



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

### TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

*Conflict-of-Interest Code — Notice File No. Z2018-0116-02* ..... 109

#### *Adoption*

Multi-County: San Joaquin River Exchange Contractors Groundwater Sustainability Agency

#### *Amendment*

Multi-County: Inland Empire Health Plan Joint Powers Agency  
Inland Empire Health Access JPA  
West Valley-Mission Community College District

### TITLE 2. STATE ALLOCATION BOARD

*Leroy F. Greene School Facilities of 1998; Financial Hardship — Notice File No. Z2018-0116-06* ..... 110

### TITLE 2. STATE ALLOCATION BOARD

*Leroy F. Greene School Facilities of 1998; Grant Agreement — Notice File No. Z2018-0116-07* ..... 115

### TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*Construction Safety Orders (CSO) 1618.1 Operator Qualification and Certification — Effective Dates (HORCHER) — Notice File No. Z2018-0112-01* ..... 120

### TITLE 14. NATURAL RESOURCES AGENCY

*Amendments to the California Environmental Quality Act (CEQA) Guidelines — Notice File No. Z2018-0116-12* ..... 123

### TITLE 14. STATE MINING AND GEOLOGY BOARD

*Financial Assurance Mechanism Forms — Notice File No. Z2018-0112-02* ..... 139

### TITLE 14/27. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

*Recycling and Disposal Reporting System — Notice File No. Z2018-0112-03* ..... 142

### TITLE 17. DEPARTMENT OF PUBLIC HEALTH

*Limited Permit X-Ray — Notice File No. Z2018-0116-05* ..... 147

(Continued on next page)

***Time-Dated  
Material***

TITLE 17. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>Public Health, Chapter 2 Medical Supervisors Program — Notice File No. Z2018–0116–10</i> .....	152
TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>Proposition 65 Metham Sodium Maximum Allowable Dose Level (MADL) — Notice File No. Z2018–0116–08</i> .....	154
TITLE MPP. DEPARTMENT OF SOCIAL SERVICES <i>CalWORKs Income or Household Composition Reporting — Notice File No. Z2018–0111–01</i> .....	158

**GENERAL PUBLIC INTEREST**

DEPARTMENT OF FISH AND WILDLIFE <i>LandSmart On–the–Ground for Sonoma Creek — Vineyard Project 1 (Tracking Number: 1653–2018–011–001–R3) Sonoma County</i> .....	161
DEPARTMENT OF FISH AND WILDLIFE <i>Research on the San Francisco Garter Snake</i> .....	161
DEPARTMENT OF JUSTICE <i>Notice of Rescheduled Hearing and Extension Written Comment Period Concerning Handgun and Firearm Safety Device Testing (Previously Published in Notice Register 2018, No. 2–Z)</i> .....	162

**PROPOSITION 65**

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>Proposition 65 Notice of Intent to List (NOIL) — Trim VX</i> .....	162
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**SUMMARY OF REGULATORY ACTIONS**

Regulations filed with the Secretary of State .....	163
Sections Filed, August 16, 2017 to January 17, 2018 .....	167

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

MULTI-COUNTY: San Joaquin River Exchange Contractors Groundwater Sustainability Agency

**AMENDMENT**

MULTI-COUNTY: Inland Empire Health Plan Joint Powers Agency  
Inland Empire Health Access JPA  
West Valley-Mission Community College District

A written comment period has been established commencing on January 26, 2018, and closing on March 12, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Cesar Cuevas, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than March 12, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Cesar Cuevas, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Cesar Cuevas, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 2. STATE ALLOCATION BOARD**

**THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTIONS 1859.2 AND 1859.81, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998**

**REGULATION SECTIONS AND FORM PROPOSED FOR AMENDMENTS**

- 1859.2 and 1859.81
- *Application For Funding*, Form SAB 50-04, (Revised 08/16 06/17), referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, including an associated form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

**AUTHORITY AND REFERENCE CITATIONS**

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17075.15, 17078.64, 17078.72 and 17592.73 of the Education Code. The proposals interpret and make specific reference Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.63, 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.15, 17074.16, 17074.30, 17075.10, 17075.15, 17076.10, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.56, 17078.72, 17078.72(k), 17078.73, 17079, 17079.10, 17079.20, 17280, 56026, 101012(a)(4) and 101012(a)(8) of the Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its June 28, 2017 meeting, the SAB adopted proposed emergency regulations relating to the submittal of requests for Financial Hardship assistance. Existing SFP Regulations require school districts requesting Financial Hardship assistance to have pre-approved Financial Hardship status prior to the submittal of the Form SAB 50-04. The proposed regulations would allow school districts seeking Financial Hardship assistance to submit a request for funding without pre-approval of Financial Hardship status. These amendments will help streamline the Financial Hardship approval process by allowing OPSC to accept the Form SAB 50-04 when school districts are ready to submit, and conduct a Financial Hardship review at the time the funding application is processed. This will help OPSC efficiently manage the workload for Financial Hardship requests.

**Bond Funds Impacted**

- Class Size Reduction Kindergarten-University Public Education Facilities Bond Act of 1998 (Proposition 1A)



- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D) and
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Attached to this Notice are the proposed regulations and the amendments to the Form SAB 50–04. The proposed regulations and form can be reviewed on OPSC’s website at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc). Copies of the proposed regulations and form will be mailed to any person requesting this information by using OPSC’s contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

The proposed regulations will help streamline the process by which school districts seek Financial Hardship assistance. Financial Hardship assistance is available for school districts that cannot provide their matching share for an SFP new construction or modernization project (including Facility Hardship projects). In order to receive Financial Hardship assistance, school districts must have made all reasonable efforts to fund their local matching share of the project and must also demonstrate that they are unable to contribute all or a portion of the matching share requirement.

Under existing SFP Regulations, specifically Regulation Section 1859.81, school districts must have an approved Financial Hardship status prior to submitting an *Application for Funding* (Form SAB 50–04). All new applicants seeking Financial Hardship assistance would first need to have an analysis done by OPSC to determine if the school district meets the criteria in Regulation Section 1859.81 and determine the amount of any available district contribution. This analysis is done at a point in time and Financial Hardship status is valid for any funding applications submitted within six months of Financial Hardship approval. The OPSC, on behalf of the SAB, has projects dating back to November 2012 on its workload list that have not been processed. This was due to the lack of bond authority at that time and direction/action of the SAB. As a result of new funding available, OPSC has begun processing these applications. New applications continue to be submitted; however, there will be a significant length of time before they are processed as OPSC works on the applications previously received first.

The proposed regulations will address this issue by allowing OPSC to accept funding applications requesting Financial Hardship assistance prior to OPSC notification of approval of Financial Hardship status. School districts will not submit and OPSC will not process the documents necessary for a Financial Hardship approval until written notification is received from OPSC that the school district’s application will soon be processed. This will eliminate premature financial analyses, the duplication of work, and the submittal of financial information multiple times when it is not known which time period is appropriate to the processing of the funding application.

Anticipated Benefits of the Proposed Regulations

There are projects dating back to November 2012 on OPSC’s workload list that have not been processed. This was due to the lack of bond authority at that time and direction/action of the SAB. As a result of new funding available, OPSC has begun processing these applications. The proposed regulations allow OPSC to accept funding applications requesting Financial Hardship assistance prior to OPSC notification of approval of Financial Hardship status. School districts will not submit and OPSC will not process the documents necessary for a Financial Hardship approval until written notification is received from OPSC that the school district’s application will soon be processed. This will eliminate premature financial analyses, the duplication of work, and the submittal of financial information multiple times when it is not known which time period is appropriate to the processing of the funding application.

The proposed regulations are therefore determined to be consistent and compatible with existing State laws and regulations. The proposed regulations will benefit school districts seeking Financial Hardship assistance and will assist OPSC in efficiently managing the Financial Hardship workload by streamlining the overall submittal process.

Summary of the Proposed Regulatory Amendments

A summary of the proposed regulatory amendments is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The revision date of the Form SAB 50–04 has been changed in order to make amendments on the form itself relating to Financial Hardship. The revision date has changed from “08/16” to “06/17.”

Existing Regulation Section 1859.81 permits school districts to qualify for Financial Hardship status in order to receive additional State funding for school facility projects, upon meeting specific financial criteria. The proposed regulatory amendments establish a new process for submitting a funding application requesting Financial Hardship. School districts would not submit

their financial information until a written notification from OPSC has been received by the school district.

Existing Form SAB 50–04, *Application for Funding* (incorporated by reference) is submitted by school districts to apply for state funding for new construction and modernization projects. The proposed regulatory amendments delete language that pertains to the former process and adds language that coincides with the proposed language in the SFP Regulations to allow submittals pending OPSC approval of Financial Hardship.

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulations will help streamline the process by which school districts seek Financial Hardship assistance. Financial Hardship assistance is available for school districts that cannot provide their matching share for an SFP new construction or modernization project (including Facility Hardship projects). In order to receive Financial Hardship assistance, school districts must have made all reasonable efforts to fund their local matching share of the project and must also demonstrate that they are unable to contribute all or a portion of the matching share requirement.

Under existing SFP Regulations, specifically Regulation Section 1859.81, school districts must have an approved Financial Hardship status prior to submitting an *Application for Funding* (Form SAB 50–04). All new applicants seeking Financial Hardship assistance would first need to have an analysis done by OPSC to determine if the school district meets the criteria in Regulation Section 1859.81 and determine the amount of any available district contribution. This analysis is done

at a point in time and Financial Hardship status is valid for any funding applications submitted within six months of Financial Hardship approval. The OPSC, on behalf of the SAB, has projects dating back to November 2012 on its workload list that have not been processed. This was due to the lack of bond authority at that time and direction/action of the SAB. As a result of new funding available, OPSC has begun processing these applications. New applications continue to be submitted; however, there will be a significant length of time before they are processed as OPSC works on the applications previously received first.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

Form Incorporated by Reference

*Application For Funding*, Form SAB 50–04 (Revised 08/16 06/17), referenced in Regulation Section 1859.2 and incorporated by reference.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non–discretionary costs or savings to local agencies.

- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

#### Impact to Businesses and Jobs in California

The proposed regulations will help streamline the Financial Hardship process by allowing OPSC to accept funding applications requesting Financial Hardship assistance prior to OPSC notification of approval of Financial Hardship status. School districts will not submit and OPSC will not process the documents necessary for a Financial Hardship approval until written notification is received from OPSC that the school district's application will soon be processed. This will eliminate premature financial analyses, the duplication of work, and the submittal of financial information multiple times when it is not known which time period is appropriate to the processing of the funding application. The proposed regulations do not directly impact businesses or the creation of jobs; however, once the bond funds have been released, it is anticipated that there will be a positive impact to the State's economy and the potential for job creation because school districts are able to use these funds for construction projects. Therefore, the proposed regulations will most likely have a positive effect on the State's economy, creation of jobs, creation of new businesses, and expansion of businesses, and will not eliminate jobs or eliminate existing businesses within California.

#### Benefits to Public Health and Welfare, Worker Safety, and the State's Environment

- The proposed regulations would allow school districts seeking Financial Hardship assistance to submit a request for funding without pre-approval of Financial Hardship status. These amendments will help streamline the Financial Hardship approval process by allowing OPSC to accept the Form SAB 50-04 when school districts are ready to submit, and conduct a Financial Hardship review at the time the funding application is

processed. This will help OPSC efficiently manage the workload for Financial Hardship requests. School districts will not submit and OPSC will not process the documents necessary for a Financial Hardship approval until written notification is received from OPSC that the school district's application will soon be processed. This will eliminate premature financial analyses, the duplication of work, and the submittal of financial information multiple times when it is not known which time period is appropriate to the processing of the funding application.

- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- Although the proposed regulations do not directly impact the State's economy or create jobs, once bond funds have been released, it is anticipated that there will be a positive impact to the State's economy and the potential for job creation because school districts are able to use the bond funds for construction projects.
- There is no impact to the State's environment from the proposed regulations.

### EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)-(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory



action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than March 12, 2018 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones,  
Regulations Coordinator

**Mailing**

Address: Office of Public School  
Construction  
707 Third Street, 6th Floor  
West Sacramento, CA 95605

**E-mail**

Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)  
Fax No.: (916) 375-6721

**AGENCY CONTACT PERSONS**

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

**ADOPTION OF REGULATIONS**

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulation coordinator identified above. The SAB will accept written

comments on the modified regulations during the 15-day period.

**SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

**RULEMAKING FILE**

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet website at: <http://www.dgs.ca.gov/opsc> under "Resources," click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

**ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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 THE FINAL STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the website listed above.



**TITLE 2. STATE ALLOCATION BOARD**

THE STATE ALLOCATION BOARD PROPOSES TO ADOPT THE GRANT AGREEMENT TEMPLATES AND REGULATION SECTION 1859.90.4, AMEND REGULATION SECTIONS 1859.2, 1859.90, 1859.90.2 AND 1859.90.5, ALONG WITH AN ASSOCIATED FORM, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

REGULATION SECTION AND FORM PROPOSED FOR ADOPTION

- 1859.90.4
- *Grant Agreement* (New 06/17), referenced in Regulation Section 1859.2

REGULATION SECTIONS AND FORM PROPOSED FOR AMENDMENTS

- 1859.2, 1859.90, 1859.90.2 and 1859.90.5
- *Fund Release Authorization*, Form SAB 50–05 (Revised 08/16 06/17), referenced in Regulation Section 1859.2

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to adopt and amend the above–referenced regulation sections, including two associated forms, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above–referenced regulation sections under the authority provided by Sections 17070.35 and 17078.64 of the Education Code. The proposals interpret and make specific reference Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.63, 17070.71, 17070.77, 17071.10, 17071.25,

17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17074.15, 17074.16, 17074.30, 17075.10, 17075.15, 17076.10, 17077.40, 17077.42, 17077.45, 17078.52, 17078.53, 17078.56, 17078.72, 17078.72(k), 17078.73, 17079, 17079.10, 17280, 56026, 101012(a)(4) and 101012(a)(8) of the Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2014 and 1771.5, Labor Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per–pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its June 5, 2017 meeting, the SAB approved the grant agreement templates and companion regulations as emergency regulations. At its June 28, 2017 meeting, the SAB approved the grant agreement templates which included language from the trailer bill [Assembly Bill (AB) 99, Chapter 15, Statutes of 2017] and which the Governor signed into law on June 27, 2017.

Adoption of the grant agreement templates included sections relevant to funding provided by the New Construction Program, the Modernization Program, the Charter School Facilities Program, and the Career Technical Education Facilities Program. It is the intent that the grant agreements will be entered into for every future funding application that is processed; therefore, each grant agreement will contain the relevant program’s sections. The grant agreements were developed to address the Office of State Audits and Evaluations (OSAE) audit findings by improving program oversight and expenditure accountability. The grant agreements serve as binding documents and key resources that define the responsibilities of the state and school districts from the determination of the amount of eligible state funding to the reporting of all project funds, including any savings achieved. This will ensure greater transparency and accountability for the program grants being awarded under the SFP.

*Bond Funds Impacted*

- Class Size Reduction Kindergarten–University Public Education Facilities Bond Act of 1998 (Proposition 1A)

- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D) and
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Attached to this Notice is the specific regulatory language of the proposed regulatory action and the amendments to the Form SAB 50–05. Because of the size of the grant agreement templates, this document will not be attached to the Notice; rather, it will be posted to OPSC’s website at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc) for review. The proposed regulations and Form can be reviewed on OPSC’s website at [www.dgs.ca.gov/opsc](http://www.dgs.ca.gov/opsc). Copies of the proposed regulations and form will be mailed to any person requesting this information by using OPSC’s contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

The proposed regulations address and resolve the Administration’s concerns regarding program oversight and accountability of the expenditure of bond funds. It is the intent that the grant agreement templates will be completed by school districts, charter schools, and county offices of education for each of their projects, as a condition of funds being released. The projects currently on the Unfunded List (Lack of AB 55 Loans) are projects that were moved from the true Unfunded List to the Unfunded List (Lack of AB 55 Loans) by action of the SAB on June 5, 2017. The action also stated that grant agreements would not apply to those projects. Projects that were on the Applications Received Beyond Bond Authority List [an informational list containing the preliminary grant amounts requested by a district but not reviewed by OPSC] were moved to the OPSC Workload List by action of the SAB on June 5, 2017. These projects are subject to the grant agreements as well as current projects that were/are processed using bond funds prior to Proposition 51, specifically projects for the Seismic Mitigation and Facility Hardship Programs. This carries out the Governor’s directive as the Administration stated that without the additional accountability mechanism in place State funds (Proposition 51) would not be released to school districts for purposes of school construction.

The proposed regulations are therefore determined to be consistent and compatible with existing State laws

and regulations. Proceeding with the implementation of the proposed regulations will enhance applicants’ awareness when partnering with the State for their school construction projects. As stated in the paragraph above, the grant agreement will be entered into for every future funding application processed, and it defines the responsibilities of funding applicant projects. This will ensure increased program oversight and expenditure accountability.

Anticipated Benefits of the Proposed Regulations

The proposed regulations promote fairness and the state’s general welfare by helping to ensure taxpayer resources (bond funds) are expended appropriately for school construction purposes. It is the intent that the grant agreements will be entered into for every future funding application that is processed for an applicant (school districts, charter schools, and county offices of education). The grant agreement was developed to address the OSAE audit findings by improving program oversight and expenditure accountability. The grant agreement templates also include language from the trailer bill (AB 99, Chapter 15, Statutes of 2017) which the Governor signed into law on June 27, 2017. The grant agreements define basic terms, conditions and accountability measures for participants that request funding.

