public Adviser's Office, at (916) 654-4489, toll free at (800) 822-6228, or by email at publicadviser@energy.ca.gov.

If you have a disability and require special accommodations to attend or participate in a hearing, please contact Poneh Jones at (916) 654-4425 or by email at poneh.jones@energy.ca.gov five days before the hearing.

FINAL STATEMENT OF REASONS

If the proposed amendments are adopted, the Energy Commission will prepare a Final Statement of Reasons. This document will update the Initial Statement of Rea-

sons and respond to public comments. It will be posted on the Energy Commission’s website for this proceeding described below, and will be distributed to interested persons subscribed to the Building Standards list-server described above. This document may also be obtained after the conclusion of the rulemaking by contacting Adrian Ownby at (916) 651-2915 or by email at adrian.ownby@energy.ca.gov.

WEBSITE INFORMATION

This NOPA, the Initial Statement of Reasons, the Express Terms, any 15-Day Language issued subsequently, and all other relevant rulemaking documents can be accessed at the Energy Commission’s website at: <http://www.energy.ca.gov/title24/2019standards/>

GENERAL PUBLIC INTEREST

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF CHANGE OF DATE OF REGULATORY HEARING AND EXTENSION OF PUBLIC COMMENT PERIOD

NOTICE IS HEREBY GIVEN that the California Department of Corrections and Rehabilitation (CDCR) has **rescheduled a regulatory hearing** originally scheduled for **February 19, 2018, at 10:00 a.m.**, at the Kern/Colorado Room, 1515 S Street, Sacramento, California 95811. The hearing is regarding proposed amendments to California Code of Regulations, Title 15, Division 3, Sections 3177 and 3315 regarding Family Visiting (Overnight) and Inmate Discipline. The Notice was originally published on December 29, 2017 in Notice Register 2017, No. 52-Z.

The new date and location of the regulatory hearing is as follows:

Date of Hearing: **February 22, 2018**
 Address: **California Department of Corrections and Rehabilitation
 1515 S Street, Kern/Colorado Room
 Sacramento, California 95811**
 Time: **10:00 a.m.**

The public comment period has also been extended. Written comments, including those sent by mail or e-mail to the addresses listed under Contact Person in this Notice, must be received by CDCR at its office no later than 5:00 p.m. on February 22, 2018, or must be received by CDCR at the hearing.

CONTACT PERSON

If you have any questions or comments, you may direct them to:

Anthony Carter, CCII
 Regulation and Policy Management Branch
 1515 S St.
 Sacramento, California 95811
 Telephone: (916) 445-2220
 E-Mail Address for comments:
 RPMB@cdcr.ca.gov

DEPARTMENT OF FISH AND WILDLIFE

**CALIFORNIA ENDANGERED SPECIES ACT
 CONSISTENCY DETERMINATION
 NO. 2080-2017-010-05**

Project: Rice Ranch Development
Location: Orcutt, Santa Barbara County, California
Applicant: John Scardino, Highlands at Double R, LLC
Notifier: C. Lee Sherrod, President Horizon Environmental Services, Inc.

Background

John Scardino (Applicant) proposes to develop the Rice Ranch (Project) a 586.31 — acre planned residential community offering up to 793 single-family homes in six distinct neighborhood settings. A new school site, the expansion of an existing school site, parks, open space, and supporting infrastructure are also included in the Project. The Project will require heavy equipment (e.g., water truck, excavator, backhoe, loader, flatbed trailer), and all necessary equipment needed to fully develop a residential site. Total duration of covered activities will take approximately 10-15 years to complete in phases. The Project is located southeast of State Highway 135 and west of US 101 in Orcutt, in northern Santa Barbara County.

The Project activities described above have the potential to incidentally take¹ California tiger salamander (*Ambystoma californiense*) where those activities take place within development areas. In particular, California tiger salamander could be incidentally taken as a result of crushing or entombment by equipment or personnel (from collapsing of burrows), or entrapment in trenches during trench excavation. California tiger salamander is designated as an endangered species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(3)(G).)

According to the United States Fish and Wildlife Service (Service), California tiger salamander individuals have a potential to occur within 1000 feet from the Project site and there is suitable California tiger salamander habitat within and adjacent to the Project site. Although it is generally believed that there is a low probability of occurrence of California tiger salamander on the Rice Ranch property, the presence of a documented breeding pond (ORCU-3, approximately 4,200 feet south of the property) and two potential, but unconfirmed, breeding ponds within the 1.24 mile dispersal range of the California tiger salamander, suggests the possibility for occurrence cannot be completely discounted.

The Rice Ranch Specific Plan development occurs on uneven, hilly terrain of the Solomon Hills at the southern edge of the Santa Maria Valley. Two significant drainages flow down the north side of the Orcutt Hills towards the Project site. The Pine Creek drainage is generally a deep (between 15 and 30 feet high) vertical bank, erosional drainage as it crosses the project site. According to the Service, the Pine Creek drainage essentially bisects the project site, flowing from southeast to northwest. ORCU-1, a potential CTS breeding pond, is situated approximately 1,000 feet south of the Rice Ranch property within an area currently used for oil and gas development. The second drainage is an unnamed tributary to Orcutt Creek that crosses the eastern edge of the Rice Ranch property. This drainage is relevant because it occurs between the Project site and the nearest known CTS breeding pond ORCU-3 and potential CTS breeding pond ORCU-2. This drainage has less severe erosional bank cutting and largely follows the surrounding slope topography to the bottom of the canyon

where water flows during storm events. Both drainages are ephemeral and characterized as episodic or having high-energy, short-duration flow during and immediately following rain events.