The proposed regulations promote the State’s general welfare by addressing and resolving the Administration’s concerns regarding program oversight and accountability of the expenditure of bond funds. It is the intent that the grant agreement templates will need to be completed by school districts, charter schools, and county offices of education for each of their projects, as a condition of funds being released.

The proposed regulations are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed regulations carries out the Governor’s directive by having the additional accountability mechanism in place so that the SAB can make Proposition 51 apportionments. This will have a positive impact to the State’s economy and has the potential of creating jobs.

Summary of the Proposed Regulatory Amendments

A summary of the proposed regulations is as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments define the Grant Agreement (New 06/17), which is incorporated by reference into the SFP Regulations and revise the Form SAB 50–05, *Fund Release Authorization*, which is also incorporated by reference, along with changing the revision date from “08/16” to “06/17.”

Existing Regulation Section 1859.90 specifies the process for school districts to request the release of

funds for SAB–approved apportionments. The proposed amendments require applicants to submit a signed grant agreement prior to or concurrently with a valid *Fund Release Authorization* (Form SAB 50–05), and also requires those applicants receiving a design apportionment pursuant to Regulation Section 1859.81(e) to submit a grant agreement.

Existing Regulation Section 1859.90.2 sets forth the Priority Funding Process, which authorized the SAB to establish 30–calendar day request filing periods for school districts and charter schools to request apportionments of available school bond funds. The proposed amendments require applicants to acknowledge that a signed grant agreement must be submitted prior to or concurrently with a valid Form SAB 50–05. In addition, the proposed amendments also make clear that applicants will be provided ten business days to amend any issues identified by OPSC on the Form SAB 50–05 before that submittal is deemed ineligible and returned to the applicant unprocessed. An updated Form SAB 50–05 will be accepted if received within the required time frame for purposes of determining that the applicant has not participated in the priority funding round.

Existing Regulation Section 1859.90.4 is being renumbered as new Regulation Section 1859.90.5 to accommodate the creation of a new section relating to the grant agreements (see below).

Proposed adoption of Regulation Section 1859.90.4 specifies which applicants will be subject to the submittal of grant agreements and that grant agreements must be submitted. All projects approved for placement on the Unfunded List (Lack of AB 55 Loans) on or after June 5, 2017, are subject to the grant agreement requirement. Projects on the Unfunded List as of June 5, 2017, are exempt from this requirement.

Existing Form SAB 50–05, *Fund Release Authorization* (incorporated by reference) is used by school districts, county offices of education and charter schools to request the release of funds when projects have received an apportionment by the SAB. The proposed amendments incorporate the requirement to submit a signed grant agreement with the request for fund release. The applicant will certify that it has already submitted the signed grant agreement, or the signed grant agreement is accompanying the Form SAB 50–05.

#### Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division

3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

#### Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulations help address and resolve the Administration’s concerns regarding program oversight and accountability of the expenditure of bond funds. It is the intent that the grant agreement templates will be completed by school districts, charter schools, and county offices of education for each of their projects, as a condition of funds being released. The projects currently on the Unfunded List (Lack of AB 55 Loans) are projects that were moved from the true Unfunded List to the Unfunded List (Lack of AB 55 Loans) by action of the SAB on June 5, 2017. The action also included that grant agreements would not apply to those projects. Projects that were on the Applications Received Beyond Bond Authority List [an informational list containing the preliminary grant amounts requested by a district but not reviewed by OPSC] were moved to the OPSC Workload List by action of the SAB on June 5, 2017. These projects are subject to the grant agreements as well as current projects that were/are processed using bond funds prior to Proposition 51, specifically projects for the Seismic Mitigation and Facility Hardship Programs. This carries out the Governor’s directive as the Administration stated that without the additional accountability mechanism in place State funds (Proposition 51) would not be released to school districts.

After conducting a review, the SAB has concluded that although grant agreements are used by other governmental agencies, these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulations are within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

#### Forms Incorporated by Reference

Grant Agreement (New 06/17), referenced in Regulation Section 1859.2 and incorporated by reference.



*Fund Release Authorization*, Form SAB 50–05 (Revised 08/16 06/17), referenced in Regulation Section 1859.2 and incorporated by reference.

### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies, school districts or charter schools to incur additional costs in order to comply with the proposed regulations.

### DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non–discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

#### *Impact to Businesses and Jobs in California*

The proposed regulations address and resolve the Administration’s concerns regarding program oversight and accountability of the expenditure of bond funds. It is the intent that the grant agreement templates will be completed by school districts, charter schools, and county offices of education for each of their projects, as a condition of funds being released.

Proceeding with the implementation of the proposed regulations carries out the Governor’s directive by having the additional accountability mechanism in place so that the SAB can make Proposition 51 apportionments. Although the grant agreement itself does not directly impact the State’s economy or create jobs, it is a component that school districts and charter schools must have in order to release bond funds for projects. Once bond funds have been released, it is anticipated that there will be a positive impact to the State’s economy and the potential for job creation because school districts are able to use these funds for construction projects. Therefore, the proposed regulations will most likely have a positive effect on the State’s economy, creation of jobs, creation of new businesses, expansion of businesses, and will not eliminate jobs or eliminate existing businesses within California.

#### *Benefits to Public Health and Welfare, Worker Safety, and the State’s Environment*

- The proposed regulations promote the State’s general welfare by addressing and resolving the Administration’s concerns regarding program oversight and accountability of the expenditure of bond funds. It is the intent that the grant agreement templates will need to be completed by school districts, charter schools, and county offices of education for each of their projects, as a condition of funds being released.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality,



structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.

- Although the grant agreement itself does not directly impact the State’s economy or create jobs, it is a component that school districts and charter schools must have in order to release bond funds for projects. Once bond funds have been released, it is anticipated that there will be a positive impact to the State’s economy and the potential of job creation because school districts are able to use these funds for construction projects.
- There is no impact to the State’s environment from the proposed regulations.

The SAB finds the proposed regulations fully consistent with the stated purposes and benefits.

#### EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts and charter schools for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

#### SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than March 12, 2018 at 5:00 p.m. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones,  
Regulations Coordinator

Mailing  
Address: Office of Public School  
Construction  
707 Third Street, 6th Floor  
West Sacramento, CA 95605

E-mail  
Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)  
Fax No.: (916) 375-6721

#### AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

#### ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency’s regulation coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

#### SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet Web site at: <http://www.dgs.ca.gov/opsc> under "Resources," then click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, 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 THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulation coordinator named in this notice or may be accessed on the website listed above.

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**Construction Safety Orders (CSO)  
Section 1618.1. Operator Qualification and Certification.**

**Operator Qualification and Certification —  
Effective Dates (HORCHER)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to

adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **March 15, 2018** in the **Council Chambers of the Rancho Cordova City Hall, 2729 Prospect Park Drive, Rancho Cordova, California**. At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **January 26, 2018** and closes at 5:00 p.m. on **March 15, 2018**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

- By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or
- By fax at (916) 274-5743; or
- By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board intends to adopt the proposed rulemaking action pursuant to Labor Code Section 142.3, which mandates the Board to adopt regulations at least as effective as federal regulations addressing occupational safety and health issues.

The U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) promulgated regulations addressing Cranes and Derricks in Construction: Operator Certification Extension on November 9,

2017, as 29 Code of Federal Regulations, Part 1926, Section 1926.1427(k). The Board is relying on the explanation of the provisions of the federal regulations in Federal Register, Volume 82, No. 216, pages 51986–51998, November 9, 2017, as the justification for the Board’s proposed rulemaking action. The Board proposes to adopt a regulation that is the same as the federal regulation except for editorial and format differences.

Section 1618.1 requires the employer to ensure that, prior to operating any covered crane or derrick used in construction, the operator is either under supervised training or certified or licensed to operate the equipment in accordance with one of two listed options. The two options prescribe requirements for crane operator qualification and certification, including requirements for physical examination, written testing and a practical, “hands-on” examination. Certification is currently required by General Industry Safety Orders (GISO) Section 5006.1 for operators of all cranes in general industry with boom length 25 feet or greater or capacity 15,000 pounds or greater.

Effective November 10, 2017, Section 1618.1(e) extended certification requirements to operators of all cranes or derricks over 2,000 pounds rated capacity used in construction. The provision for certification for cranes over 2,000 pounds capacity was among vertical requirements for cranes and derricks in construction added to CCR Title 8, Article 15 on July 7, 2011, in response to federal Occupational Safety and Health Administration (OSHA) rulemaking. At that time the subpart (e) operator certification requirements were set to become effective July 7, 2015. However, on September 26, 2014, federal OSHA extended the effective date to November 10, 2017, and California followed suit on April 30, 2015, adopting the new federal effective date into CSO Section 1618.1(e). On November 9, 2017, federal OSHA again extended the certification of compliance deadline for cranes and derricks in construction, this time to November 10, 2018. The federal time extension occurred one day prior to the November 10, 2017, effective date, which did not allow the state sufficient time to conform Section 1618.1(e) with the Federal Rule.

OSHA published the final rule to extend by one year the employer duty to ensure the competency of crane operators involved in construction work. The federal preamble stated that the extension and delay were necessary to provide sufficient time for them to complete a related rulemaking to address issues with its existing Cranes and Derricks in Construction standard, including concerns regarding operator certification, qualification and competency. Since the state standards are nearly verbatim of the federal standards, these are also is-

ssues of concern to California stakeholders, and many have requested to delay the CSO effective date as well to permit California’s requirements to take into account the outcome of deliberations in Washington.

This rulemaking will harmonize certain state standards for cranes and derricks used in construction with the corresponding 29 Code of Federal Regulations (CFR) 1926.1427. It should be noted that this extension will have no effect on existing certification requirements of GISO Section 5006.1.

The proposed regulation is substantially the same as the final rule promulgated by Federal OSHA. Therefore, Labor Code Section 142.3(a)(3) exempts the Board from the provisions of Article 5 (commencing with Section 11346) and Article 6 (commencing with Section 11349) of Chapter 3.5, Part 1, Division 3 of Title 2 of the Government Code when adopting a standard substantially the same as a federal standard; however, the Board is still providing a comment period and will convene a public hearing. The primary purpose of the written and oral comments at the public hearing is to:

1. Identify any clear and compelling reasons for California to deviate from the federal standard;
2. Identify any issues unique to California related to this proposal which should be addressed in this rulemaking and/or a subsequent rulemaking; and,
3. Solicit comments on the proposed effective date.

The responses to comments will be available in a rulemaking file on this matter and will be limited to the above areas.

The effective date is proposed to be upon filing with the Secretary of State as provided by Labor Code Section 142.3.

The specific changes are as follows:

Extend the effective date for certification by type and capacity from November 10, 2017, to November 10, 2018. The effect of this extension will be to conform the state deadline for certification by type and capacity with the federal deadline.

The Board evaluated the proposed regulations pursuant to Government Code section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

## DOCUMENTS RELIED UPON

Federal Register, Vol. 82, No. 216, pp. 51986–51998, November 9, 2017.

This document is available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

## COST ESTIMATES OF PROPOSED ACTION

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

The proposal is to extend the deadline for crane operator qualification and certification consistent with a recent extension promulgated by federal OSHA. The purpose of this extension is to permit further discussion at the federal level to ultimately resolve specific requirements for competence and qualification to operate regulated equipment.

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

The Board is relying on the federal economic analysis and determination in the Federal Register<sup>1</sup>.

## DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

## SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated. This finding is based on the federal OSHA preamble, “Summary of Economic Impact.”<sup>2</sup>

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<sup>1</sup> Federal Register, Vol. 82, No. 216, Thursday, November 9, 2017, pages 51986–51998.

<sup>2</sup> Ibid.

## CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Marley Hart (Executive Officer) and the back-up contact person is Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274–5721.

## AVAILABILITY OF TEXT OF THE PROPOSED REGULATIONS AND RULEMAKING FILE

The Board will have the entire rulemaking file, and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above.

## AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation(s) without further notice even though modifications may be made to the original proposal in response to public comments or at the Board’s discretion.

## AVAILABILITY OF THE MEMORANDUM TO THE STANDARDS BOARD MEMBERS

Upon its completion, copies of the Memorandum may be obtained by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above or via the internet.

## AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its website. Copies of the text of the regulation in an underline/strikeout format and the Notice of Proposed Action can be accessed through the Standards Board’s website at <http://www.dir.ca.gov/oshsb>.



**TITLE 14. NATURAL RESOURCES  
AGENCY**

15269, 15301, 15357, 15370, Appendix C, Appendix D, Appendix E, Appendix G, and Appendix M.

AMENDMENTS AND ADDITIONS TO THE  
STATE CEQA GUIDELINES

**NOTICE IS HEREBY GIVEN** pursuant to Government Code, section 11346.6 that the California Natural Resources Agency (“Natural Resources Agency” or “Agency”) proposes to add, amend, and adopt regulations implementing Title 14, Division 6, Chapter 3 of the California Code of Regulations, the Guidelines for implementation of the California Environmental Quality Act (CEQA Guidelines), to reflect recent legislative changes to CEQA, clarify certain portions of the existing CEQA Guidelines, and update the CEQA Guidelines consistent with recent court decisions. This action consists of the adoption of new sections of the CEQA Guidelines and amendments to other sections, as described below.

The text of the proposed changes, the initial statement of reasons and related rulemaking documents are available on the Natural Resources Agency’s website: <http://resources.ca.gov/ceqa/>.

STATUTORY AUTHORITY

Public Resources Code section 21083 requires regular updates to the CEQA Guidelines to explain and implement CEQA. Additionally, from time to time, the Legislature requires specific changes to the CEQA Guidelines. In addition to the regular updates that section 21083 requires, this package also makes changes in the CEQA Guidelines required by sections 21083.01 (add wildfire considerations to the environmental checklist), 21083.05 (update the CEQA Guidelines section related to greenhouse gas emissions), 21083.09 (separate the consideration of paleontological resources from tribal cultural resources in the environmental checklist), and 21099 (update the CEQA Guidelines to include criteria for determining the significance of projects’ transportation impacts).

PROPOSED ACTION

The proposed action clarifies and updates the CEQA Guidelines to reflect: 1) recent legislative changes to CEQA and 2) holdings in recent case law.

**Add** sections: 15064.3 and 15234.

**Amend** sections 15004, 15051, 15061, 15062, 15063, 15064, 15064.4, 15064.7, 15072, 15075, 15082, 15086, 15087, 15088, 15094, 15107, 15124, 15125, 15126.2, 15126.4, 15152, 15155, 15168, 15182, 15222,

PUBLIC HEARINGS

Public hearings will be held in Sacramento and Los Angeles in accordance with the requirements set forth in Government Code section 11346.8. At the hearings, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Resources Agency requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The hearing details are as follows:

**Sacramento**

Date: March 15, 2018  
Time: 1:30–4:30 p.m.  
Location: California Energy Commission  
Rosenfeld Hearing Room  
1516 9th Street  
Sacramento, CA 95814

**Los Angeles**

Date: March 14, 2018  
Time: 1:30–4:30 p.m.  
Location: California Science Center  
Annenberg Building  
Muses Room  
700 Exposition Park Dr.  
Los Angeles, CA 90037

WRITTEN COMMENT PERIOD

Any interested person may submit written comments relevant to the changes in this action to the Resources Agency. Written comments must be received by the Natural Resources Agency no later than 5:00 p.m. on **March 15, 2018** in order to be considered. Electronic submission of comments is preferred; however, written comments may also be delivered or mailed. Written comments should be addressed as follows:

Christopher Calfee, Deputy Secretary and General Counsel  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814  
Fax: 916–653–8102  
Email: [CEQA.Guidelines@resources.ca.gov](mailto:CEQA.Guidelines@resources.ca.gov).

Please note that under the California Public Records Act (Gov. Code, § 6250, *et seq.*), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the

public record and can be released to the public upon request.

Pursuant to Government Code section 11346.9, subd. (a)(3), the Resources Agency shall respond to comments submitted during the comment period containing objections and/or recommendations specifically directed at the Resources Agency's proposed action or to the procedures followed by the Resources Agency in proposing or adopting the proposed action in a final statement of reasons.

#### AUTHORITY AND REFERENCE

These regulations are submitted pursuant to the Resources Agency's authority under Public Resources Code sections 21083, 21083.01, 21083.05, 21083.09 and 21099.

The additions and amendments are to implement, interpret, and/or make specific changes based on Public Resources Code, sections 21092.3, 21005, 21091, 21092.3, 21100, 21105, 21108, 21152, 21155.4, 21157, 21158, and 21168.9 and Government Code sections 65456 and 65457. References to case law that are being implemented, interpreted, or made specific are included below within each specific CEQA Guidelines section being amended or added.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Environmental Quality Act (Pub. Resources Code, § 21000, *et seq.*) (CEQA) requires public agencies to identify potential adverse environmental effects of activities that they propose to carry out, fund, or approve, and to consider feasible alternatives and mitigation measures that would substantially reduce any significant adverse environmental effects that are identified. If an agency chooses to approve a project's significant impacts that cannot be feasibly mitigated, the agency must also adopt a statement of overriding considerations, which explains on the record why, in the agency's view, the benefits of the project outweigh its environmental impacts. CEQA compliance usually involves preparation by a public agency of either a negative declaration, mitigated negative declaration, or an environmental impact report. The public must have an opportunity to review those documents and to provide comments on the project and the agency's environmental review process.