According to the Service, the Project includes a total of 586.31 acres of which 224.31 acres will be disturbed for residential development and 47.83 acres will be disturbed for amenities, parks, a school, and drainage facilities for a total of 272.14 acres of disturbance. A total of 314.17 acres will remain as undisturbed natural open space. Approximately 41.59 acres would be restored to natural habitats following temporary disturbances. Less than 50 percent of the development area will be impacted due to residential, institutional, and amenity development.

The Service in cooperation with the California Department of Fish and Wildlife (CDFW) has determined through an impact analysis, conducted in accordance with the method described by Searcy and Shaffer (2008), that the proposed Project will result in a total reproductive value loss of 18,354 units for the Project (impact of the development footprint and the secondary effect areas). To mitigate for loss of a reproductive value of 18,354 units over the course of the Project development, the applicant proposes to purchase 26.1 credits (or in general terms, for the long-term permanent loss of approximately 26.1 acres of habitat) from an approved California tiger salamander conservation bank.

Because the Project is expected to result in take of a species designated as endangered under the federal ESA, the Applicant prepared a Habitat Conservation Plan (HCP) in support of an application for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the ESA. On December 1, 2017, the Service issued an ITP (Service file No. TE 62701C-0) to the Applicant. The HCP describes the Project and specifies measures the Applicant will take to minimize and mitigate impacts to species resulting from the taking that will likely result from the Project. The ITP requires the Applicant to comply with terms of the HCP and its related ITP, and incorporates additional conditions.

On November 1, 2017, the Director of CDFW received from the Notifier a request for a determination pursuant to Fish and Game Code section 2080.1, that the ITP and its required implementation of the HCP are consistent with CESA for purposes of the Project and the anticipated incidental take of California tiger salamander. (Cal. Reg. Notice Register 2017, No. 4-Z, p. 93.). CDFW did not deem the request complete until the ITP became effective on December 1, 2017, and until the Notifier submitted the appropriate application fee pursuant to Fish and Game Code section 2081.2.

¹Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’ . . . means to catch, capture or kill”).

Determination

CDFW has determined that the ITP and its associated HCP are consistent with CESA as to the Project and the anticipated incidental take of California tiger salamander, because the mitigation measures contained in the ITP and its associated HCP meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of California tiger salamander will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the HCP and ITP will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance, minimization, and mitigation measures and to monitor compliance with, and effectiveness of, those measures; and (4) the Project will not jeopardize the continued existence of California tiger salamander. The mitigation measures in the ITP and its associated HCP include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- The Applicant has purchased 26.1 acres of California tiger salamander conservation credits at the CDFW-approved La Purisima Conservation Bank.
- The Applicant will restore and stabilize disturbed areas to reflect pre-existing contours and gradients to the extent practicable.
- The Applicant will ensure field crews participate in training prior to the initiation of activities. Trainings will emphasize Project-specific information on California tiger salamander, avoidance and minimization measures, roles and responsibilities, and communication protocols.
- Project workers shall limit their vehicle use to existing routes of travel. The Applicant will prohibit cross-country travel unless access is determined critical for a particular activity and the route has been flagged to avoid or minimize adverse effects.
- The Applicant will ensure Project-related vehicle speeds will not exceed 10 miles-per-hour within California tiger salamander upland habitat.
- Prior to moving vehicles or equipment, employees shall look under the vehicles or equipment for California tiger salamander individuals. If an individual is observed, the vehicle shall not be moved until the animal has vacated the area on its own accord or has been relocated out of harm's way by the Service-approved biologist.
- A Service-approved biologist shall be present daily during the installation of construction fencing and initial grading and excavation

activities. Upon completion of initial ground disturbance, the biologist will periodically (minimum twice per week) visit the Project site throughout the construction period. During periods of rain or heavy fog/dew, the biologist will conduct daily pre-activity surveys to ensure that no California tiger salamander individuals have migrated into the work area. No construction work will be initiated until the Service-approved biologist determines that the work area is clear of California tiger salamander individuals.

- The Applicant shall implement the Declining Amphibian Task Force Fieldwork Code of Practice for all amphibian relocation activities. The Service-approved biologist shall relocate any California tiger salamanders found within the Project footprint to an active rodent burrow system located no more than 300 feet outside of the Project area unless otherwise approved by CDFW and the Service. The Service-approved biologist shall identify relocation areas based upon best suitable habitat available. A Service-approved biologist shall only relocate California tiger salamanders. The Service approved biologist shall document both locations by photographs and GPS positions. The California tiger salamander shall be photographed and measured (snout-vent) for identification purposes prior to relocation. The Applicant will provide all documentation to the Service and CDFW within 24 hours of relocation.
- The Applicant will avoid rodent burrows to the extent possible. If burrows cannot be avoided, burrow excavation may be performed using hand tools or via gentle excavation using construction equipment, under the direct supervision of the Service-approved biologist. In lieu of burrow excavation, steel plates or plywood may be used to protect small mammal burrows from ground disturbance. The Applicant will remove plates and plywood nightly when a significant rain event is forecasted within 48 hours and if work is scheduled to cease for consecutive days.
- The Applicant will install exclusionary barriers at the discretion of the Service-approved biologist to minimize the potential for California tiger salamanders to enter the worksite.
- The Service-approved biologist will inspect steep-walled excavations (e.g., trenches) that may act as pitfall traps for wildlife at least once per day and immediately before backfilling. In lieu of daily inspections (weekends, etc.), the Applicant will install exclusionary fencing, covers, ramps, or similar mechanisms to prevent wildlife entrapment.

- The Applicant will cap or seal with tape (or equivalent material) open pipe segments each night, or otherwise will store open pipe segments at least three feet above ground.
- If covered activities must occur during the rainy season, the Applicant will not work during rain events (i.e., ≥ 0.5 inches of rainfall), 48 hours prior to rain events, or during the 48 hours after these events.

Monitoring and Reporting Measures

- If a dead or injured California tiger salamander is found, the Applicant shall notify the Service Ventura Field Office at (805) 644-1766 within 72 hours. In addition, CDFW shall be notified immediately.
- The Applicant will conduct onsite construction monitoring, maintain daily monitoring logs, and prepare a post-construction compliance report.
- By January 31 following each year of permit issuance and Project implementation, the Applicant shall submit a report to the Ventura Fish and Wildlife Office to document the status of the Project. Although not a condition of the HCP, CDFW requests a copy of the report as well.

Financial Assurances

- The Applicant purchased 26.1 acres of California tiger salamander credits from the La Purisima Conservation Bank for \$783,000.00, and provided a Bill of Sale to CDFW.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of California tiger salamander, provided the Applicant implements the Project as described in the HCP and its associated ITP including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the HCP and its associated ITP. If there are any substantive changes to the Project, including changes to the minimization and mitigation measures in the HCP, or if the Service amends or replaces ITP, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subs. (b) and (c).)

REFERENCES

Searcy, C. A. and H. B. Shaffer. 2008. Calculating biologically accurate mitigation credits: insights from the California tiger salamander. *Conservation Biology* 22: 997-1005.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2017-1201-06
CALIFORNIA GAMBLING CONTROL COMMISSION
 Clean Up of References to B&P 19801

Senate Bill 730 (Stats. 2007, ch. 438) amended Business and Professions Code section 19801, causing the subdivisions to be renumbered. In this change without regulatory effect, the Gambling Control Commission (Commission) amends three sections in Title 4 of the California Code of Regulations to update the references to the affected subdivisions of Business and Professions Code section 19801.

Title 4
 AMEND: 12120, 12303, 12362
 Filed 01/08/2018
 Agency Contact: Josh Rosenstein (916) 274-5823

File# 2017-1129-06
CALIFORNIA HORSE RACING BOARD
 Microchips Required for all Horses on Grounds

This action by the California Horse Racing Board establishes a microchip-based identification, inventory, and movement tracking system for horses present within the inclosure of licensed racing associations, racing fairs, or training facilities.

Title 4
 ADOPT: 1597.5, 1597.6
 AMEND: 1554, 1581.1, 1588, 1597, 1853
 Filed 01/09/2018
 Effective 12/26/2018
 Agency Contact: Philip Laird (916) 263-6025

File# 2017-1130-03
DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This timely certificate of compliance by the Department of Food and Agriculture makes permanent the prior emergency action (OAL Matter No. 2017-0711-02) that expanded the quarantine area for the Asian Citrus

Psyllid (“ACP”) (*Diaphorina citri*) by approximately 13 square miles in the Spreckles area of Monterey County in response to the identification of one adult ACP on June 15, 2017. This action provides permanent authority for the state to perform quarantine activities against ACP within these areas.

Title 3
 AMEND: 3435(b)
 Filed 01/03/2018
 Effective 01/03/2018
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1129-03
 DEPARTMENT OF INDUSTRIAL RELATIONS
 Civil Penalties for Cal/OSHA Citations

This file and print action amends maximum and minimum civil penalties in accordance with statutory adjustments based upon the annual percentage increase in the October Consumer Price Index for All Urban Consumers. The adjustments apply to civil penalties arising out of violations of (1) occupational safety or health standards, orders, or special orders; (2) posting or recordkeeping requirements; and (3) willful or repeat violations. These regulations are exempt from the Administrative Procedure Act pursuant to Labor Code sections 6427(b), 6429(b), and 6431(b).

Title 8
 AMEND: 336
 Filed 01/08/2018
 Effective 01/08/2018
 Agency Contact:
 Christopher Grossgart (510) 286-7348

File# 2017-1129-04
 DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY
 Product Stewardship for Carpet

This change without regulatory effect filing by the Department of Resources Recycling and Recovery revises three sections in title 14 of the California Code of Regulations regarding product stewardship for carpets in order to align with changes to the Public Resources Code contained in Assembly Bill 1158 (Stats. 2017, ch. 794), which take effect on January 1, 2018.

Title 14
 AMEND: 18943, 18944, 18945.1
 Filed 01/03/2018
 Agency Contact: Ty Moore (916) 341-6756

File# 2017-1117-02
 DEPARTMENT OF TRANSPORTATION
 Affordable Sales Program/Sale of Historic Home

This Certificate of Compliance by the Department of Transportation adds two definitions in the Affordable Sales Program (the “Program”) regulations, establishes requirements for the sale and use of historic homes, and identifies 84 surplus residential properties considered historic homes for the purposes of the Program.

Title 21
 ADOPT: 1478.1, 1478.2
 AMEND: 1476
 Filed 01/04/2018
 Effective 01/04/2018
 Agency Contact: Carolyn Dabney (916) 654-5863

File# 2018-0103-01
 OFFICE OF TAX APPEALS
 Appeals From Actions Taken by FTB and CDTFA

This emergency rulemaking action was adopted by the Office of Tax Appeals. These emergency regulations govern the hearings and proceedings conducted by the Office of Tax Appeals for appeals hearings for the various taxes and fees administered by the California Department of Tax and Fee Administration and the Franchise Tax Board. Pursuant to Government Code section 15679, this action is deemed an emergency and exempt from OAL review.

Title 18
 ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832
 Filed 01/05/2018
 Effective 01/05/2018
 Agency Contact: Kristen Kane (916) 206-0792

File# 2017-1130-07
 SECRETARY OF STATE
 Early Ballot Retrieval

This rulemaking action by the Secretary of State adopts regulations relating to the secure delivery and transfer of early voted ballots.