To assist public agencies' compliance with CEQA's requirements, CEQA requires the Secretary for the Natural Resources Agency, in consultation with the Governor's Office of Planning and Research (OPR), to periodically adopt, amend and repeal the CEQA Guide-

lines. As noted above, in addition to this regular update requirement, from time to time, the Legislature directs specific changes to the CEQA Guidelines.

In addition to the regular updates that section 21083 requires, this package also makes changes in the Guidelines required by sections 21083.01 (add wildfire considerations to the environmental checklist), 21083.05 (update the CEQA Guidelines section related to greenhouse gas emissions), 21083.09 (separate the consideration of paleontological resources from tribal cultural resources in the environmental checklist), and 21099 (update the CEQA Guidelines to include criteria for determining the significance of projects' transportation impacts).

Beyond simply complying with the Public Resources Code, the Natural Resources Agency identified several policy objectives in assembling this package of CEQA Guidelines updates. First, because the CEQA Guidelines are intended to assist agencies' compliance with CEQA, in 2013, the Agency invited practitioners and other stakeholders to identify changes that would be most useful to them. Many of the changes that are now proposed were suggested by those stakeholders. In inviting stakeholder input, the Agency and the Office of Planning and Research, which develops changes to the CEQA Guidelines, specifically solicited changes that would (1) make the CEQA process more efficient, (2) result in better environmental outcomes, consistent with other adopted state policies, and (3) that are consistent with the Public Resources Code and the cases interpreting it.

#### Anticipated Benefits of the Proposed Regulations

Approximately thirty (30) sections have been identified for adoption or amendment during this rulemaking process. Several of those changes are intended to, both directly and indirectly, reduce greenhouse gas emissions and better enable communities to respond to the effects of climate change. Additionally, several changes should help agencies accommodate more homes and jobs within California's existing urban areas. Doing so should help people find homes and get to where they need to go more quickly and affordably while also preserving California's natural resources. Finally, many of the changes are intended to make the CEQA process easier to navigate by, among other things, improving exemptions, making existing environmental documents easier to rely on for later projects, and clarifying rules governing the CEQA process.

The proposed action does not duplicate or conflict with any federal statutes or regulations. CEQA is similar in some respects to the National Environmental Policy Act (NEPA), 42 U.S.C. sections 4321-4343, but NEPA requires environmental review of federal actions by federal agencies while CEQA requires environmen-

tal review of state and local projects by state and local agencies in California. Moreover, although both NEPA and CEQA require an analysis of environmental impacts, the substantive and procedural requirements of the two statutes are different. Most significantly, CEQA requires feasible mitigation of environmental impacts while NEPA does not require mitigation. A state or local agency must complete a CEQA review even on those projects for which NEPA review is also applicable, although CEQA Guidelines sections 15220–15229 allow state, local and federal agencies to coordinate a review when projects are subject to both CEQA and NEPA. Because a state or local agency cannot avoid CEQA review, and because CEQA and NEPA are not identical, the CEQA Guidelines are necessary and do not duplicate the Code of Federal Regulations.

**Evaluation of Consistency/Compatibility with Existing State Regulations**

The Agency has evaluated the proposed regulations and has found that these are the only regulations concerning the California Environmental Quality Act. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations. Moreover, many of the proposed changes are intended to ensure consistency between CEQA and other state policies regarding climate change, land use and transportation.

The following summaries describe existing laws and regulations related to the proposed action and explain the effect of the proposed revisions. Also included, where appropriate, are the specific objectives of the revisions and additions. Finally, as stated above, where particular code sections or other provisions of law are being implemented, interpreted or made specific references are included below.

**15004. TIME OF PREPARATION**

CEQA Guidelines section 15004 codifies the requirement that EIRs and Negative Declarations be prepared before an agency makes a decision on the project and early enough to help influence the project’s plans or design. This requirement is also addressed in the California Supreme Court decision *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116. However, sometimes lead agencies must undertake a number of activities related to a project (such as feasibility studies, grant applications, etc.) before it can ultimately decide whether to move forward with the project. The proposed changes would clarify what types of pre-approval activities may proceed before the agency completes its CEQA review.

The authority for the proposed amendments is Public Resources Code, section 21083. The reference for the proposed amendment is *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116.

**15051. CRITERIA FOR IDENTIFYING THE LEAD AGENCY**

The purpose of this CEQA Guidelines section is to provide the criteria for identifying which of several competing agencies shall be the Lead Agency under CEQA for a project. Normally, the lead agency is the agency that acts first on the project, or that has more general authority over the project. The proposed change in this section is intended to make clear that when more than one agency could potentially be the lead, the lead agency may be designated by agreement.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15061. REVIEW FOR EXEMPTION**

CEQA Guidelines section 15061 describes when a project or activity is exempt from CEQA. One of those circumstances is when there is no possibility that the activity may cause environmental harm. The proposed change in this section is to match the description of this circumstance by the California Supreme Court in *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372 as the “common sense exemption” to CEQA.

The authority for the proposed amendments is Public Resources Code, section 21083. The reference for the proposed amendment is *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372.

**15062. NOTICE OF EXEMPTION**

If a lead agency concludes that a project is not subject to CEQA, CEQA allows the agency or the project applicant to document that conclusion in a Notice of Exemption. The effect of filing the notice is to trigger a 35-day period within which the lead agency’s conclusion may be challenged in court. The purpose of the Notice of Exemption is to alert those that may be interested in the project of its approval and the need to act quickly if challenging the approval. Section 15062 prescribes the use and content of the Notice of Exemption.

AB 320 (Hill, 2011) required that notices of exemption identify project applicants. The changes proposed in section 15062 will conform to that new requirement.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15063. INITIAL STUDY**

Agencies often prepare a short document, known as an initial study, to help determine whether a project may have a significant environmental impact. Based on the initial study, a lead agency would either prepare a negative declaration, if the project would cause no significant impacts, a mitigated negative declaration, if the project might cause impacts but those impacts can be mitigated, or an environmental impact report if the project might cause significant impacts. Section 15063



describes the process, contents, and use of the Initial Study. The proposed change in this section would clarify that lead agencies may contract with consultants to prepare the initial study. This change would be consistent with provisions that allow agencies to use consultants to prepare environmental impact reports.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15064. DETERMINING THE SIGNIFICANCE OF THE ENVIRONMENTAL EFFECTS CAUSED BY A PROJECT**

A key step in the CEQA process is determining whether the project may cause a significant effect on the environment. This determination informs what type of environmental document (negative declaration or environmental impact report) may be needed for a project. A determination that an impact is significant also triggers an agency’s obligation to lessen that impact if feasible. Section 15064 provides general criteria to guide agencies in determining the significance of environmental effects of a proposed project.

The Resources Agency proposes two sets of changes to this section to make the CEQA process more efficient and to be consistent with cases interpreting CEQA. First, the changes would clarify that agencies may use “thresholds of significance” to help determine whether an impact is significant or not as was found by the court in *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099. “Thresholds” are a level (of noise, pollutant emissions, or habitat loss, for example) at which an impact would normally be significant. An agency that uses thresholds should be able to more quickly determine whether impacts are significant. Using adopted or published thresholds should also make the CEQA process more predictable for project applicants and the public.

The other set of changes proposed in this section is to clarify that agencies may use environmental standards adopted by other agencies as thresholds of significance.

The authority for the proposed amendments is Public Resources Code, section 21083. The reference for this proposed amendment is *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099 and *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690.

**15064.3. DETERMINING THE SIGNIFICANCE OF TRANSPORTATION IMPACTS**

**[New Section]**

The Resources Agency proposes to add a new section 15064.3 to the CEQA Guidelines to provide criteria for determining the significance of projects’ transportation impacts. This change was directed by Senate Bill 743 (Steinberg, 2013). Currently, most agencies measure traffic congestion to determine transportation impacts.

The metric to measure congestion is commonly known as Level of Service (LOS). SB 743 required the Resources Agency to develop a different way to measure transportation impacts that would lead to fewer greenhouse gas emissions and more transportation alternatives and that would facilitate infill development. In addition to those statutory objectives, the Resources Agency also intends the new method of transportation analysis to be simpler and less costly to perform.

In addition to the statutory directive in SB 743, several recent cases have focused on the amount of driving as an environmental impact. For example, the Third District Court of Appeal found, in *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173, that it is necessary to assess and consider mitigation for transportation energy impacts resulting from the amount and distance a project would require people to drive. The court in *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256 reached the same conclusion. In *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413, the court found that an environmental impact report failed to comply with CEQA for not analyzing an alternative to a regional transportation plan that would reduce vehicle miles traveled. Together, these cases demonstrate the CEQA requires analysis of the amount and distance that projects will cause people to drive.

The proposed new CEQA Guideline section says that instead of measuring congestion, agencies should, in most cases, evaluate a project’s vehicle miles traveled, a measure of how far a project would make people drive. The new CEQA Guideline section also states that projects that reduce the amount of driving, such as homes near transit or transit projects themselves, generally should not be found to have a significant transportation impact. Agencies will be able to begin using the new methods as soon as the CEQA Guidelines are adopted, but the CEQA Guidelines provide a two-year grace period for those agencies that need time to update their own procedures.

The authority for the proposed new section is Public Resources Code, sections 21083 and 21099. The references for the proposed amendments are Public Resources Code, sections 21099 and 21100; *California Clean Energy Committee v. City of Woodland* (2014) 225 Cal.App.4th 173; *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256; *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 17 Cal.App.5th 413.



**15064.4. DETERMINING THE SIGNIFICANCE OF IMPACTS FROM GREENHOUSE GAS EMISSIONS**

The Resources Agency proposes to amend several portions of existing section 15064.4. That section assists lead agencies in determining the significance of a project’s greenhouse gas emissions on the environment. The proposed changes would reflect recent cases involving climate change analyses in CEQA. (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369; *Center for Biological Diversity v. Department of Fish and Wildlife* (2015) 62 Cal.4th 204; and *Cleveland National Forest Foundation v. San Diego Association of Governments* (2017) 3 Cal.5th 497.) First, the changes would clarify that the analysis of greenhouse gas emissions is a requirement, not a recommendation. Second, the changes would clarify that while the analysis should measure the amount of greenhouse gas emissions, the focus of the analysis should be the project’s incremental contribution to climate change. Further, the changes clarify that lead agencies should consider a timeframe for the analysis that is appropriate for the project so that projects expected to continue long into the future consider long-term effects. Another change would clarify that lead agencies should use current information in analyzing a project’s climate change impacts. The changes would also add a cross-reference to the section addressing climate plans and make other technical updates. In addition to updating this section to be consistent with recent cases, the Resources Agency intends these changes to result in analyses that help decisionmakers and the public to meaningfully understand a project’s potential contribution to climate change.

The authority for the proposed new section is Public Resources Code, section 21083 and 21083.05. The references for the proposed amendments are *Cleveland National Forest Foundation v. San Diego Assn. of Governments* (2017) 3 Cal.5th 497; *Mission Bay Alliance v. Office of Community Investment & Infrastructure* (2016) 6 Cal.App.5th 160; *Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal.4th 204; *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70.

**15064.7. THRESHOLDS OF SIGNIFICANCE**

Section 15064.7 addresses the use of thresholds of significance which as courts have found in *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98 and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099, may assist lead agencies in determining the significance of a project’s impacts. Adopted environmental standards may serve as thresholds of significance. Because environmental standards,

if used correctly, may promote efficiency in the environmental review process, the Resources Agency proposes to update Section 15064.7 to assist lead agencies in deciding whether a particular environmental standard might be appropriate to use as a threshold of significance.

The authority for the proposed amendments is Public Resources Code, section 21083. The references for the proposed amendments are *Communities for a Better Environment v. California Resources Agency* (2002) 103 Cal.App.4th 98 and *Protect the Historic Amador Waterways v. Amador Water Agency* (2004) 116 Cal.App.4th 1099.

**15072. NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION OR MITIGATED NEGATIVE DECLARATION**

CEQA Guidelines section 15072 describes a lead agency’s obligations to provide notice of its intent to adopt a negative declaration or a mitigated negative declaration. That section describes both the content and manner of the required notice. The Resources Agency proposes several changes to this section to improve the usefulness and efficiency of the notice.

First, the Resources Agency proposes to clarify that, in addition to the agencies with which lead agencies must consult, lead agencies should also consult public transit agencies with facilities within one-half mile of the proposed project.

Second, the Resources Agency proposes to clarify that lead agencies must make publicly available all documents that are incorporated by reference, but not every source document that is merely cited, in the initial study.

The authority for the proposed amendments is Public Resources Code, section 21083.

**15075. NOTICE OF DETERMINATION ON A PROJECT FOR WHICH A PROPOSED NEGATIVE OR MITIGATED NEGATIVE DECLARATION HAS BEEN APPROVED**

The purpose of this section is to describe the use and contents of the Notice of Determination. The Notice of Determination notifies the public that a lead agency has acted on a project and the agency’s conclusions regarding environmental impacts. Because the Notice of Determination starts a statute of limitations period, the notice must contain enough information so that people can see whether the notice applies to the project with which they are concerned.

AB 320 (Hill, 2011) requires the Notice of Determination to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or

other entitlement for use. The Resources Agency proposes to update section 15075 to reflect that change.

The authority for the proposed amendment is Public Resources Code, section 21083. The references for the proposed amendments are Public Resources Code sections 21108 and 21152.

**15082. NOTICE OF PREPARATION AND DETERMINATION OF SCOPE OF EIR**

CEQA Guidelines section 15082 describes the consultation process (commonly referred to as “scoping”), including the use of a notice of preparation of a draft EIR.

That section currently requires lead agencies to send a notice of preparation stating that an environmental impact report will be prepared to the Office of Planning and Research and each responsible and trustee agency involved in the project. The Resources Agency proposes to amend that section to state that the notice must also be filed with the county clerk of each county within which the project is located. This addition is necessary to accurately reflect the procedural requirement stated in the Public Resources Code.

The authority for the proposed amendment is Public Resources Code, section 21083. The reference for the proposed amendment is Public Resources Code section 21092.3.

**15086. CONSULTATION CONCERNING DRAFT EIR**

This section implements the statutory requirements for consultation with other public agencies and the authority to consult with people who have special expertise concerning the environmental effects of the project.

Among other things, this section lists the agencies and entities in which a lead agency shall or may consult prior to completing an environmental impact report. The Resources Agency proposes to clarify that lead agencies should also consult public transit agencies facilities within one-half mile of the proposed project.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15087. PUBLIC REVIEW OF DRAFT EIR**

CEQA Guidelines section 15087 sets forth procedures for public notice and public review of draft EIRs. The Resources Agency proposes two changes to that section to improve the efficiency and efficacy by which an agency solicits public review of its environmental documents.

First, the Resources Agency proposes to clarify that the lead agency may specify the manner in which it will receive written comments. This clarification is necessary to avoid confusion about whether comments made in internet chat-rooms or via social media will receive responses and be included in the record for the project.

Second, the Resources Agency proposes to clarify that lead agencies must make publicly available all documents that are incorporated by reference, but not every source document that is merely cited, in the environmental impact report.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15088. EVALUATION OF AND RESPONSE TO COMMENTS**

This section discusses a lead agency’s responsibility to evaluate and respond to public comments and explains the different ways in which the responses to comments can be prepared based on recent court decisions in *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515, and *Consolidated Irrigation District v. Superior Court* (2012) 205 Cal. App.4th 697. The Resources Agency proposes several changes to this section to increase the efficiency of the process and to help both agencies and the public to focus on the most important environmental issues that may be affected by a project.

First, the Resources Agency proposes to clarify that responses to general comments may be general. Second, the Resources Agency proposes to clarify that general responses may be appropriate when a comment does not explain the relevance of information submitted with the comment, and when a comment refers to information that is not included or is not readily available to the agency.

Finally, the Resources Agency proposes to clarify that a lead agency may provide proposed responses to public agency comments in electronic form as allowed under Section 21091 of the Public Resources Code.

The authority for the proposed amendment is Public Resources Code, section 21083. The references for these amendments are Public Resources Code, section 21091; *Friends of the Eel River v. Sonoma County Water Agency* (2003) 108 Cal.App.4th 859; *Citizens for Responsible Equitable Environmental Development v. City of San Diego* (2011) 196 Cal.App.4th 515 and *Consolidated Irrigation District v. Superior Court* (2012) 205 Cal.App.4th 697.

**15094. NOTICE OF DETERMINATION**

The purpose of this section is to describe the use and contents of the Notice of Determination. The Notice of Determination notifies the public that a lead agency has acted on a project and the agency’s conclusions regarding environmental impacts. Because the Notice of Determination starts a statute of limitations period, the notice must contain enough information so that people can see whether the notice applies to the project with which they are concerned.

AB 320 (Hill, 2011) added a requirement to the Notice of Determination to include the identity of the person undertaking an activity, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies or the identity of the person receiving a lease, permit, license, certificate, or other entitlement for use. Thus, the Resources Agency proposes to update this section to reflect that change.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15107. COMPLETION OF NEGATIVE DECLARATION FOR CERTAIN PRIVATE PROJECTS**

This section reflects the statutory requirement that a negative declaration be completed and adopted within 180 days from the day a private project is accepted as complete for processing.

The Resources Agency proposes to clarify that a lead agency may extend the 180-day time limit once for a period of no more than 90 days upon the consent of both the lead agency and the applicant. This addition allows the lead agency the same flexibility to extend the deadline for the completion of a negative declaration as is allotted for the completion of an environmental impact report.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15124. PROJECT DESCRIPTION**

This section requires an environmental impact report to describe the proposed project in a way that will be meaningful to the public, to the other reviewing agencies, and to the decision-makers.

Currently, that section states that a project description must include a statement of objectives sought by the project. The Resources Agency proposes to clarify that the general description may also discuss the proposed project's benefits to ensure the project description allows decision makers to balance, if needed, a project's benefit against its environmental cost.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15125. ENVIRONMENTAL SETTING**

This section requires an environmental impact report to describe the environmental setting of the project. The purpose of that requirement is to establish the baseline against which potential impacts of the project would be measured. The California Supreme Court has addressed this requirement in several recent opinions. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439; *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190

Cal.App.4th 316.) The Resources Agency proposes to update this section to be consistent with those cases and to ensure that environmental analyses provide meaningful information to the public and to decisionmakers.

First, the Resources Agency proposes to clarify that the purpose of defining the environmental setting is to give decision-makers and the public an accurate picture of the project's likely impacts, both near-term and long-term.

Next, the Resources Agency proposes changes to that section that describe when deviations from the general rule might be appropriate. Specifically, it might be appropriate to look to historic conditions if existing conditions are not usual. It might also be appropriate to measure impacts against future conditions if those conditions are expected to change over the course of the project's implementation. When using a baseline other than existing conditions, the lead agency should explain why using existing conditions would be misleading or uninformative. A lead agency must also have evidence confirming past or future conditions used as the baseline for environmental analysis. Finally, the proposed changes would clarify that a lead agency cannot use a hypothetical scenario as a baseline.

The authority for the proposed amendment is Public Resources Code, section 21083. The references for these amendments are *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439; *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310; *Cherry Valley Pass Acres & Neighbors v. City of Beaumont* (2010) 190 Cal.App.4th 316.

**15126.2. CONSIDERATION AND DISCUSSION OF SIGNIFICANT ENVIRONMENTAL IMPACTS**

This section describes the required content for discussion of significant environmental effects which may result from a project in an environmental impact report. The Resources Agency proposes two sets of changes to this section. The first set of changes responds to a recent decision from the California Supreme Court regarding the scope of analysis required for impacts to future project users from the surrounding environment. (*California Building Industry Association v. Bay Area Air Quality Management District* 62 Cal.4th 369.) The second set would clarify the requirement to analyze energy impacts associated with a project. (*Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256; *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912.)

Regarding the first set of changes, the existing CEQA Guidelines require an environmental impact report to analyze the effects of moving people to a hazard and provide a fault zone as an example. The Supreme Court



found that requirement was not consistent with the requirements of the statute, which generally only require analysis of the effects of a proposed project on its surrounding environment, but not the other way around. The Court held that general rule does not apply where a project might make existing hazards (such as building in a floodplain or high fire hazard zone) even worse. In response, the Resources Agency proposes changes to this section that both clarify the general rule and explain the exception.

Regarding the analysis of energy impacts, the Resources Agency proposes to add a new subdivision clarifying that lead agencies must evaluate the environmental impacts of a project's energy use over the life of the project pursuant to the court's decision in *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256. It would also identify factors that might be relevant in the analysis, including whether the project incorporates renewable energy components or exceeds building code requirements.

The authority for the proposed amendments is Public Resources Code, section 21083. The references for these amendments are *California Building Industry Association v. Bay Area Air Quality Management District* 62 Cal.4th 369; and *Ukiah Citizens for Safety First v. City of Ukiah* (2016) 248 Cal.App.4th 256; *Tracy First v. City of Tracy* (2009) 177 Cal.App.4th 912.

**15126.4. CONSIDERATION AND DISCUSSION OF MITIGATION MEASURES PROPOSED TO MINIMIZE SIGNIFICANT EFFECTS**

When a lead agency finds that a project may cause a significant environmental impact, it must generally adopt changes to the proposed project that would mitigate or lessen those impacts. An environmental impact report must include a description of those proposed mitigation measures. This section describes the requirements for and selection of feasible mitigation measures. The Resources Agency proposes several changes to this section to reflect recent cases and to accommodate practical considerations regarding the level of detail that may be available at the time of project approval.

First, the proposed amendments would clarify that the lead agency "shall" not defer identification of mitigation measures. (*Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899; *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362.)

Second, the proposed amendments would describe situations when deferral of the specific details of mitigation measures may be allowable under CEQA, including what commitments the agency should make in the environmental document. (*City of Maywood v. Los Angeles Unified School District* (2012) 208

Cal.App.4th 362.) Specifically, the proposed amendments would explain that deferral may be permissible when it is impractical or infeasible to fully formulate the details of a mitigation measure at the time of project approval and the agency commits to mitigation. (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884.)

Further, the Resources Agency proposes to clarify that when deferring the specifics of mitigation, the lead agency should either provide a list of possible mitigation measures, or adopt specific performance standards. (*Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261.)

Finally, the proposed amendments would explain that such deferral may be appropriate where another regulatory agency will issue a permit for the project and is expected to impose mitigation requirements independent of the CEQA process. (*Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200.)

The authority for the proposed amendments is Public Resources Code, sections 21083 and 21083.05. The references for these amendments are *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899; *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362; *City of Maywood v. Los Angeles Unified School District* (2012) 208 Cal.App.4th 362; *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261; and *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200.

**15152. TIERING**

Many projects go through a series of separate public agency decisions, going from approval of a general plan, to approval of an intermediate plan or zoning, and finally to approval of a specific development proposal. CEQA allows agencies to focus environmental review on the environmental issues which are relevant to the approval being considered provided that the agency analyzes reasonably foreseeable significant effects and does not defer such analysis to a later document. The Public Resources Code encourages agencies to tier environmental review (from general to more specific) and includes a specific procedure for doing so. Section 15152 of the CEQA Guidelines implements those provisions.

The Resources Agency proposes to amend this section to clarify that tiering describes one mechanism for streamlining the environmental review process, but where other methods have more specific provisions, those provisions shall apply.

The authority for the proposed amendments is Public Resources Code, section 21083. The references for the



changes in this section are Public Resources Code sections 21083.3, 21157 and 21158.

**15155. CITY OR COUNTY CONSULTATION WITH WATER AGENCIES**

This CEQA Guidelines section describes the process city or county lead agencies must follow with respect to the development of a water supply assessment for certain types of projects and requires the inclusion of the water supply assessment and other information in any environmental document prepared for the project.

Because water is such a critical resource in California, and because California courts have required specific content in environmental documents regarding water supply, the Resources Agency proposes to revise section 15155 to incorporate the holding of the California Supreme Court’s decision in *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412. Specifically, the changes would clarify that agencies must evaluate a proposed project’s water supply and the environmental impacts of supplying that water to the project. Where water supplies are not certain, agencies may identify alternative sources and the impacts of relying on those alternative sources.

The authority for the proposed addition is Public Resources Code, section 21083. The reference for the amendment to this section is *Vineyard Area Citizens for Responsible Growth v. City of Rancho Cordova* (2007) 40 Cal.4th 412.

**15168. PROGRAM EIR**

The “program EIR” is a device originally developed by federal agencies under NEPA to address macro scale and cumulative impacts of activities that might progress in stages or have several levels of approvals, such programs and plans. California courts approved of this approach in CEQA as well. A program EIR can be used to focus later site-specific environmental reviews. Where the impacts of a later activity are found to be within the scope of a program EIR, no additional environmental review is required. Rules on the use of program EIRs are found in section 15168 of the CEQA Guidelines.

The Resources Agency proposes to amend this section to further assist lead agencies in determining whether later activities are within the scope of a prior program EIR. The reason for these proposed changes is to encourage efficiency by making greater use of analysis that has already been performed. The additions clarify that lead agencies have discretion to determine whether a later project is within the scope of a program EIR based on the facts surrounding the later activity and the specific details in the existing program EIR. (*Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598.) The additions also describe certain factors that a lead agency may consider in

making that determination. The changes also include minor wording changes. (*Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency, supra*, 134 Cal.App.4th at p. 616 and *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689.)

The authority for the proposed additions and amendments is Public Resources Code, section 21083. The references for the amendments to this section are *Citizens for Responsible Equitable Environmental Development v. City of San Diego Redevelopment Agency* (2005) 134 Cal.App.4th 598; *Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689.

**15182. RESIDENTIAL PROJECTS PURSUANT TO A SPECIFIC PLAN**

This section discusses special provisions regarding projects included in specific plans. The existing section describes an exemption found in the Government Code for residential projects that are consistent with specific plans. (*Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301.)

The Resources Agency proposes to amend that section to reflect Public Resources Code section 21155.4 which provides a similar exemption not only for residential projects, but also commercial and mixed-use projects that are located near transit. Projects that meet the criteria listed in those code sections are exempt from CEQA. The Resources Agency proposes to codify these provisions in one place within the CEQA Guidelines both to encourage their use and to ensure that agencies, the public and project applicants understand the requirements for their use.

The authority for the proposed amendments is Public Resources Code, section 21083. The references for this section are Public Resources Code, section 21155.4 and *Concerned Dublin Citizens v. City of Dublin* (2013) 214 Cal.App.4th 1301.

**15222. PREPARATION OF JOINT DOCUMENTS**

This section of the CEQA Guidelines strongly encourages state and local agencies to try to work with the federal agency involved with the same projects to conduct joint environmental review under CEQA and NEPA.

The Resources Agency proposes to amend this section to add a sentence encouraging a lead agency to enter into a Memorandum of Understanding with appropriate Federal agencies. This addition will encourage increased cooperation between the state and Federal agencies to coordinate project requirements, timelines, and reduce duplication under CEQA and NEPA provisions.

The authority for the proposed amendment is Public Resources Code, section 21083.

**15234. REMEDIES AND REMAND**

**[NEW SECTION]**

The Resources Agency proposes to add a new section to the CEQA Guidelines to explain to the public and to public agencies how CEQA litigation may affect project implementation.

Specifically, the added section clarifies that in certain circumstances, set forth in statute and explained in this section, portions of the project approvals or the project itself may proceed while the agency conducts further review to correct errors identified by the court. (*Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439; *POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Golden Gate Land Holdings, LLC v. East Bay Regional Park Dist.* (2013) 215 Cal.App.4th 353; *Silverado Modjeska Recreation and Parks Dist. v. County of Orange* (2011) 197 Cal.App.4th 282.)

The proposed new section also addresses how an agency should proceed with additional environmental review if required by a court. It clarifies that where a court upholds portions of a lead agency’s environmental document, additional review of topics covered in the upheld portions is only required if the project or circumstances surrounding the project have changed in a way resulting in new or worse environmental impacts.

The authority for the proposed addition is Public Resources Code, section 21083. The references for adding this section are Public Resources Code sections 21005 and 21168.9; *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439; *Preserve Wild Santee v. City of Santee* (2012) 210 Cal.App.4th 260; *Golden Gate Land Holdings, LLC v. East Bay Regional Park Dist.* (2013) 215 Cal.App.4th 353; *POET, LLC v. State Air Resources Board* (2013) 218 Cal.App.4th 681; *Silverado Modjeska Recreation and Parks Dist. v. County of Orange* (2011) 197 Cal.App.4th 282.

**15269. EMERGENCY PROJECTS.**

This section describes exemptions from CEQA relating to emergencies. Currently, one exemption is for emergency repairs to service facilities. Another is for actions to prevent or mitigate emergencies. The Resources Agency proposes to clarify that emergency repairs may fall within the exemption even if they require some planning. (*CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529.) Similarly, the Resources Agency proposes to clarify that work to prevent even expected emergencies may fall within the exemption if the threat is imminent.

The authority for the proposed amendment is Public Resources Code, section 21083. The reference for the amendment to this section is *CalBeach Advocates v. City of Solana Beach* (2002) 103 Cal.App.4th 529.

**15301. EXISTING FACILITIES**

Section 15301 of the CEQA Guidelines exempts operations and minor alterations of existing facilities from CEQA. The key in determining whether the exemption applies is whether the project involves an expansion to an existing use. Projects that involve no or only a negligible expansion may be exempt. This exemption plays an important role in implementing the state’s goal of prioritizing infill development.

The Resources Agency proposes to make two changes to Section 15301.

The first change would clarify that a project that would make use of a vacant building should not be considered an expansion of use and so may be exempt under this exemption. (*Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310.)

The second change would clarify that improvements within a public right of way that enable use by multiple modes (i.e., bicycles, pedestrians, transit, etc.) would normally not cause significant environmental impacts.

The authority for the proposed amendment is Public Resources Code, section 21083. The reference for this amendment is *Communities for a Better Environment v. South Coast Air Quality Management Dist.* (2010) 48 Cal.4th 310.

**15357. DISCRETIONARY PROJECT**

Section 15357 defines the phrase “discretionary project.” That definition is important because CEQA only applies to discretionary activities, where the agency has discretion in whether and how to approve projects. CEQA does not apply to ministerial activities, where the agency has no discretion in whether or how to approve the project. The Resources Agency proposes to amend Section 15357 to clarify that a discretionary project is one in which a public agency can shape the project in any way to respond to concerns raised in an environmental impact report. This addition reflects the decisions of various court cases distinguishing the term “discretionary” and the term “ministerial.” (*Friends of Westwood, Inc. v. City of Los Angeles* (1987) 191 Cal. App. 3d 259; *Mountain Lion Foundation v. Fish & Game Comm.* (1997) 16 Cal.4th 105; *Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286; *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924.)

The authority for the proposed amendment is Public Resources Code, section 21083. The references for the amendments to this section are *Friends of Westwood,*

*Inc. v. City of Los Angeles* (1987) 191 Cal. App. 3d 259; *Mountain Lion Foundation v. Fish & Game Comm.* (1997) 16 Cal.4th 105; *Friends of Juana Briones House v. City of Palo Alto* (2010) 190 Cal.App.4th 286; *San Diego Navy Broadway Complex Coalition v. City of San Diego* (2010) 185 Cal.App.4th 924.

**15370. MITIGATION**

Section 15370 defines the term “mitigation.” The Resources Agency proposes to revise Section 15370 of the CEQA Guidelines to clarify that permanent protection of off-site resources through conservation easements constitutes mitigation. This change is consistent with the recent court decision *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230.

The authority for the proposed amendment is Public Resources Code, section 21083. The reference for the amendment to this section is *Masonite Corporation v. County of Mendocino* (2013) 218 Cal.App.4th 230.

**APPENDIX C. NOTICE OF COMPLETION AND ENVIRONMENTAL DOCUMENT TRANSMITTAL**

Appendix C contains the Notice of Completion and Environmental Document Transmittal form that is filed with the Governor’s Office of Planning and Research, State Clearinghouse. Notice of Completion “means a brief notice filed with the Office of Planning and Research by a Lead Agency as soon as it has completed a draft EIR and is prepared to send out copies for review. . . .” (CEQA Guidelines, § 15372.) The Resources Agency proposes to make several non-substantive changes to the form to be consistent with other changes described in this package as well as changes in statute.

The authority for the proposed amendment is Public Resources Code, section 21083.

**APPENDIX D. NOTICE OF DETERMINATION**

Appendix D contains the Notice of Determination form. This form is “a brief notice to be filed by a public agency after it approves or determines to carry out a project which is subject to the requirements of CEQA.” (CEQA Guidelines, § 15372.)

The Resources Agency proposes to add a new entry on the form to identify the Project Applicant. This change reflects recent changes to Public Resources Code, sections 21108 and 21152, which contain the statutory requirements for notices.

The authority for the proposed amendments is Public Resources Code, section 21083.

**APPENDIX E. NOTICE OF EXEMPTION**

Appendix E contains the Notice of Exemption form. This form is “a brief notice which may be filed by a public agency after it has decided to carry out or approve a project and has determined that the project is exempt

from CEQA as being ministerial, categorically exempt, an emergency, or subject to another exemption from CEQA. Such a notice may also be filed by an applicant where such a determination has been made by a public agency which must approve the project.” (CEQA Guidelines, § 15374.)

The Resources Agency proposes to add a new entry on the form to identify the Project Applicant. This change reflects recent changes to Public Resources Code, sections 21108 and 21152, which contain the statutory requirements for notices.

The authority for the proposed amendments is Public Resources Code, section 21083.

**APPENDIX G. ENVIRONMENTAL CHECKLIST FORM**

Appendix G in the CEQA Guidelines contains a sample initial study format. The purpose of an initial study is to assist lead agencies in determining whether a project may cause a significant impact on the environment. (CEQA Guidelines, § 15063.) To help guide that determination, Appendix G asks a series of questions regarding a range of environmental resources and potential impacts. The Resources Agency proposes to revise the sample environmental checklist in several ways. First, it proposes to consolidate certain categories of questions to eliminate redundancy and ease data collection. Second, it proposes to reframe or delete certain questions that should be addressed in the planning process to focus attention on those environmental issues that must be addressed in the CEQA process. Third, it proposes to add questions that, although required by current law, tend to be overlooked in the environmental review process. Finally, it proposes to revise the questions related to cultural resources, transportation impacts and wildfire risk as required by recent legislation. The authority for these proposed amendments and additions to Appendix G is Public Resources Code, section 21083.