Title 2
 ADOPT: 20140, 20141, 20142, 20143, 20144
 Filed 01/08/2018
 Effective 01/08/2018
 Agency Contact: Robbie Anderson (916) 657-2166

File# 2017-1121-03
 STRUCTURAL PEST CONTROL BOARD
 Disciplinary Guidelines Revisions

This regulatory action by the Structural Pest Control Board (Board) amends section 1937.11 in title 16 of the CCR regarding disciplinary guidelines for use by the Board when reaching a decision on a disciplinary action. Section 1937.11 incorporates the “Manual of Disciplinary Guidelines and Model Disciplinary Orders” (Guidelines), which is also being updated in this rule-making. The Guidelines have not been updated since 2013.

Title 16
 AMEND: 1937.11
 Filed 01/03/2018
 Effective 04/01/2018
 Agency Contact: David Skelton (916) 561-8722

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN August 9, 2017 TO
 January 10, 2018**

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

- 01/08/18 ADOPT: 20140, 20141, 20142, 20143, 20144
- 12/20/17 AMEND: 1859.76
- 11/30/17 AMEND: 10, 51.2, 52.1, 52.10, 52.11, 53.2, 53.3, 57.1, 58.6, 58.10, 58.13, 60.1, 64.1, 64.2, 64.3, 64.5, 67.2, 67.3, 67.6
- 11/27/17 AMEND: 18531.5
- 11/27/17 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
- 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,

- 547.52.2, 547.57.3, 547.57.4, 547.58, 547.58.1, 547.58.2, 547.58.3, 547.58.4, 547.58.5, 547.58.6, 547.58.7, 547.58.8, 547.58.9 AMEND: 281, 282 REPEAL: 547.50, 547.51, 547.52, 547.53, 547.54, 547.55, 547.56, 547.57
- 09/22/17 AMEND: 1859.2, 1859.81
- 09/21/17 AMEND: 59620
- 09/20/17 ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4
- 08/31/17 AMEND: 10000, 10001, 10002, 10005, 10007, 10008, 10009, 10010, 10011, 10015, 10017, 10021, 10022, 10025, 10026, 10030, 10031, 10033, 10035, 10038, 10039, 10041, 10042, 10044, 10046, 10049, 10050, 10051, 10053, 10054, 10057, 10063, 10065
- 08/30/17 AMEND: 59590
- 08/16/17 AMEND: 604
- 08/14/17 AMEND: 11034
- 08/14/17 ADOPT: 2298.1, 2298.2, 2298.3, 2298.4, 2298.5, 2298.6, 2298.7, 2298.8, 2298.9, 2298.9.1 REPEAL: 2297.1, 2298
- 08/10/17 AMEND: 1897

Title 3

- 01/03/18 AMEND: 3435(b)
- 12/26/17 AMEND: 3435
- 12/21/17 AMEND: 3439(b)
- 12/20/17 AMEND: 6000, 6619, 6724, 6764, 6768, 6769, 6776
- 12/15/17 AMEND: 3439(b)
- 12/13/17 AMEND: 3435(b)
- 12/13/17 AMEND: 3435(d)
- 12/12/17 ADOPT: 1391.7 AMEND: 1391, 1391.1, 1391.3
- 12/11/17 AMEND: 3439(b)
- 12/07/17 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608
- 12/07/17 AMEND: 3439(b)
- 12/05/17 AMEND: 3591.5
- 11/28/17 AMEND: 3406(c), 3591.5(b)
- 11/22/17 AMEND: 3435(b)
- 11/21/17 AMEND: 3435(b)
- 11/21/17 REPEAL: 1408.22
- 11/20/17 AMEND: 3591.15

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 3-Z

11/20/17	AMEND: 3435(b)	11/02/17	AMEND: 10170.2, 10170.3, 10170.4, 10170.9, 10170.10
11/15/17	AMEND: 6728	10/31/17	AMEND: 711
11/09/17	AMEND: 3435(b)	10/31/17	AMEND: 10031, 10032, 10033, 10035, 10036
11/07/17	ADOPT: 6690, 6691, 6692	10/18/17	ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290
11/07/17	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856		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
11/06/17	AMEND: 3435(b)	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
11/02/17	AMEND: 3435(b)	10/09/17	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
10/23/17	AMEND: 3435(b)	10/05/17	AMEND: 1632
10/16/17	AMEND: 3591.15	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
10/16/17	AMEND: 3439(b)	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
09/28/17	AMEND: 3439(b)	08/24/17	AMEND: 10170.3, 10170.4, 10170.8, 10170.9, 10170.10, 10170.14
09/28/17	AMEND: 3435(b)		
09/27/17	AMEND: 3435(b)	Title 5	
09/21/17	AMEND: 1430.142	11/28/17	AMEND: 9510, 9512, 9513, 9518, 9529, 9810
09/19/17	AMEND: 3406(c), 3591.5(b)	11/27/17	AMEND: 19810
09/14/17	AMEND: 3439	11/21/17	ADOPT: 71396
09/12/17	AMEND: 3435(b)	11/16/17	ADOPT: 11526 AMEND: 11520, 11524, 11525
09/07/17	AMEND: 3435(b)	11/16/17	ADOPT: 11534.1 AMEND: 11530, 11533, 11534
09/05/17	AMEND: 3435(b)	11/13/17	REPEAL: 620, 621, 622, 623, 624, 625, 626, 627
09/05/17	AMEND: 3435(b)	11/07/17	ADOPT: 9517.1
08/31/17	AMEND: 3439(b)	10/18/17	AMEND: 851, 853.5, 853.7, 855, 856
08/30/17	AMEND: 2320.1	09/12/17	AMEND: 18117, 18246
08/22/17	AMEND: 3439	09/01/17	AMEND: 40756.1, 40805.1
08/17/17	AMEND: 3435(b)	09/01/17	AMEND: 40500
08/16/17	AMEND: 3435(b)	08/31/17	REPEAL: 40530, 40531, 40532
08/16/17	AMEND: 3439(b)	08/31/17	ADOPT: 40050.4, 40517, 40518, 41023
08/11/17	AMEND: 3439(b)		
08/10/17	AMEND: 3435(b)		
Title 4			
01/09/18	ADOPT: 1597.5, 1597.6 AMEND: 1554, 1581.1, 1588, 1597, 1853		
01/08/18	AMEND: 12120, 12303, 12362		
01/02/18	AMEND: 12261, 12264		
12/28/17	AMEND: 4300, 4302, 4304, 4306, 4307, 4308		
12/21/17	AMEND: 8078.8, 8078.10		
12/19/17	AMEND: 232		
12/13/17	AMEND: 10032, 10036		
12/07/17	AMEND: 12200.3, 12200.5, 12200.14, 12202, 12205.1, 12220.3, 12220.5, 12220.14, 12222, 12225.1, 12301.1, 12342, 12350, 12352, 12357, 12358		
12/01/17	ADOPT: 5259 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540		
11/30/17	AMEND: 12218.11, 12236		
11/29/17	AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190		
11/16/17	AMEND: 1844		

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 3-Z

08/22/17 AMEND: 27300, 27301, 27400, 27401, 27600, 27601, 27602 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
 08/17/17 AMEND: 19810 10/05/17 ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007
 08/10/17 AMEND: 76000, 76020, 76210, 76130, 76200, 76210, 76212, 76215 09/21/17 AMEND: 2498.6

Title 8

01/08/18 AMEND: 336
 01/02/18 AMEND: 10205.13, 10205.14
 12/28/17 AMEND: 9789.17.3, 9789.19
 12/21/17 AMEND: 344.18
 12/07/17 ADOPT: 9792.27.1, 9792.27.2, 9792.27.3, 9792.27.4, 9792.27.5, 9792.27.6, 9792.27.7, 9792.27.8, 9792.27.9, 9792.27.10, 9792.27.11, 9792.27.12, 9792.27.13, 9792.27.14, 9792.27.15, 9792.27.16, 9792.27.17, 9792.27.18, 9792.27.19, 9792.27.20, 9792.27.21, 9792.27.22, 9792.27.23
 12/05/17 AMEND: 5155
 11/28/17 AMEND: 9789.25
 11/28/17 ADOPT: 6056.1 AMEND: 6052, 6056, 6057, 6060 REPEAL: 6062
 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

Title 9

12/05/17 AMEND: 400
 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

11/27/17 ADOPT: 2303.23, 2303.24, 2303.25, 2303.26, 2303.27, 2303.28 AMEND: 2303, 2303.1, 2303.2, 2303.4, 2303.5, 2303.8, 2303.9, 2303.11, 2303.12, 2303.13, 2303.14, 2303.15, 2303.17, 2303.19, 2303.21, existing 2303.22 renumbered as 2303.29, existing 2303.23 renumbered as 2303.30, and existing 2303.24 renumbered as 2303.22
 10/26/17 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606,

Title 11

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
 01/02/18 ADOPT: 4260, 4261, 4262, 4263, 4264
 11/29/17 AMEND: 2030, 2038, 2060
 11/29/17 AMEND: 2030, 2038, 2060
 11/27/17 AMEND: 301, 303, 308, 411, 415, 420
 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

Title 13

12/28/17 ADOPT: 1294
 12/22/17 ADOPT: 17.00, 17.02, 17.04, 17.06 AMEND: 15.00, 15.01
 12/07/17 AMEND: 1152.6.1
 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

Title 14

01/03/18 AMEND: 18943, 18944, 18945.1
 01/02/18 ADOPT: 722
 12/27/17 AMEND: 699.5
 12/21/17 ADOPT: 128
 12/20/17 AMEND: 933, 933.1, 933.2, 933.3, 933.4, 933.5, 933.6, 933.7, 933.10, 933.11, 934, 934.1, 934.2, 934.3, 934.5, 934.6, 934.7, 934.8, 934.9, 935, 935.1, 935.2, 935.3, 935.4, 936, 936.1, 936.2,

936.3, 936.4, 936.5, 936.6, 936.7, 936.8, 936.9, 936.10, 936.11, 936.11.1, 936.12, 937, 937.2, 937.5, 937.6, 937.7, 937.9, 937.10, 938, 938.1, 938.4, 938.5, 938.6, 938.7, 938.8, 938.10, 939, 939.1, 939.2, 939.3, 939.4, 939.5, 939.9, 939.10, 939.12, 939.16, 940, 943, 943.1, 943.2, 943.3, 943.4, 943.5, 943.6, 943.7, 943.8, 943.9, 943.9.1, 949, 949.1, 949.2, 949.3, 949.4, 949.5, 949.6, 949.7, 953, 953.1, 953.2, 953.3, 953.4, 953.5, 953.6, 953.10, 953.11, 954, 954.1, 954.2, 954.3, 954.5, 954.6, 954.7, 954.8, 954.9, 955, 955.1, 955.2, 955.3, 955.4, 956, 956.1, 956.2, 956.3, 956.4, 956.5, 956.6, 956.7, 956.8, 956.9, 956.10, 956.11, 956.12, 957, 957.2, 957.5, 957.7, 957.9, 957.10, 958, 958.1, 958.4, 958.5, 958.6, 958.7, 958.8, 958.10, 959, 959.1, 959.2, 959.3, 959.4, 959.5, 959.12, 959.16, 960, 961, 961.4, 963, 963.1, 963.2, 963.3, 963.4, 963.5, 963.6, 963.7, 963.8, 963.9, 963.9.1, 969, 969.1, 969.2, 969.3, 969.4, 969.5, 969.6, 969.7, 1032.10