**APPENDIX M. PERFORMANCE STANDARDS FOR INFILL PROJECTS ELIGIBLE FOR STREAMLINED REVIEW**

Appendix M contains performance standards for infill projects to qualify for streamlined review. The Resources Agency proposes non-substantive changes to Appendix M to correct typographical errors.

The authority for these proposed amendments to Appendix M is Public Resources Code, sections 21083 and 21094.5.5.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

The Resources Agency has made the following initial determinations concerning the proposed changes to the CEQA Guidelines:



MANDATES ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Resources Agency has initially determined that the proposed changes to the CEQA Guidelines will not impose a mandate on local agencies or school districts requiring reimbursement pursuant to Government Code Section 17500 *et seq.* as the Resources Agency is implementing legislation and making clarifications based on current case law. Local agencies incur costs in their compliance with CEQA. The costs imposed by the CEQA Guidelines are not the result of a new program or higher level of service within the meaning of Article XIII.B, Section 6 of the California Constitution.

COSTS OR SAVINGS TO LOCAL AGENCIES AND SCHOOL DISTRICTS, STATE AGENCIES, OR FEDERAL FUNDING TO THE STATE OF CALIFORNIA

As a result of reduced transportation analysis costs, state agencies, local agencies, and school districts are expected to save approximately \$2.5 million. No reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no costs or savings to any state agency, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

HOUSING COSTS

The proposed amendments will not quantifiably affect housing costs because the revisions will interpret and make specific certain existing CEQA requirements affecting the way public agencies administer the CEQA process. The proposed amendments will enable agencies to reduce analysis costs by making use of exemptions and other streamlined review. Project applicants that design projects to qualify for streamlined review may also see reduced analysis and mitigation costs. Because the extent of cost savings will depend on the individual decisions of agencies and project applicants, it is not possible to quantify the effects of these proposed changes to the CEQA Guidelines. Additional information is contained in the Standardized Regulatory Impact Assessment.

SIGNIFICANT ADVERSE ECONOMIC IMPACTS ON BUSINESS

The Resources Agency has initially determined that the proposed action will not have a significant,

statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The factual basis for this conclusion is that the revisions will interpret and make specific existing analysis and mitigation requirements imposed by statute and judicial decisions interpreting the CEQA statute. The proposed amendments will enable agencies to reduce analysis costs by making use of exemptions and other streamlined review. Project applicants that design projects to qualify for streamlined review may also see reduced analysis and mitigation costs. Because the extent of cost savings will depend on the individual decisions of agencies and project applicants, it is not possible to quantify the effects of these proposed changes to the CEQA Guidelines. Additional information is contained in the Standardized Regulatory Impact Assessment.

STATEMENT OF THE RESULTS OF THE STANDARDIZED REGULATORY IMPACT ANALYSIS

The Natural Resources Agency expects the proposed package to reduce costs associated with CEQA compliance. Quantification of the economic impact of many changes to the CEQA Guidelines is not possible for several reasons. First, though CEQA requires agency decisions to be informed, it leaves lead agencies wide discretion regarding how to study and mitigate impacts. Second, many variables will affect what studies are required, and to what depth, for any particular project. Such factors include, among others, the scope and type of project, the project's location, the presence of specific resources and sensitive receptors, the degree of community engagement, the number and type of other agencies that also have a secondary role in the project, etc. Third, many of the proposed changes merely clarify existing law, consistent with case law interpreting CEQA as well as statutory changes. Because CEQA practice varies so broadly, some changes may not actually alter agency behavior but will provide certainty that their practices are consistent with CEQA.

The proposed changes regarding the analysis of transportation impacts, however, will in most cases replace one methodology, which measures traffic congestion, with another, which measures the amount and distance that a project will cause people to drive. Costs and savings associated with that change in methodology are foreseeable and reasonably quantifiable. Therefore, those change are analyzed in depth in the Standardized Regulatory Impact Assessment.

*Statement of the results of the SRIA*

The primary quantifiable change that will result from the proposed regulation is a reduction in the cost of preparing transportation studies. A typical transportation



study under the proposed regulations is expected to cost approximately one-fifth of studies under the status quo. Based on the number of environmental studies prepared every year, private developers, which often fund the cost of environmental studies for private projects, could potentially save approximately \$24 million. Local governments could potentially save approximately \$3 million.

Despite these savings, the overall impact on the California economy is expected to be negligible. More specific results of the Standardized Regulatory Impact Assessment are described below.

*Creation or elimination of jobs within California*

Overall, statewide employment impacts are positive but negligible. Cost reductions in document production lead to a small increase in the rate of growth, as indicated by small positive impacts to total California employment — a net 281 jobs. Depending on the industry, the REMI model predicts negligible increases or decreases in employment. The slight increase in employment growth can be attributed to the decrease in production cost for state and local governments and developers. Increases in the rate of employment growth attributed to lower production costs outweigh any negative impact to employment growth in the private consulting industries because of lower demand for consulting services.

*Creation of new businesses or elimination of existing businesses within California*

The estimated sector impacts to gross value added are overall positive across all industries, but are slightly negative (i.e., less than 0.01 percent) in the Professional, Scientific, and Technical Services industry across all years of the assessment. The small decrease in demand for services in the Professional, Scientific, and Technical Services industry explains the negative change in that industry.

*The competitive advantages or disadvantages for businesses currently doing business within California*

By providing slight increases in gross state product, investment, and employment, the proposed regulation would marginally increase California's competitive advantage. The State's competitive advantage may also increase with new VMT research efforts, tools, and techniques that may occur within the State to develop VMT reduction and to verify those reductions. The proposed regulatory change to add VMT analysis is not anticipated to create a competitive disadvantage because lead agencies already require VMT to analyze other impact areas under CEQA (i.e., air and GHG emissions, noise, energy impacts).

*The increase or decrease of investment in California*

Private investment, for purposes of the REMI model, consists of purchases of residential and nonresidential

capital and software by private businesses. The proposed regulation would minimally increase the overall growth of gross private domestic investment, ranging from +0.00 percent to less than 0.01 percent annually across all years of the assessment. For example, once the regulations are in full effect, private investment may reach \$34 million.

*The incentives for innovation in products, materials, or processes*

While lead agencies currently use VMT analysis in the CEQA process to ascertain emissions, noise, energy, and other impacts, the regulatory change to VMT for transportation impact analysis may lead to improved measurement techniques. Such improvements would lead to more accurate assessments of those other impacts as well. And for projects resulting in significant VMT impacts for which enforceable mitigation would be required, if feasible, the proposed regulation may lead to developing new mitigation approaches for reducing vehicle travel. Additionally, the co-benefit of new VMT mitigation includes spurring new research efforts, tools, and techniques to develop VMT reduction and to verify those reductions.

*The benefits of the regulation, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.*

There are numerous potential direct and indirect benefits of reducing VMT. Realization of those benefits will depend on the degree to which, pursuant to this CEQA Guidelines proposal, lead agencies use the streamlined approaches for analysis of low-VMT projects, mitigate high-VMT projects, or choose lower VMT project alternatives. Some of the benefits that may result from reducing VMT are described qualitatively below:

- *Better health and avoided health care costs.* Higher VMT is associated with more auto collisions, more air pollution, more GHG emissions, less active transportation, and less transit use. If California achieves its goals of doubling walking and tripling biking (Caltrans Strategic Management Plan), 2,095 annual deaths will be avoided. Increasing active transit modes would help reduce air pollution and greenhouse gas emissions. Estimates of the annual monetized value of prevented deaths and disabilities in California resulting from achieving those targets ranges from \$1 billion to \$15.5 billion.
- *Reduction in transportation, building energy, and water costs.* Less vehicle travel reduces vehicle fuel (or electricity), maintenance, parking, and in some cases vehicle ownership costs.

Transportation costs are typically the second greatest category of household expenditure after housing itself (Bureau of Labor Statistics, Consumer Expenditures). Compact, low VMT development tends to consume less building energy and irrigation water, leading to savings to residents and businesses. Busch et al., 2015 estimated that if 85 percent of new housing and jobs added in the state until 2030 were located within existing urban boundaries, it would reduce per capita VMT by about 12 percent below 2014 levels. That combination of reduced VMT and more compact development would, in turn, result in an estimated \$250 billion in household cost savings cumulative to 2030 (with an average annual savings per household in 2030 of \$2,000). Household costs analyzed in the Busch, et al. study included auto fuel, ownership and maintenance costs, as well as residential energy and water costs.

- *Reduction in travel times to destinations.* Reducing VMT reduces congestion regionally, decreasing travel times, and may also encourage more investment in multi-modal infrastructure. It may add congestion locally, due to increased density of development; however, even in those areas, travel times decrease because of better proximity (Mondschein, 2015).
- *Cleaner water.* Motor vehicle travel can cause deposition of pollutants onto roadways, which can then be carried by stormwater runoff into waterways. Fuel, oil, and other liquids used in motor vehicles can leak from vehicles onto the ground (Delucchi, 2000). Brake dust and tire wear can further cause particles to be deposited onto the ground (Thorpe and Harrison, 2008). Brake pads and tire compounds are made out of compounds that include metal. Further, motor vehicles require roadways for travel. Paved roadways are impervious surfaces which prevent infiltration of storm water in the ground. Impervious surfaces can increase the rate, volume, and speed, and temperature of stormwater runoff (US Environmental Protection Agency, 2003). Wearing down of roadways can further cause particles to be deposited onto the ground (Thorpe and Harrison, 2008). The Victoria Transportation Policy Institute (2015) estimates that in total that motor vehicle contributions to water pollution cost approximately 42 billion dollars per year or 1.4 cents per mile.

*Summary of Department of Finance’s comments on the SRIA*

The Department of Finance provided its comments on the SRIA in a letter dated January 3, 2018. In brief,

Finance noted that it generally concurs with the methodology used to estimate economic and fiscal impacts of the proposed regulations. Finance further noted that it is beyond the scope of the data available to estimate the dynamics of what projects will be proposed or approved, but that the public may be able to offer examples of impacts.

*Responses to Comments from the Department of Finance*

The Natural Resources Agency appreciates the Department of Finance’s review of the standardized regulatory impact assessment, and concurs with its comments. No changes to the assessment are needed at this time.

**EFFECT ON CALIFORNIA BUSINESS ENTERPRISES AND INDIVIDUALS**

The Natural Resources Agency has assessed the potential for the proposed action to adversely affect California business enterprises and individuals, including whether it will affect the creation, elimination or expansion of businesses, as required by subdivision (b) of Government Code Section 11346.3. As explained above, the proposed action is expected to have a negligible effect on the creation or elimination of jobs or businesses within California. The Natural Resources Agency has also concluded that the proposed amendments will not significantly affect the expansion of businesses currently doing business within the state.

The proposed amendments will enable agencies to reduce analysis costs by making use of exemptions and other streamlined review. Project applicants that design projects to qualify for streamlined review may also see reduced analysis and mitigation costs. Because the extent of cost savings will depend on the individual decisions of agencies and project applicants, it is not possible to quantify the effects of these proposed changes to the CEQA Guidelines. Additional information is contained in the Standardized Regulatory Impact Assessment.

The Resources Agency’s complete Economic and Fiscal Impact Statement (Form Std 399) for the proposed action is part of the rulemaking file, and is available from the agency contact person named in this notice.

**COSTS IMPACTS ON A REPRESENTATIVE PERSON OR BUSINESS**

The Natural Resources Agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments will enable agencies to reduce analysis costs by

making use of exemptions and other streamlined review. Project applicants that design projects to qualify for streamlined review may also see reduced analysis and mitigation costs. Because the extent of cost savings will depend on the individual decisions of agencies and project applicants, it is not possible to quantify the effects of these proposed changes to the CEQA Guidelines. Additional information is contained in the Standardized Regulatory Impact Assessment.

#### EFFECT ON SMALL BUSINESS

The proposed amendments will not affect small business because the revisions will interpret and make specific certain existing CEQA requirements affecting the way public agencies administer the CEQA process. The proposed amendments will enable agencies to reduce analysis costs by making use of exemptions and other streamlined review. Project applicants that design projects to qualify for streamlined review may also see reduced analysis and mitigation costs. Because the extent of cost savings will depend on the individual decisions of agencies and project applicants, it is not possible to quantify the effects of these proposed changes to the CEQA Guidelines. Additional information is contained in the Standardized Regulatory Impact Assessment.

#### CONSIDERATION OF ALTERNATIVES

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

The Natural Resources Agency considered reasonable alternatives to the proposed action and determined that no reasonable alternative would be more effective in carrying out the purpose for which the action is proposed or would be as effective as, and less burdensome to affected private persons than, the proposed action. This conclusion is based on the Agency's determination that the proposed action is necessary to update the CEQA Guidelines to be consistent with recent legislative enactments and case law that have modified CEQA. The Agency rejected the no action alternative because it would not achieve the objectives of the pro-

posed revisions. There are no alternatives available that would lessen any adverse impacts on small businesses, as any impacts are due to the imposition of the statutory requirements.

Regarding the proposed change to CEQA Guidelines section 15064.3 addressing transportation analyses, the Resources Agency considered and rejected two alternatives to the proposed action. Under Alternative 1, the change from level of service (LOS) to vehicle miles traveled would apply only to proposed projects within "transit priority areas." This is the minimum scope of what Senate Bill 743 requires. Proposed projects outside of transit priority areas would continue to prepare traffic analyses using LOS.

Alternative 1 was rejected for several reasons. First, this alternative would forgo substantial cost and time savings that are expected to result from studying VMT instead of LOS. Second, this alternative would be more likely to cause confusion and increase litigation risk. Greater uncertainty would result because this alternative would require two different types of analyses to be conducted, depending on location. Third, research indicates that a transportation analysis focused on VMT may result in numerous indirect benefits to individuals including improved health; savings on outlay for fuel, energy, and water; and reduction of time spent in transport to destinations. Finally, this alternative would be less likely to achieve the purposes of SB 743. That legislation requires the updated CEQA Guidelines "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." As explained in the Office of Planning and Research's Preliminary Evaluation of Alternative Methods of Transportation Analysis, as a metric, VMT promotes those statutory purposes better than LOS.

Under Alternative 2, the analysis of VMT would apply to land use projects only and not to transportation projects. In other words, under this alternative, LOS analysis would continue to apply to roadway, transit, bicycle and pedestrian projects reviewed under CEQA.

Alternative 2 was rejected because it would forgo the cost and time benefits described above for transit, bicycle and pedestrian projects. Those types of projects in particular are more likely to provide healthier, lower cost, more equitable transportation options. They are also a key strategy to reducing greenhouse gas emissions. As a result, this alternative would be less likely to achieve the purposes of Senate Bill 743, requiring the CEQA Guidelines update to "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses."

Finally, regarding the remainder of the package, the Office of Planning and Research initially proposed a



preliminary draft of the proposed changes. It subsequently changed that draft in response to extensive public comment. The Natural Resources Agency incorporates those prior drafts into this rulemaking file, and finds that the prior drafts would not be more effective or less burdensome than this proposal. Therefore, the Resources Agency has initially determined that no reasonable alternative considered by the Resources Agency or otherwise identified and brought to the Resources Agency's 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.

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

The Natural Resources Agency will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date of this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and supporting information, including prior drafts of the proposed regulatory text. Copies may be obtained by contacting Christopher Calfee or Heather Baugh at the addresses and/or phone numbers listed above.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

Following the hearings and consideration of all timely and relevant comments received, the Natural Resources Agency may adopt the proposed regulations substantially as described in this notice. If the Agency 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 Agency adopts the regulations as revised. Any requests for copies of any modified regulations should be directed to the attention of Christopher Calfee or Heather Baugh at the addresses indicated above following publication of the modified text. If the Agency modifies the originally proposed text, the Agency will accept written comments on the modified regulations for 15 days after the date on which the modifications are made available.

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

Upon its completion, copies of the final Statement of Reasons may be obtained by contacting Christopher Calfee or Heather Baugh at the addresses and telephone numbers below.

**PLAIN ENGLISH DETERMINATION AND  
AVAILABILITY OF TEXT**

The proposed final CEQA Guidelines were prepared pursuant to the standard of clarity provided in Government Code section 11349 and the plain English requirements of Government Code sections 11342.580 and 11346.2, subdivision (a)(1). The proposed changes to the CEQA Guidelines are considered non-technical and were written to be easily understood by the parties that will use them. The purpose of the proposed changes to the CEQA Guidelines is to interpret the requirements of CEQA and to provide a comprehensive point of reference for those who are affected by CEQA's mandates both in government and the private sector. Specifically, the proposed changes will make clear what lead agencies and project applicants must do to comply with CEQA.

The text of the proposed changes to the CEQA Guidelines has been drafted, and is available in plain English. The text is available through the contact address and telephone number listed herein or on the CEQA website at <http://resources.ca.gov/ceqa/>.