12/13/17 ADOPT: 3504.6

12/12/17 AMEND: 3950 REPEAL: 3951, 3952, 3953, 3954, 3955, 3956, 3957, 3958, 3959, 3960, 3961, 3962, 3963, 3964, 3965

12/06/17 AMEND: 4970.00, 4970.03, 4970.05, 4970.10

12/05/17 AMEND: 265

12/05/17 AMEND: 18660.40

11/28/17 ADOPT: 17403.3.2, 17403.3.3 AMEND: 17402, 17403.0, 17403.8, 17405.0, 17409.3, 18103.1, 18221.5

11/20/17 ADOPT: 1.95

11/16/17 AMEND: 2975

11/15/17 AMEND: 1038

11/14/17 AMEND: 1035.1, 1035.2, 1035.3

10/31/17 AMEND: 917, 917.2, 917.3, 917.4, 917.5, 917.7, 917.9, 917.10, 917.11, 918, 918.1, 918.4, 918.5, 918.6, 918.7, 918.8, 918.10, 919, 919.1, 919.2, 919.3, 919.4, 919.5, 919.9, 919.10, 919.11, 919.12, 919.16, 920, 921, 921.1, 921.3, 921.4, 921.5, 921.6, 921.7, 921.8, 921.9, 923, 923.1, 923.2, 923.3, 923.4, 923.5, 923.6, 923.7, 923.8, 923.9, 923.9.1, 924, 924.1, 924.2, 924.3, 924.4, 924.5, 925, 925.1, 925.2, 925.3, 925.4, 925.5, 925.6, 925.7, 925.8, 925.9, 925.11, 926, 926.1, 926.2, 926.3, 926.4, 926.5, 926.6, 926.7, 926.8, 926.9, 926.10, 926.11, 926.12, 926.13, 926.14, 926.15, 926.16, 926.17, 926.18, 926.19, 926.23, 926.25, 927, 927.1, 927.2, 927.3, 927.4, 927.5, 927.6, 927.7, 927.8, 927.9, 927.10, 927.11, 927.12, 927.13, 927.14, 927.15, 927.16, 927.17, 928, 928.1, 928.2, 928.3, 928.4, 928.6, 928.7, 929, 929.1, 929.2, 929.3, 929.4, 929.5, 929.6, 929.7, 937.3, 945, 945.1, 945.3, 945.5, 957.4, 961.1, 961.2, 961.3, 961.7, 961.8, 965, 965.1, 965.2, 965.3, 965.4, 965.5, 965.6, 965.7, 965.8, 965.9, 965.10, 1020, 1022, 1022.1, 1022.2, 1022.3, 1022.4, 1022.5, 1023, 1023.1, 1024, 1024.1, 1024.2, 1024.3, 1024.5, 1024.6, 1025, 1026, 1027, 1027.1, 1027.2, 1027.3, 1029, 1030, 1032, 1032.7, 1032.8, 1032.9, 1033, 1034, 1034.2, 1035, 1035.4, 1036.1, 1037, 1037.1, 1037.3, 1037.4, 1037.5, 1037.6, 1037.7, 1037.8, 1037.9, 1037.10, 1037.11, 1038.1, 1038.2, 1038.3, 1039, 1039.1, 1040, 1041, 1042, 1043, 1045, 1050, 1051, 1051.1, 1051.2, 1051.3, 1051.4, 1051.5, 1051.6, 1052, 1052.1, 1052.2, 1052.3, 1052.4, 1052.5, 1053, 1054, 1054.1, 1054.2, 1054.3, 1054.4, 1054.5, 1054.6, 1054.7, 1054.8, 1055, 1055.1, 1055.2, 1055.3, 1055.4, 1055.5, 1055.6, 1056, 1056.1, 1056.2, 1056.3, 1056.5, 1056.6, 1057.1, 1057.2, 1057.5, 1058, 1058.3, 1058.4, 1058.5, 1059, 1060, 1070, 1071, 1072, 1072.1, 1072.3, 1072.4, 1072.5, 1072.6, 1072.7, 1073, 1074, 1074.1, 1075, 1080.1, 1080.2, 1080.3, 1080.4, 1080.5, 1090, 1090.1, 1090.2, 1090.3, 1090.4, 1090.5, 1090.6, 1090.7, 1090.8, 1090.9, 1090.10, 1090.11, 1090.12, 1090.13, 1090.14, 1090.16, 1090.17, 1090.18, 1090.19, 1090.20, 1090.21, 1090.22, 1090.23, 1090.24, 1090.25, 1090.26, 1090.27, 1090.28, 1091.1, 1091.3, 1091.4, 1091.45, 1091.5, 1091.6, 1091.7, 1091.8, 1091.10, 1091.11, 1091.12, 1091.13, 1091.14, 1091.15, 1092, 1092.01, 1092.02, 1092.04, 1092.05, 1092.06, 1092.07, 1092.09, 1092.10, 1092.11, 1092.12, 1092.13, 1092.14, 1092.15, 1092.16, 1092.17, 1092.18, 1092.19, 1092.20, 1092.21, 1092.22, 1092.23, 1092.24, 1092.25, 1092.26, 1092.27, 1092.28, 1092.29, 1092.31, 1092.32, 1093, 1093.1, 1093.2, 1093.3, 1093.4, 1093.6, 1100, 1101, 1102, 1103, 1103.1, 1103.2, 1104, 1104.1, 1104.2, 1104.3, 1105, 1105.1, 1105.3, 1105.4, 1106,

	1106.1, 1106.2, 1106.4, 1106.5, 1107, 1108, 1109, 1109.1, 1109.2, 1109.3, 1109.4, 1109.5, 1109.6, 1110, 1115, 1115.1, 1115.2, 1115.3.		3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
10/24/17	AMEND: 25231	12/12/17	AMEND: 8199
10/04/17	AMEND: 18419	11/30/17	AMEND: 1
09/29/17	AMEND: 29.80, 122	11/27/17	AMEND: 3600(b), 3600(e)
09/26/17	AMEND: 300	11/03/17	ADOPT: 1712.4, 1714.4, 1730.4, 1740.4
09/19/17	AMEND: 1094.16		AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
09/11/17	ADOPT: 4325	10/09/17	ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
09/07/17	AMEND: 913, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, 913.7, 913.8, 913.10, 913.11, 914, 914.1, 914.2, 914.3, 914.5, 914.6, 914.7, 914.8, 914.9, 915, 915.1, 915.2, 915.3, 915.4, 916, 916.1, 916.2, 916.3, 916.4, 916.5, 916.6, 916.7, 916.8, 916.9, 916.10, 916.11, 916.11.1, 916.12, 953.7, 953.8, 953.9, 953.12, 954.4, 1038	10/04/17	AMEND: 3000, 3030, 3190, 3269
09/05/17	AMEND: 29.15	10/04/17	AMEND: 18419
08/31/17	AMEND: 1122	09/25/17	ADOPT: 3570, 3572, 3573, 3580
08/29/17	AMEND: 119, Form FG 2025 (11/2005), Appendix A		AMEND: 3560, 3561, 3562, 3563, 3564, 3565, 3571, 3581, 3582, 3590, 3590.1, 3590.2, 3590.3
08/29/17	AMEND: 670	09/19/17	ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493
08/28/17	ADOPT: 18660.44, 18660.45, 18660.46		AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
	AMEND: 18660.7	08/31/17	AMEND: 8001
08/22/17	ADOPT: 870.17 AMEND: 870.15	08/23/17	AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379
	REPEAL: 870.17, 870.19, 870.21		
08/10/17	AMEND: 7.50	Title 16	
Title 14, 27		01/03/18	AMEND: 1937.11
12/11/17	AMEND: Title 14, Sections: 18474, 18475, 18476, 18478, 18489, 18491, 18492, 18493, 18494, 18499.3, 18499.4, 18499.5, 18499.6, 18499.7, 18499.8, 18499.9, Appendix A, Forms 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, Title 27, Sections: 22240, 22241, 22242, 22243, 22244, 22246, 22247, 22249, 22249.5, 22250, 22251, 22252, 22253, 22254, Appendix 3, Forms 100, 101, 102(a), 102(b), 102(c), 103(a), 103(b), 103(c), 104, 105, 107, 109, 110, 111, 112, 113	12/20/17	ADOPT: 2039.5
		12/19/17	AMEND: 1735.2
		12/07/17	ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5410,
Title 15			
01/02/18	AMEND: 3000, 3030, 3190, 3269		
12/29/17	ADOPT: 3371.1 AMEND: 3043.7, 3044		
	REPEAL: 3371.1		
12/21/17	AMEND: 8004, 8004.1		
12/18/17	ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493		
	AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8),		

	5411, 5412, 5413, 5414, 5415, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5425, 5426, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5600, 5601, 5602, 5603, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732, 5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814		
11/16/17	ADOPT: 3351.7.1, 3351.7.2, 3371.7.3 AMEND: 3371.1		
10/31/17	AMEND: 904, 905		
10/19/17	AMEND: 1364.10, 1364.11, 1364.13, 1364.15		
10/10/17	AMEND: 1358		
10/06/17	ADOPT: 1993.4 AMEND: 1993.2 REPEAL: 1993.3		
10/02/17	AMEND: 1914		
09/21/17	ADOPT: 1379.01, 1379.02, 1379.03, 1379.04, 1379.05, 1379.06, 1379.07, 1379.08, 1379.09		
09/19/17	ADOPT: 1702.1, 1702.2, 1702.5 AMEND: 1702		
08/30/17	AMEND: 1107		
08/29/17	AMEND: 425		
08/24/17	AMEND: 1021, 1022		
08/22/17	ADOPT: 1399.730, 1399.731, 1399.732		
08/14/17	REPEAL: 901, 902, 903, 914		
08/10/17	ADOPT: 4176		
08/10/17	AMEND: 1105.1(b)(c)(d)(e)		
Title 17			
12/07/17	ADOPT: 40100, 40101, 40102, 40115, 40116, 40118, 40126, 40128, 40129, 40130, 40131, 40133, 40135, 40137, 40150, 40155, 40156, 40159, 40162, 40165, 40167, 40169, 40175, 40177, 40178, 40180, 40182, 40200, 40205, 40220, 40222, 40223, 40225, 40232, 40234, 40236, 40238, 40240, 40242, 40250, 40252, 40254, 40256, 40258, 40260, 40262, 40264, 40266, 40268, 40270, 40272, 40275, 40277, 40280, 40282, 40290, 40292, 40299, 40300, 40305, 40306, 40310, 40400, 40401, 40403, 40405, 40406, 40408, 40410, 40411, 40412, 40415, 40500, 40510, 40512, 40513, 40515, 40517, 40525, 40550, 40600, 40601		
11/20/17	AMEND: 95673		
		11/13/17	AMEND: 60003
		10/19/17	ADOPT: 1235, 1236, 1237
		09/18/17	ADOPT: 95803, 95835, 95859, 95871, 95944, 95945, Appendix D, Appendix E AMEND: 95802, 95811, 95812, 95813, 95814, 95830, 95831, 95832, 95833, 95834, 95840, 95841, 95841.1, 95851, 95852, 95852.1, 95852.2, 95853, 95856, 95857, 95858, 95870, 95890, 95891, 95892, 95893, 95894, 95895, 95910, 95911, 95912, 95913, 95914, 95920, 95921, 95922, 95941, 95943, 95972, 95973, 95974, 95975, 95976, 95977, 95977.1, 95978, 95979, 95980, 95980.1, 95981, 95981.1, 95983, 95985, 95987, 95990, 96014, Appendix C
		09/06/17	AMEND: 6540
		09/06/17	AMEND: 6508
		09/01/17	ADOPT: 95160, 95161, 95162, 95163 AMEND: 95101, 95102, 95103, 95104, 95105, 95111, 95112, 95113, 95114, 95115, 95117, 95118, 95121, 91522, 91529, 91530, 91531, 91532, 91533, 91550, 91553, 91556, 91557, Appendix A, Appendix B
		08/21/17	AMEND: 100010, 100020, 100030, 100040, 100050, 100070
Title 18			
		01/05/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832
		12/28/17	ADOPT: 3701
		12/21/17	ADOPT: 3700
		09/28/17	ADOPT: 25137-15
Title 19			
		08/31/17	REPEAL: 2575, 2575.1, 2576, 2576.1, 2577, 2577.1, 2577.2, 2577.3, 2577.4, 2577.5, 2577.6, 2577.7, 2577.8, 2578, 2578.1, 2578.2, 2578.3
Title 20			
		10/05/17	AMEND: 1602, 1606, 1607
		09/11/17	AMEND: 1604, 1606