**CONTACT PERSONS**

Christopher Calfee, Deputy Secretary and General Counsel  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814  
(916) 653-5656

Heather Baugh, Assistant General Counsel  
California Natural Resources Agency  
1416 Ninth Street, Suite 1311  
Sacramento, CA 95814  
(916) 653-5656



**TITLE 14. STATE MINING AND GEOLOGY BOARD**

**Financial Assurance Mechanisms**

TITLE 14. NATURAL RESOURCES  
 Division 2. Department of Conservation  
 Chapter 8. Mining and Geology  
 Subchapter 1. State Mining and Geology Board  
 Article 11. Financial Assurance Mechanisms

Office of Administrative Law Notice File Number:  
 Z-2018-0012-02

NOTICE IS HEREBY GIVEN that the State Mining and Geology Board (SMGB) proposes to amend and adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

**PROPOSED REGULATORY ACTION**

The SMGB proposes to amend sections 3802 and 3803 as well as adopt new sections 3803.1, 3803.2, and 3803.3 in Title 14, Division 2, Chapter 8, Subchapter 1, Article 11 of the California Code of Regulations (CCR). These sections address the following in regards to financial assurance mechanisms (FAMs) pertaining to mining operations: definitions, financial assurance mechanisms, surety bonds, irrevocable letters of credit, and trust funds.

**WRITTEN COMMENT PERIOD AND PUBLIC HEARING**

Any person, or his or her authorized representative, may submit written statements, arguments, or comments related to the proposed regulatory action to the SMGB. Comments may be submitted by email to [smgb@conservation.ca.gov](mailto:smgb@conservation.ca.gov), by facsimile (FAX) to (916) 445-0738, or by mail to:

State Mining and Geology Board  
 801 K Street, MS 20-15  
 Sacramento, CA 95814  
 ATTN: Financial Assurance Mechanisms

**The written comment period closes at 5:00 p.m. on March 13, 2018.** The SMGB will consider only comments received at the SMGB office by that time.

The SMGB will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

**AUTHORITY AND REFERENCE**

The SMGB proposes to amend sections 3802 and 3803 as well as adopt new sections 3803.1, 3803.2, and 3803.3 of the CCR, Title 14, Division 2, Chapter 8, Subchapter 1, Article 11 pursuant to the authority granted in Public Resources Code (PRC) sections 2755, 2773.1(e), and 2773.4(e)(3) to implement, clarify, interpret, and make specific PRC sections 2736, 2773.1 and 2773.4.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**Existing Law**

Under California’s Surface Mining and Reclamation Act (Pub. Resources Code § 2710 et seq., hereinafter “SMARA”), mining operations are required to obtain lead agency approval of a reclamation plan and financial assurances for reclamation prior to conducting surface mining activities, unless an appeal is pending before the SMGB pursuant to PRC section 2770(e). PRC section 2736 defines “financial assurances” to mean a current approved financial assurance cost estimate and an FAM that is at least equal to the current approved financial assurance cost estimate. PRC section 2773.1(a) stipulates lead agencies must require financial assurances of each surface mining operation to ensure reclamation is performed in accordance with the surface mining operation’s approved reclamation plan.

PRC section 2773.1(a)(1) states FAMs may take the form of surety bonds, irrevocable letters of credit, trust funds, or other forms of financial assurances adopted by the SMGB through the regulatory process, which the lead agency reasonably determines are adequate to perform reclamation in accordance with the surface mining operation’s approved reclamation plan.

PRC section 2773.1(a)(2) provides that financial assurances are to remain in effect for the duration of the surface mining operation and any additional period until reclamation is performed. PRC section 2773.1(a)(3) states the amount of financial assurances required of a surface mining operation for any one year shall be reviewed, and if necessary, adjusted once each calendar year to account for new lands disturbed by surface mining operations, inflation, and reclamation of mined lands accomplished in accordance with the reclamation plan. An operator shall be required to replace an approved FAM to bond for the reclamation of the surface mining operation only if the financial assurance cost estimate identifies a need to increase the amount of the FAM. PRC section 2773.1(f) states the SMGB shall adopt or revise guidelines to implement general financial assurance requirements. These Financial Assurance Guidelines are exempt from the requirements of the Administrative Procedure Act (APA).

PRC section 2773.4(e)(1) requires a surface mine operator to provide the lead agency and the Department of Conservation’s (Department) Division of Mine Reclamation (DMR), an appropriate FAM within 30 days of the lead agency’s approval of the financial assurance cost estimate. PRC section 2773.4(e)(3) requires the SMGB to adopt forms, subject to the requirements of the APA, for the implementation of FAMs.

Article 11 of CCR, Title 14, Division 2, Chapter 8, Subchapter 1 specifies the additional FAMs adequate to ensure reclamation of mined lands pursuant to SMARA. Specifically, CCR section 3802 sets forth definitions that govern the interpretation of Article 11. CCR section 3803 sets forth permissible FAMs for both non-governmental and governmental entity operators.

Proposed Action

Amend CCR sections **3802. Definitions** and **3803. Financial Assurance Mechanisms**.

Adopt new CCR sections **3803.1. Surety Bonds**, **3803.2. Irrevocable Letters of Credit**, and **3803.3. Trust Funds**.

Forms Incorporated by Reference

- **Irrevocable Letters of Credit (ILoC-1), 1/1/18**
- **Certificate of Deposit form (CD-1), 1/1/18**

On April 18, 2016, Governor Brown signed into law AB 1142 (Gray), which made significant revisions to SMARA. The nature and scope of these revisions to SMARA require the SMGB to address these changes as they affect existing regulations and in some cases, require new regulations, including those affecting financial assurance cost estimate approvals and FAMs. In an effort to standardize the implementation of financial assurance requirements for the reclamation of mined lands, the Legislature is requiring the SMGB to adopt forms for the submittal of FAMs to lead agencies and DMR. The SMGB proposes to implement and make specific the provisions of PRC sections 2736, 2773.1, and 2773.4 pertaining to FAMs. Specifically, the SMGB intends to amend CCR sections 3802 and 3803 and adopt new CCR sections 3803.1, 3803.2, and 3803.3. New CCR sections 3803.1, 3803.2, and 3803.3 will establish by regulation standardized FAM forms by revising the current example FAM forms found in the appendices of the SMGB’s Financial Assurance Guidelines to fulfill the statutory requirement of PRC section 2773.4(e)(3).

Anticipated Benefits of the Proposed Amended Regulations

The broad objective of the proposed action is to meet the statutory goals of AB 1142 (Gray) to improve how the SMGB, DMR, and local lead agencies oversee and implement SMARA, specifically in regards to FAMs. Mine operators will be provided with the option to use

standardized forms for FAMs, which will provide a measure of certainty and consistency for financial institutions and surety companies as well as potentially reduce administrative time and expense for the review of content and adequacy of FAMs by lead agencies and DMR.

CONSISTENCY WITH FEDERAL STATUTE AND REGULATION

The proposed regulatory language does not propose new or additional requirements that duplicate or conflict with existing Federal statutes or regulations. By Memorandum of Understanding with the Federal Bureau of Land Management, the U. S. Forest Service, the Department, and the SMGB, SMARA and federal law are coordinated.

CONSISTENCY WITH EXISTING STATE REGULATIONS

The proposed amended regulatory language is not inconsistent or incompatible with existing regulations pertaining to FAMs. After conducting a review for any regulations that would relate to or affect this area, the SMGB has concluded that Article 11 in Title 14, Division 2, Chapter 8, Subchapter 1 of the CCR, contains the only regulations that concern FAMs to support the guarantee of reclamation pursuant to a surface mining operation’s reclamation plan.

CEQA COMPLIANCE

The SMGB has determined that this rulemaking action is not a project as defined in Title 14, CCR, section 15378, and that this activity is not subject to the requirements of the California Environmental Quality Act (CEQA).

DISCLOSURES REGARDING THE PROPOSED ACTION

*The SMGB has made the following initial determinations:*

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

**Cost or savings to any state agency:** The SMGB has determined the proposed regulatory action will not impose any costs on State agencies. The SMGB has determined the proposed regulatory action may provide some savings, in the form of reduced administrative costs, for DMR in reviewing the content and adequacy of FAMs.

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

**Other nondiscretionary cost or savings imposed on local agencies:** The SMGB has determined the proposed regulatory action will not impose any other nondiscretionary costs on local agencies. The SMGB has determined the proposed regulatory action may provide some nondiscretionary savings, in the form of reduced administrative costs, for the local agency in reviewing the content and adequacy of FAMs.

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

**Costs impacts on a representative private person or business:** The SMGB has determined that a representative private person or business will not incur any additional cost impacts resulting from this proposed regulatory action because existing law already requires lead agencies to require financial assurances of each surface mining operation to ensure reclamation in accordance with the surface mining operation’s approved reclamation plan.

**Statewide adverse economic impact directly affecting businesses and individuals:** The SMGB has determined that the proposed regulatory action will not have an adverse economic impact on businesses and individuals statewide, **including small businesses.** The proposed regulatory action follows statutory changes approved by the Legislature that were signed into law by the Governor and will continue current local lead agency and DMR policies.

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

**Business reporting requirement:** The SMGB has determined that the proposed regulatory action is necessary due to the statutory requirement of standardized forms for implementation of FAMs. This requirement is necessary to guarantee reclamation for the health, safety, and welfare of the people of the State, and already applies to all mining businesses.

impact on the creation, expansion, or elimination of new or existing business within California.

**Benefits to the health and welfare of California residents, worker safety, and the state’s environment:** The SMGB anticipates that the proposed regulatory action will result in nonmonetary benefits such as protection of public health and safety, environmental safety, and transparency in business and government by:

- Ensuring the public will have sufficient and reliable funding to guarantee reclamation of mined lands.
- Providing mine operators with the option to use standardized forms for FAMs, which will provide a measure of certainty and consistency for financial institutions and surety companies, as well as potentially reduce administrative time and expense for the review of content and adequacy of FAMs by lead agencies and DMR.

#### CONSIDERATION OF ALTERNATIVES

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

The SMGB invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period or at any hearing scheduled to take statements or arguments that are relevant to the proposed action.

#### CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action should be directed to:

Nicholas Lash, Associate Governmental  
Program Analyst  
State Mining and Geology Board  
801 K Street, Suite 2015  
Sacramento, California 95814  
Phone: (916) 322-1082  
Fax: (916) 445-0738  
[Nicholas.Lash@conservation.ca.gov](mailto:Nicholas.Lash@conservation.ca.gov)

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulatory action meets the statutory goals of AB 1142 (Gray) by creating standardized forms for the implementation of FAMs.

**Creation or elimination of jobs within California:** The SMGB anticipates the proposed regulatory action will not have an impact on the creation of new, or the elimination of existing, jobs within California.

**Creation of new businesses or the elimination of existing businesses within California:** The SMGB anticipates the proposed regulatory action will not have an

OR

Amy Scott, Executive Assistant  
 State Mining and Geology Board  
 801 K Street, Suite 2015  
 Sacramento, CA 95814  
 Phone: (916) 322-1082  
 Fax: (916) 445-0738  
[Amy.Scott@conservation.ca.gov](mailto:Amy.Scott@conservation.ca.gov)

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking Action, the Initial Statement of Reasons, and the proposed regulatory text in strikeout and underline form can be accessed through the SMGB website at:  
<http://conservation.ca.gov/smgb>

**AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE**

The SMGB will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, the Initial Statement of Reasons, and a Standard Form 399. Please direct requests for copies of the proposed text (the “express terms”) of this regulation, the Initial Statement of Reasons, or other information upon which this rulemaking is based to Nicholas Lash at the above address.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After the written comment period and any hearing that may be conducted by the SMGB to accept comments and evidence regarding the adoption of the proposed amended regulatory language, the SMGB will consider all timely and relevant comments received. Thereafter, the SMGB may adopt the proposed regulatory language substantially as described in this Notice. If the SMGB makes modifications that are sufficiently related to the original proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the SMGB adopts the regulatory language as revised. Please send requests for copies of any modified regulatory language to the attention of Nicholas Lash at the address indicated above. The SMGB will accept written comments on the modified regulatory language for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Nicholas Lash at the above address.

**TITLE 14/27. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY**

Title 14	Natural Resources
Division 7	Department of Resources Recycling and Recovery
Chapter 3	Minimum Standards for Solid Waste Handling and Disposal
Article 5.6	Nonhazardous Petroleum Contaminated Soil Operations and Facilities Regulatory Requirements
Section	17365
Title 14	Natural Resources
Division 7	Department of Resources Recycling and Recovery
Chapter 3	Minimum Standards for Solid Waste Handling and Disposal
Article 5.7	Hazardous Waste Disposal Facilities Disposing Nonhazardous, Nonputrescible, Industrial Solid Waste Regulatory Requirements
Section	17370.2
Title 14	Natural Resources
Division 7	Department of Resources Recycling and Recovery
Chapter 3	Minimum Standards for Solid Waste Handling and Disposal
Article 5.8	Nonhazardous Ash Regulatory Tier Requirements
Section	17379.0
Title 14	Natural Resources
Division 7	Department of Resources Recycling and Recovery
Chapter 3	Minimum Standards for Solid Waste Handling and Disposal
Article 5.9	Construction and Demolition and Inert Debris Transfer/Processing Regulatory Requirements
Sections	17383.3, 17383.4, 17383.5, 17383.6, 17383.7, and 17383.8
Title 14	Natural Resources
Division 7	Department of Resources Recycling and Recovery



Chapter 3	Minimum Standards for Solid Waste Handling and Disposal	Article 9.25	Waste Management Plans Recycling and Disposal Reporting System
Article 5.95	Construction and Demolition Waste and Inert Debris Disposal Regulatory Requirements	Sections	18815.1–18815.13
Sections	17388.4, 17388.5, and 17389	Title 27	Environmental Protection
Title 14	Natural Resources	Division 2	Solid Waste
Division 7	Department of Resources Recycling and Recovery	Chapter 3	Criteria for all Waste Management Units, Facilities, and Disposal Sites
Chapter 3	Minimum Standards for Solid Waste Handling and Disposal	Subchapter 4	Criteria for Landfills and Disposal Sites
Article 6.3	Record Keeping Requirements	Article 1	CIWMB— Operating Criteria
Section	17414	Section	20510
Title 14	Natural Resources	Title 27	Environmental Protection
Division 7	Department of Resources Recycling and Recovery	Division 2	Solid Waste
Chapter 3	Minimum Standards for Solid Waste Handling and Disposal	Chapter 3	Criteria for all Waste Management Units, Facilities, and Disposal Sites
Article 6.3	Record Keeping Requirements	Subchapter 4	Criteria for Landfills and Disposal Sites
Section	17414	Article 2	Alternative Daily Cover Material and Beneficial Reuse
Title 14	Natural Resources	Sections	20686 and 20690
Division 7	Department of Resources Recycling and Recovery		
Chapter 3.1	Composting Operations Regulatory Requirements		
Article 8	Composting Operation and Facility Records		
Section	17869		
Title 14	Natural Resources		
Division 7	Department of Resources Recycling and Recovery		
Chapter 3.2	In–Vessel Digestion Operations and Facilities Regulatory Requirements		
Article 4	Record Keeping Requirements		
Section	17896.45		
Title 14	Natural Resources		
Division 7	Department of Resources Recycling and Recovery		
Chapter 9	Planning Guidelines and Procedures for Preparing and Revising Countywide and Regional Agency Integrated Waste Management Plans		
Article 9	Annual Report Regulations		
Sections	18794.0, 18794.1, and 18794.2		
Title 14	Natural Resources		
Division 7	Department of Resources Recycling and Recovery		
Chapter 9	Planning Guidelines and Procedures for Preparing, Revising, and Amending Countywide and Regional Agency Integrated Waste Management Plans		
Article 9.2	Disposal Reporting System		
Sections	18800–18814.11		
Title 14	Natural Resources		
Division 7	Department of Resources Recycling and Recovery		
Chapter 9	Planning Guidelines and Procedures for Preparing and Revising Countywide and Regional Agency Integrated		

**PROPOSED REGULATORY ACTION**

The Department of Resources Recycling and Recovery (Department) proposes to replace Article 9.2 of Division 7, Chapter 9 of Title 14 of the California Code of Regulations with a new Article 9.25 in order to implement the new reporting requirements created by Assembly Bill 901 (Gordon, Chapter 746, Statutes of 2015) (AB 901). The Department also proposes to amend references in sections of Title 14 and 27 to Article 9.2 by replacing them with references to the new Article 9.25.

**PUBLIC HEARING**

A public hearing to receive public comments has been scheduled for March 14, 2018. The hearing will be held at the:

Joe Serna Jr., Cal EPA Building  
 Coastal Hearing Room  
 1001 I Street, 2nd Floor  
 Sacramento, CA 95814

The hearing will begin at **2:00 p.m. on March 14, 2018**, and will conclude after all testimony is given. The Department requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheelchair accessible. If you have any questions, please contact [AB901.Reporting@calrecycle.ca.gov](mailto:AB901.Reporting@calrecycle.ca.gov).

**WRITTEN COMMENT PERIOD**

Any interested person, or their authorized representative, may submit written comments relevant to the pro-

posed regulations to the Department. **The written comment period for this closes at 11:59 p.m. on March 14, 2018.** The Department will also accept written comments during the public hearing, described above. Please submit your written comments to:

Jane Mantey, Ph.D.  
801 K Street, 17th Floor  
Sacramento, CA 95814  
FAX: (916) 319-7482  
EMAIL: AB901.Reporting@CalRecycle.ca.gov

#### AUTHORITY AND REFERENCES

Public Resources Code sections 40502 and 41821(c) provide authority for this regulation. The following is a list of references cited in this proposed regulation: Public Resources Code: 41821.5, 41821.6, 41821.7, 41821.8, and 41821.9.

#### INFORMATIVE DIGEST

The California Department of Resources Recycling and Recovery (the Department) currently tracks the amount of waste disposed per jurisdiction to help determine compliance with the 50 percent diversion mandate established by Assembly Bill 939 (Sher, Chapter 1095, Statutes of 1989). The Department developed the Disposal Reporting System (DRS) as the tool to track disposal.

Since the passage of AB 939, California has moved away from its disposal-dominated approach to waste management and developed an infrastructure for collecting, sorting, and processing recyclable materials. With this foundation in place, California has enacted a number of new statewide waste management and recycling goals. These include 75 percent recycling and mandatory commercial recycling (AB 341, Chesbro, Chapter 476, Statutes of 2011), mandatory commercial organics recycling (AB 1826, Chesbro, Chapter 727, Statutes of 2014), and short-lived climate pollutants reductions from landfills (SB 1383, Lara, Chapter 395, Statutes of 2016). It has been challenging to measure statewide compliance with these laws using DRS, due to the lack of a formal reporting system on recycling, complete and timely data on disposal, and enforcement tools.

The State Legislature passed AB 901 in order to address these issues. AB 901, Recycling and Disposal Reporting System (RDRS), dramatically improves the Department's and local jurisdictions' ability to achieve and measure legislatively mandated goals and programs by expanding reporting to include data on recycling and composting, and creating an enforcement

mechanism. The proposed regulations implement the mandates of AB 901 in order to accomplish three important goals.

First, the proposed regulations improve the Department's understanding of material flows within the State's recycling infrastructure. The data collected enables the Department to estimate total recycling and composting, and track progress towards statewide solid waste and recycling goals and programs.

Second, the data collected under the proposed regulations will augment the Department's ability to respond to changes in the recycling marketplace and more sensibly manage discards to create new jobs and products. Analysis of the data will increase the Department's ability to improve operational efficiencies and target state resources to enhance the recycling infrastructure.

Third, the proposed regulations improve the Department's enforcement procedures to require accurate and timely reporting. Additional tools will enhance and expand the ability of local jurisdictions and the Department to verify the accuracy of reported information regarding the State's recycling infrastructure.

#### POLICY STATEMENT OVERVIEW

AB 901 was signed by Governor Brown in 2015 and became effective on January 1, 2016. AB 901 was codified in Public Resources Code sections 41821.5-41821.8. AB 901 changes how disposal and recycling is reported to the Department. Waste, recycling, and compost facilities, as well as exporters, brokers, and transporters of recyclables or compost will be required to submit information directly to the Department on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state. The Department also gains enforcement authority to collect this information.

The data acquired by AB 901 through the proposed regulations will inform the Department's understanding of material flows within the state's recycling infrastructure; allow the Department to better estimate total recycling and composting; and assist the Department to track progress towards several state goals and programs, including the 75% recycling goal, mandatory commercial recycling, and organics diversion programs. This information will allow the Department to implement various improvements in areas such as increased responsiveness to changes in the recycling landscape, operational efficiencies, and targeting of state resources to recycling infrastructure.

#### PLAIN ENGLISH REQUIREMENTS

Department staff prepared the proposed regulations pursuant to the standard of clarity provided in Govern-

ment Code Section 11349 and the plain English requirements of Government Code sections 11342.580 and 11346.2(a)(1). These proposed regulations are considered non-technical and are written to be easily understood by those parties that will use them.

**FEDERAL LAW OR REGULATIONS MANDATE**

Federal law or regulations do not contain comparable requirements.

**CONSISTENCY WITH STATE REGULATIONS**

After conducting an evaluation of any regulations relating to this area, the Department has found that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposed regulations amend all instances where existing regulations would be made inconsistent with the new diversion and disposal reporting regulations by updating current references to disposal reporting systems that the proposed regulations will replace.

**MANDATE ON STATE AGENCIES, LOCAL AGENCIES, OR SCHOOL DISTRICTS**

The Department has determined that the proposed regulations do not impose a mandate on state agencies, local agencies, or school districts.

The Department has further determined that the proposed regulations do not impact: 1) any costs to local government, which must be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code; 2) any savings or other impacts such as revenue changes to other state agencies; and 3) any additional federal funding or reduction in federal funding to the state. The proposed regulations may result in a cost savings to local governments because counties will no longer be required to collect disposal information from facilities and report that information to the Department. However, there may be a cost to locally owned waste, recycling, and compost facilities due to the reporting requirements under AB 901 and the proposed regulations.

**FISCAL IMPACT**

Costs to any local agency or school district requiring reimbursement: As described above, the Department has concluded that the proposed regulations do not impose any costs to local agencies or school districts requiring reimbursement pursuant to Section 6 of Article

XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Costs or savings to any state agency: Implementation of the proposed regulations would result in costs to the Department. It is estimated that \$99,274 will be needed for one limited term position in the first year, and \$198,548 for two limited term positions in the second year, for enforcement implementation. There are no direct savings to the state due to the proposed regulations.

Non-discretionary cost or savings imposed upon local agencies: There will be a cost to publicly owned facilities and/or operations to comply with the proposed regulations. Staff estimates the cost to publicly owned facilities and/or operations to be:

1st year	2nd year	3rd year
\$2,135,000	\$1,554,000	\$1,554,000

There is an estimated savings to counties due to the implementation of the proposed regulations. Counties will no longer be required to collect, compile, and submit disposal information to the Department. Staff estimates the combined savings to all counties to be approximately \$1,136,000 annually.

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

**EFFECT ON HOUSING COSTS**

The Department has made a determination that the proposed regulations will not have a significant effect on housing costs.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE**

Although the proposed regulations will directly affect businesses statewide, including small businesses, staff conclude that the proposed regulations will not have a significant adverse economic impact on businesses and would not affect the ability of California businesses to compete with businesses in other states. Furthermore, staff have found that a number of other states already require the reporting of recycling and disposal information.

**STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT**

*Creation/Elimination of Jobs within California*

There may be the creation of a small number of jobs within California. Some businesses may choose to hire



full or part time employees to fulfill the reporting requirements laid out in the proposed regulations. Others may be able to complete reporting requirements within current hours worked, with existing resources. It is unlikely that any jobs will be eliminated because of the proposed regulations.

*Creation of New Businesses/Elimination of Existing Businesses in California*

It is unlikely that any new businesses will likely be created because of the proposed regulations, or that any businesses will be eliminated because of the proposed regulations due to the estimated per facility cost to comply.

*Expansion of Businesses Currently Doing Businesses within the State*

It is unlikely that the proposed regulations will cause the expansion of any businesses currently doing business within the state since the goal of the proposed regulations is to set up a system for facilities to report on materials currently being disposed, recycled, or composted.

*Benefits of the Proposed Action*

The proposed regulations will benefit the health and welfare of California residents, worker safety, and the state's environment because the proposed regulations will result in the collection of disposal, recycling, and composting information from reporting entities. This information will help the Department evaluate California's recycling infrastructure and help guide strategies to achieve the statewide 75% recycling goal. The proposed regulations also outline the framework for enforcement on reporting entities that do not meet reporting requirements. Added enforcement procedures will result in more complete and timely reporting of information to the Department.

**COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

The proposed regulations will require reporting entities to submit disposal and recycling information directly to CalRecycle on the types, quantities, and destinations of materials that are disposed of, sold, or transferred inside or outside of the state. There is a range of representative businesses subject to this rulemaking action depending on the type of facility or reporting entity. CalRecycle staff estimate the average cost per facility in the first 12 months, due to the proposed regulations, will be approximately \$2,150.

**BUSINESS REPORT**

CalRecycle has found that the reporting requirements of the proposed regulatory action, which apply to businesses, are necessary for the health, safety, and welfare of the people of the State of California.

**EFFECT ON SMALL BUSINESS**

CalRecycle has determined, pursuant to California Code of Regulations, Title 1, section 4, that the proposed regulatory action would affect small businesses. However, the Department has also determined the proposed regulations will not have a significant, statewide adverse impact on small businesses and will not impede the ability of small businesses to compete in other states.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative considered by the Department, or that was otherwise 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 provisions of law than the proposed action.

**CONTACT PERSON**

Inquiries concerning the substance of the proposed action may be directed to:

Jane Mantey, Ph.D.  
801 K Street, 17th Floor  
Sacramento, CA 95814  
PHONE: (916) 322-1866  
FAX: (916) 319-7482  
EMAIL: Jane.Mantey@CalRecycle.ca.gov

Back-up contact person to whom inquiries concerning the proposed action may be directed:

John Sitts  
801 K Street, 17th Floor  
Sacramento, CA 95814  
PHONE: (916) 341-6232  
FAX: (916) 319-7199  
EMAIL: John.Sitts@CalRecycle.ca.gov

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF THE PROPOSED REGULATIONS

The Department will have the entire rulemaking file and all information that provides the basis for the proposed regulation available for inspection and copying throughout the rulemaking process at the following address: 801 K Street, Sacramento, CA 95814. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, the economic and fiscal impact statement, and the Initial Statement of Reasons. Copies may be obtained by contacting the persons listed above. For more timely access to the proposed text of the regulations, and in the interest of waste prevention, interested parties are encouraged to access the Department’s Internet webpage at [www.calrecycle.ca.gov/Laws/Rulemaking/Reporting/](http://www.calrecycle.ca.gov/Laws/Rulemaking/Reporting/). Additionally, the Final Statement of Reasons will be available at the above-listed Internet address, or you may contact the people named above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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 changes clearly indicated, available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. The Department will transmit any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; all persons whose comments are received during the comments period; and all persons who request notification of the availability of such changes. The Department will accept written comments on the modified regulation for at least 15 days after the date on which they are made available.

**TITLE 17. DEPARTMENT OF PUBLIC HEALTH**

**Title 17, California Code of Regulations  
DPH–15–012 Limited Permit X–ray Bone  
Densitometry Category —  
Whole Body Composition & Terminology Change**

PUBLIC PROCEEDINGS

The California Department of Public Health (Department) is conducting a 45–day written public proceeding

during which time any interested person or such person’s duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement overview section of this notice.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations by 5:00 p.m. on March 12, 2018, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email: [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov). It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier “**DPH–15–012 Limited Permit X–ray Bone Densitometry Category — Whole Body Composition & Terminology Change**” in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission: (916) 440–5747;
3. By Postal Service: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814;
4. Hand–delivered: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All submitted comments should include the regulation package identifier, “**DPH–15–012 Limited Permit X–ray Bone Densitometry Category — Whole Body Composition & Terminology Change**” as well as the author’s name and mailing address.

Authority and Reference

The Department is proposing to adopt, amend, or repeal, as applicable, Title 17, California Code of Regulations, sections 30400, 30413, 30417, 30418, 30419, 30420, 30427, 30427.2, 30435, 30442, 30443, 30447 and 30461, under the authority provided in sections

114870 and 131200 of the Health and Safety Code. This proposal implements, interprets and makes specific sections 106965, 106975, 106990, 107045, 114845, 114850, 114870, 114880, 131050, 131051 and 131052 of the Health and Safety Code.

**Summary of the Proposal**

This proposal amends regulations as recommended by the Radiologic Technology Certification Committee (RTCC), clarifying that Whole Body Composition (WBC) procedures (i.e. the measurement of total and regional whole body fat and lean tissue mass) are within the existing scope of the X-ray Bone Densitometry (XBD) Permit Category, and changing the XBD terminology to Dual Energy X-ray Absorptiometry (DEXA). Nonsubstantial changes are also made.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

*Problem Statement:* The existing limited permit scope of the XBD Permit category fails to clarify whether the permit holder is authorized to perform WBC procedures when so ordered by a licentiate of the healing arts. The existing name of the XBD permit is inconsistent with current industry and international terminology and usage.

*Objectives:* Broad objectives of this proposed regulatory action are to:

- Clarify that the scope of practice for the XBD permit category includes performance of WBC procedures.
- Address RTCC’s recommendation regarding WBC procedures.
- Revise terminology so it is consistent with industry and international usage.

*Benefits:* Anticipated benefits from this proposed regulatory action are:

- Clarification that the scope of practice for the XBD permit category includes performance of WBC procedures.
- Implementation of RTCC’s recommendation regarding WBC procedures.
- Consistent terminology with industry and international usage.

**Evaluation as to whether the proposed regulations are inconsistent or incompatible with existing state regulations:**

The Department evaluated this proposal and determined that, if adopted, it will not be inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department’s existing general regulations. An Internet search of other state

agency regulations determined that no other state regulation addresses the same subject matter.

**Program Background**

The Radiologic Technology Act (RT Act), codified in Health and Safety Code (H&S Code), sections 106965 through 107120 and sections 114840 through 114896, was enacted into California law in 1969. The RT Act was enacted to protect the public from excessive or improper exposure to ionizing radiation by establishing standards of education, training, and experience for persons who use X-rays on human beings and to prescribe means for assuring that these standards are met. The RT Act requires that any individual who uses X-rays on human beings meet certain standards of education, training, and experience. The Department (successor to the Department of Health Services) is authorized under the RT Act to promulgate regulations to implement the Act’s provisions. (H&S Code 114870, 131055 & 131200.<sup>1</sup>) The regulations implementing the RT Act are codified in Title 17, California Code of Regulations (CCR), sections 30400 et seq. (17 CCR 30400<sup>2</sup>.)

Pursuant to the RT Act, the Department permits individuals as limited permit X-ray technicians in specific limited permit categories. (17 CCR 30442.) Limited permits are permits authorizing the holder to conduct radiologic technology limited to the performance of certain procedures or the application of X-ray to specific areas of the human body, except for a mammogram. (H&S Code 114850(e); 17 CCR 30443.) An individual granted a limited permit is called a limited permit X-ray technician (XT). (17 CCR 30400(a)(27).)

The RT Act also created the Radiologic Technology Certification Committee (RTCC) to assist, advise, and make recommendations for the establishment of rules and regulations necessary to ensure the proper administration and enforcement of the RT Act. (H&S Code 114855.) This advisory committee consists of six licensed physician and surgeons, a licensed podiatrist and chiropractor, two certified radiologic technologists, and a radiological physicist. (H&S Code 114860.) Each member is appointed by the Department Director from at least three nominees for each position submitted by appropriate professional associations and societies. (H&S Code 114855.) Lastly, any regulations adopted by the Department, as recommended by RTCC, shall be adopted only after consultation with and approval of the committee by six affirmative votes of those present at an official meeting of the committee. (H&S Code 114880.)

<sup>1</sup> This short format “H&S Code 131055” for a given Health and Safety Code section will be used throughout this document for brevity.

<sup>2</sup> The short format “17 CCR 30400” for a given regulation will be used throughout this document for brevity.



The XBD limited permit category was adopted in 1997 as recommended by the RTCC to address health industry and technological changes in the types of radiation sources used to perform densitometric measurements. Historically, such measurements used radioactive sources, which are not within the purview of the RT Act. However, radiation machine sources (i.e. X-ray machines) replaced radioactive source use. This source change, from radioactive to X-ray machine, brought such usage within the purview of the RT Act.

Prior to 1997, operation of XBD equipment was limited to use by either: a certified supervisor and operator (17 CCR 30400(a)(10)) holding either a radiography supervisor and operator permit (17 CCR 30464) or a radiology supervisor and operator certificate (17 CCR 30462); a certified diagnostic radiologic technologist (17 CCR 30400(a)(8)); or, a holder of a special permit (17 CCR 30402). By adopting the XBD limited permit category, healthcare access increased as new qualified individuals were added to the workforce.

Currently, XBD focuses on the application of X-ray to the skeleton for measuring bone density, an indicator of medical conditions such as osteoporosis. At the RTCC's October 13, 2013 public meeting (Reference 1), the RTCC determined that the scope of practice for the XBD permit category should include performance of WBC procedures, and that the name of the permit should be changed to body densitometry. Department staff analyzed the recommendation, prepared material (Reference 2) and proposed regulations, and presented its conclusions and alternatives for the RTCC's consideration at the RTCC's April 2, 2014 public meeting. The RTCC discussed the two presented alternatives and approved the alternative as proposed in this regulatory action. As presented to (Reference 2) and approved by the RTCC, WBC means the measurement of total and regional whole body fat and lean tissue mass.

The authority and reference citations of sections being amended, resulting in nonsubstantial changes pursuant to 1 CCR 100, reflect the reorganization of the Department of Health Services into the Department of Health Care Services and the Department of Public Health, pursuant to Senate Bill 162. (Stats. 2006, ch. 241.)

The regulations interpreting, specifying, or implementing the RT Act are in title 17, California Code of Regulations, sections 30400 et seq. The proposed changes are:

Amend **section 30400** to address the RTCC's recommendation to include WBC procedures within the existing scope of the XBD Permit Category and to change the term "X-ray Bone Densitometry" to "Dual Energy X-ray Absorptiometry" for consistency with industry and international usage.

Amend **section 30413**. Subsection (a)(4) is amended for consistency with the redesignation of section 30427.2 to section 30427, resulting in no regulatory effect.

Amend **section 30417**. "X-ray Bone Densitometry" terminology (subsection (e)) is changed to "DEXA" for consistency with industry and international usage, as recommended by the RTCC.