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 3-Z

08/22/17 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606

Title 21

01/04/18 ADOPT: 1478.1, 1478.2 AMEND: 1476
11/28/17 ADOPT: 1700.1, 1700.2, 1700.3, 1705.1, 1706.1, 1707.1 AMEND: 1700 [renumbered to 1701.1], 1701 [renumbered to 1701.2], 1702.1, 1703 [renumbered to 1702.2], 1704.1 [renumbered to 1703.1], 1704.2 [renumbered to 1703.2], 1704.3 [renumbered to 1703.3], 1704.4 [renumbered to 1703.4], 1704.5 [renumbered to 1703.5], 1704.6 [renumbered to 1703.6], 1705.1 [renumbered to 1704.1], 1705.2 [renumbered to 1704.2], 1705.3 [renumbered to 1704.3], 1705.4 [renumbered to 1704.4], 1705.5 [renumbered to 1704.5], 1705.6 [renumbered to 1704.6], 1705.7 [renumbered to 1704.7], 1705.8 [renumbered to 1704.8]

Title 22

12/18/17 ADOPT: 2925
12/08/17 AMEND: 2608-1, 2627(b)-1
12/05/17 AMEND: 2706-2, 3301(d)-1, 3201-1, 3303-1, 3303.1(c)-1 REPEAL: 3303(b)-1
11/16/17 ADOPT: 63750.80 AMEND: 63850
10/30/17 AMEND: 72517
09/11/17 AMEND: 64431, 64432, 64447.2, 64465, 64481
09/08/17 AMEND: 97210, 97240, 97241, 97246
08/28/17 REPEAL: 97759
08/16/17 AMEND: 100393(a)(1)
08/16/17 AMEND: 10100

Title 22, MPP

12/21/17 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211

09/28/17 AMEND: 35000
09/18/17 ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190
09/15/17 ADOPT: 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369, 85375, 89900, 89901, 89918, 89920, 89922, 89940, 89942, 89964, 89965, 89968.1, 89968.2, 89970, 89987, 89990 AMEND: 80001, 80020, 80022, 80028, 80065, 80068, 80070, 80072, 80087, 85000, 85068.2
09/07/17 AMEND: 81001, 81010, 81020, 81022, 81026, 81064.1, 81068.1, 81068.2, 81068.4, 81068.5, 81069, 81071, 81075, 81077.2, 81077.4, 81077.5, 81087, 81088, 81090, 81092, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81094
08/28/17 AMEND: 80044, 84001, 84002, 84061, 84063, 84065, 84072.1, 84165, 84300.1, 84322, 84322.2, 84365, 86001, 86022, 86061, 86065
08/24/17 AMEND: 83001, 83064, 83072, 83087, 84001, 84065, 84072, 84079, 84087, 84272, 86001, 86065, 86072, 86072.1, 86087, 88001, 88022, 89201, 89372, 89379, 89387, 89405

Title 23

12/26/17 ADOPT: 3949.13
12/15/17 AMEND: 64300, 64305, 64310, 64315
12/14/17 AMEND: 64444, 64445, 64445.1, 64447.4, 64465, 64481
11/20/17 AMEND: 2922
11/16/17 AMEND: 3682.2, 3682.3, 3702.1, 3702.2, 3702.3, 3702.4, 3717
11/06/17 AMEND: 2200, 2200.5, 2200.6, 2200.7
11/06/17 ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070
10/19/17 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
10/05/17 ADOPT: 2910 REPEAL: 2910
08/09/17 ADOPT: 3939.53
08/09/17 ADOPT: 3939.53

Title 25

11/08/17 ADOPT: 8313, 8313.1, 8313.2, 8317, 8318 AMEND: 8300, 8301, 8302, 8303, 8305, 8307, 8308, 8309, 8310, 8311, 8312, 8314, 8315, 8316
10/12/17 ADOPT: 5535, 5535.5, 5536, 5536.5

Title 27

01/02/18 ADOPT: 25603.3

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 3-Z

12/28/17	AMEND: Appendix B; Div. 3; Subd. 1; Ch. 2	10/30/17	ADOPT: 25607.32, 25607.33
12/20/17	AMEND: 27001	10/30/17	AMEND: 27000
11/20/17	AMEND: 25600.1, 25600.2, 25601, 25602, 25603, 25607, 25607.2, 25607.5, 25607.6, 25607.7, 25607.12, 25607.13	08/23/17	ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903
11/15/17	AMEND: 27001	Title MPP	
11/15/17	AMEND: 27001	12/28/17	AMEND: 41-440, 42-711, 42-716, 42-717, 44-207
		11/16/17	AMEND: 44-211