Amend **section 30418**. Subsection (d)(1) is amended for consistency with the redesignation of section 30427.2 to section 30427, resulting in no regulatory effect.

Amend **section 30419**. Subsection (c) is amended to correctly refer to section 30418(d), addressing didactic instructors, instead of section 30418(c), which addresses qualifications of program directors for radiologic technologist fluoroscopy permit schools. This change results in no regulatory effect.

Amend **section 30420**. Subsection (a)(4)(B) is amended to correctly refer to the provision addressing investigational levels, by changing the reference to subsection (b)(5), which does not exist, to subsection (a)(5), resulting in no regulatory effect.

Redesignate **section 30427.2** to **section 30427** and amend to address the RTCC's recommendation. "X-ray Bone Densitometry" terminology (found in the introductory paragraph and subsection (a)(3)) is changed to "DEXA" for consistency with industry and international usage, as recommended by the RTCC. The section is redesignated as section 30427, resulting in no regulatory effect.

Amend **section 30435**. Subsection (b) is amended for consistency with the redesignation of section 30427.2 to section 30427, resulting in no regulatory effect.

Amend **section 30442** to address the RTCC's recommendation. "X-ray Bone Densitometry" terminology (subsection (g)) is changed to "DEXA" for consistency with industry and international usage, as recommended by the RTCC.

Amend **section 30443** to address the RTCC's recommendation. "X-ray Bone Densitometry" terminology (subsection (g)) is changed to "DEXA," and the phrase "or body" is added for consistency with this proposal and with industry and international usage, as recommended by the RTCC.

Amend **section 30447** to address the RTCC's recommendation. "X-ray Bone Densitometry" terminology (subsection (b)) is changed to "DEXA" for consistency with this proposal and with industry and international usage, as recommended by the RTCC.

Amend **section 30461** to address the RTCC's recommendations and to make nonsubstantial corrections.

MANDATED BY FEDERAL LAW  
OR REGULATIONS

None.

FORMS INCORPORATED BY REFERENCE

None.

OTHER STATUTORY REQUIREMENTS

None.

BUSINESS REPORTING REQUIREMENT

None.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY AFFECTING  
BUSINESS, INCLUDING ABILITY TO COMPETE

The Department has made an initial determination that the proposed regulations would not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Thus, there will be no significant adverse economic impact on California businesses.

FISCAL IMPACT ASSESSMENT

- A. Mandate on local agencies and school districts: None.
- B. Cost or savings to any state agency: None.
- C. Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- D. Cost or savings in federal funding to the state: None.
- E. Impact on private persons or businesses directly affected: None.
- F. Other nondiscretionary cost or savings imposed on local agencies: None.

STATEMENTS OF DETERMINATIONS AND  
ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulatory action would have no significant adverse economic impact on California business enterprises

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

The Department has determined that the regulation would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

The Department has determined that the regulations affect the following as described:

1. **The creation or elimination of jobs within the State of California.** Because this proposal clarifies the limited permit scope of practice for the DEXA, as proposed, permit category, it may create new job opportunities for existing and future permit holders.
2. **The creation of new businesses or the elimination of existing businesses within the State of California.** Though new businesses may be created to offer DEXA services due to expansion of an individual's DEXA permit scope, no significant effect is expected, due to the limited nature of such services. Elimination of existing businesses is not expected since the individual's permit scope would expand instead of diminish.
3. **The expansion of businesses currently doing business within the State of California.** Though businesses may be able to offer additional services with existing staff, in that an individual's permit scope expands, no significant effect is expected.
4. **The benefits of the regulation to the health and welfare of California residents, and increases worker safety.** This proposal provides benefits to the health and welfare of California residents and increases worker safety, because it ensures only qualified individuals perform WBC procedures. This proposal would not significantly affect the state's environment, because the radiation energy emitted from the use of X-ray equipment dissipates to normal atomic structures without environmental contamination.

EFFECT OF HOUSING

The Department has determined that the regulations will have no impact on housing costs.

EFFECT ON SMALL BUSINESS

The Department has determined that there would be an effect on small businesses because they will be legally required to comply with the regulation. If the small business fails to comply with the regulation, the small business may incur a detriment in the form of a civil penalty. Under the proposed regulations, however,

small businesses are expected to have a larger pool of individuals that can perform WBC procedures. This will likely allow for greater compliance by small businesses and may decrease violations and thus civil penalties assessed.

**Consideration of Reasonable 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, or would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in addressing the RTCC’s recommendations.

**Documents Relied Upon (References)**

1. RTCC meeting minutes of October 23, 2013.
2. Handout for RTCC April 2, 2014 meeting.
3. National Health and Nutrition Examination Survey, Centers for Disease Control and Prevention:
  - a. Plan and Operations, 1999–2010, August 2013; Accessed November 8, 2017: [http://www.cdc.gov/nchs/data/series/sr\\_01/sr01\\_056.pdf](http://www.cdc.gov/nchs/data/series/sr_01/sr01_056.pdf)
  - b. Technical Documentation for the 1999–2004 Dual Energy X-ray Absorptiometry (DXA) Multiple Imputation Data Files, February 2008; Accessed November 8, 2017: [https://www.cdc.gov/nchs/data/nhanes/dxa/dxa\\_techdoc.pdf](https://www.cdc.gov/nchs/data/nhanes/dxa/dxa_techdoc.pdf)
  - c. Body Composition Procedures Manual, December 2000; Accessed November 8, 2017: <http://www.cdc.gov/nchs/data/nhanes/bc.pdf>
4. International Atomic Energy Agency, Dual Energy X Ray Absorptiometry for Bone Mineral Density and Body Composition Assessment, IAEA Human Health Series No. 15; 2010. Accessed November 8, 2017: [http://www.pub.iaea.org/MTCD/Publications/PDF/Pub1479\\_web.pdf](http://www.pub.iaea.org/MTCD/Publications/PDF/Pub1479_web.pdf)

CONTACT PERSON

Inquiries regarding the subject matter in this notice may be directed to Phillip Scott of the Department’s Radiologic Health Branch, at (916) 440–7978. Inquiries regarding the regulatory process described in this notice should be directed to Dawn Basciano, Office of Regulations, at (916) 440–7367, or to the designated backup contact person, Linda Cortez (916) 440–7807.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 440–7367 (or the California Relay Service at 711), send an email to [regulations@cdph.ca.gov](mailto:regulations@cdph.ca.gov), or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audiocassette, or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department’s Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FINAL STATEMENT OF REASONS

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the regulation text, and the



initial statement of reasons) that are available via the Internet may be accessed at [www.cdph.ca.gov](http://www.cdph.ca.gov).

**TITLE 17. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**DIVISION 3.5. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**CALIFORNIA CODE OF REGULATIONS**

**TITLE 17. PUBLIC HEALTH**

**CHAPTER 2. PESTICIDE PROGRAM**

**SUB-CHAPTER 2. MEDICAL SUPERVISORS**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to commence a rulemaking that would define certain terms and establish a procedure for the registration and deregistration of medical supervisors for the California Medical Supervision Program (CMSP). This program, mandated by Health and Safety Code section 105206, requires the monitoring of blood cholinesterase levels in workers who handle or apply certain types of pesticides. Employers of pesticide workers must contract with a physician (referred to in the statute and regulation as a “medical supervisor”) registered with OEHHA.

The proposed regulation implements new provisions of Section 105206 that became effective on January 1, 2017.

**PUBLIC PROCEEDINGS**

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **March 12, 2018**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

We encourage you to submit comments in electronic form, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below. Hard-copy comments may be mailed, faxed, or delivered in person to the address below.

**Mailing**

**Address:** Ms. Monet Vela  
Office of Environmental Health  
Hazard Assessment  
P.O. Box 4010  
Sacramento, California  
95812-4010  
Fax: (916) 323-2610

**Street**

**Address:** 1001 I Street  
Sacramento, California 95814

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. Comments on all regulatory and other actions are routinely posted on our website. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters may request that OEHHA redact their home address or personal telephone numbers from comments prior to posting them. Names of commenters will not be redacted.

A public hearing on this proposed regulation will only be scheduled on request. To request a hearing, send an e-mail to Monet Vela at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or to the address listed above by no later than **February 26, 2018**, which is 15 days before the close of the comment period. If a hearing is scheduled, OEHHA will mail a notice of the hearing to the requester and interested parties on the OEHHA mailing list for regulatory public hearings. The notice will also be posted on the OEHHA website at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

If a hearing is scheduled and you have special accommodation or language needs, please contact Monet Vela at (916) 323-2517 or [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

**CONTACT**

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, in writing at the address given above, or via e-mail to [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or (916) 323-2517. Carl DeNigris will be a back-up contact. He can be contacted at [carl.denigris@oehha.ca.gov](mailto:carl.denigris@oehha.ca.gov) or (916) 322-5624.

**AUTHORITY**

Health and Safety Code section 105206.

REFERENCE

Health and Safety Code sections 105206, 105205, and 105200  
 Labor Code section 6409

INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW

Section 105206(f) of the California Health and Safety Code requires OEHHA to establish a procedure for registering and deregistering medical supervisors. By proposing this regulation, OEHHA will provide a clear process for medical supervisors and those employers contracting with them to comply with the relevant laws and regulations concerning this program. This regulation effectuates the purpose of Section 105206(f).

**Anticipated Benefits of the Proposed Regulation**

The health and welfare of California workers exposed to pesticides will benefit from the registration process proposed in this regulation. Employers are already responsible under existing law for providing medical supervision for their employees who regularly handle cholinesterase-inhibiting pesticides and for appropriately responding to any excessive exposure of their employees to those pesticides. This proposed regulation will provide the process by which medical supervisors can register or deregister with OEHHA, and facilitate OEHHA outreach and training for medical supervisors. This proposed regulation will also provide a process for OEHHA to maintain the website list of registered medical supervisors it developed and posted in January 2017, which will help employers to comply with the new requirements to only contract with registered medical supervisors and ultimately facilitate the protection of the health and safety of pesticide workers.

**Form Incorporated by Reference**

Medical Supervisor Registration Form (“registration”), October 30, 2017

NO INCONSISTENCY OR INCOMPATIBILITY  
 WITH EXISTING REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, OEHHA has concluded that these are the only regulations that concern public health Medical Supervisors Medical Program. OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations because it does not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

The proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

OEHHA does not anticipate any savings or increased costs for state agencies as a result of the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO  
 THE STATE

Because the CMSP does not apply to any federal agency, and no federal funding is involved in the implementation of CMSP, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs.

**Results of Economic Impact Assessment (Govt. Code section 11346.3(b))**

**Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California**

This regulatory action will not impact the creation or elimination of jobs or businesses within the State of California, nor will it impact the expansion of businesses within the State of California. The proposed regulation will simply provide an easy, efficient process for medical supervisors to register with OEHHA.

SIGNIFICANT STATEWIDE ADVERSE  
 ECONOMIC IMPACT DIRECTLY AFFECTING  
 BUSINESSES INCLUDING ABILITY TO  
 COMPETE AND EFFECT ON SMALL BUSINESS

Because the proposed regulation provides a simple procedure for registering and deregistering medical supervisors, thus implementing a statutory mandate, OEHHA does not anticipate that the regulation will have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulation has no impact on

small business because these will affect fewer than 100 physicians in the State of California, and the only action required of them is to annually fill out a form which is available online and send it to OEHHA. The registration form is very brief and easy to complete. It should therefore have no economic impact on these individuals.

**COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

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

**CONSIDERATION OF ALTERNATIVES**

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

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

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, which contains the text (express terms) of the regulation, and all the information upon which the regulation is based (rulemaking file). A copy of the Initial Statement of Reasons and the text of the regulation, as well as the complete rulemaking file, are available upon request from OEHHA at the address, e-mail address and telephone number indicated above. These documents are also posted on OEHHA's website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and

the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from OEHHA at the address, e-mail address and telephone number indicated above, and on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

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

**NOTICE OF PROPOSED RULEMAKING TITLE 27, CALIFORNIA CODE OF REGULATIONS**

**AMENDMENT TO SECTION 25805 SPECIFIC REGULATORY LEVELS: CHEMICALS CAUSING REPRODUCTIVE TOXICITY**

**METHAM SODIUM**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to establish a Proposition 65<sup>1</sup> Maximum Allowable Dose Level (MADL) for exposure to metham sodium of 290 micrograms per day by amending Section 25805(b) of Title 27 of the California Code of Regulations<sup>2</sup>.

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., referred to herein as "Proposition 65" or "The Act."

<sup>2</sup> All further references are to sections of Title 27, Cal. Code of Regs., unless otherwise indicated.



PUBLIC PROCEEDINGS

Any written comments concerning this proposed action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **March 12, 2018**, the designated close of the written comment period. All comments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include "METHAM SODIUM MADL" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

**Mailing**

**Address:** Ms. Esther Barajas-Ochoa  
Office of Environmental Health  
Hazard Assessment  
P.O. Box 4010, MS-12B  
Sacramento, CA 95812-4010  
Fax: (916) 323-2265

**Street**

**Address:** 1001 I Street  
Sacramento, California 95814

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. Comments on all regulatory and other actions are routinely posted on our website. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters should advise OEHHA when submitting documents to request redaction of home addresses or personal telephone numbers. Names of commenters will not be redacted.

A public hearing on this proposed regulatory amendment will be scheduled on request. To request a hearing send an e-mail to Esther Barajas-Ochoa at [esther.barajas-ochoa@oehha.ca.gov](mailto:esther.barajas-ochoa@oehha.ca.gov) or to the address listed above by no later than **February 26, 2018**, which is 15 days before the close of the comment period. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA web site at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

If a hearing is scheduled and you have special accommodation or language needs, please contact Esther Barajas-Ochoa at (916) 323-2068 or

[esther.barajas-ochoa@oehha.ca.gov](mailto:esther.barajas-ochoa@oehha.ca.gov) at least one week in advance of the hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Esther Barajas-Ochoa, in writing at the address given above, via e-mail to [esther.barajas-ochoa@oehha.ca.gov](mailto:esther.barajas-ochoa@oehha.ca.gov) or (916) 322-2068. Mario Fernandez will be a back-up contact. He can be contacted at (916) 323-2635 or [mario.fernandez@oehha.ca.gov](mailto:mario.fernandez@oehha.ca.gov).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the State to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual<sup>3</sup>. The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water<sup>4</sup>. Warnings are not required and the discharge prohibition does not apply when exposures are insignificant.<sup>5</sup> The MADL safe harbors provide guidance for determining when this is the case.<sup>6</sup>

Details on the basis for the proposed MADL for metham sodium are provided in the Initial Statement of Reasons for this regulatory amendment, which is available on request from Esther Barajas-Ochoa and is posted on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

This proposed regulation sets forth a MADL for adoption into Section 25805 that was derived using scientific methods outlined in Section 25803.

The proposed regulation would adopt the following MADL for exposure to metham sodium, by amending Section 25805 as follows (addition in underline):

(b) Chemical Name	Level
	(Micrograms/day)
<u>Metham sodium</u>	<u>290</u>

OEHHA reviewed the studies that provide information on the developmental toxicity of metham sodium

<sup>3</sup> Health and Safety Code section 25249.6.

<sup>4</sup> Health and Safety Code section 25249.5.

<sup>5</sup> Health and Safety Code sections 25249.9 and 25249.10.

<sup>6</sup> See Sections 25801 to 25805.

that were identified by US EPA<sup>7,8</sup> in the materials that formed the basis for listing metham sodium as causing reproductive toxicity<sup>9</sup>. These studies were reviewed as the possible basis for establishing a MADL for metham sodium. Additional relevant studies, conducted subsequent to those studies, were identified through literature searches, and OEHHA also reviewed these studies as the possible basis for the MADL for metham sodium<sup>10,11</sup>. The most sensitive studies deemed to be of sufficient quality have been selected to provide a basis for the MADL<sup>12</sup>.

<sup>7</sup> Hellwig, J. and B. Hildebrandt 1987. Report on the study on the prenatal toxicity of metam-sodium in rats after oral administration (gavage). BASF Aktiengesellschaft, D-6700 Ludwigshafen, West Germany, Reg. Doc. No. (BASF) 87/0128. A summary of the study is contained in the US Environmental Protection Agency (US EPA) Office of Pesticides and Toxic Substances Memorandum of August 16, 1991 from YM Ioannou to S Lewis, Subject: Metam Sodium — Review of Two Developmental Toxicity Studies in Rats and Rabbits Submitted by the Registrant.

<sup>8</sup> Hellwig, J. 1987. Report on the study of the prenatal toxicity of metam-sodium (aqueous solution) in rabbits after oral administration (gavage). Final Report Dated July 15, 1987. BASF Aktiengesellschaft, D6703 Limburgerhof, Federal Republic of Germany, Reg. Doc. (BASF) 87/0255. A summary of the study is contained in the US EPA Office of Pesticides and Toxic Substances Memorandum of August 16, 1991 from YM Ioannou to S Lewis, Subject: Metam Sodium — Review of Two Developmental Toxicity Studies in Rats and Rabbits Submitted by the Registrant.

<sup>9</sup> US Environmental Protection Agency (US EPA, 1994a) Proposed Rule: Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right to Know. Federal Register (59 FR 1788). US Environmental Protection Agency (US EPA, 1994b) Final Rule: Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right to Know. Federal Register (59(229) FR 61432).

<sup>10</sup> Tinston, D.J. 1993. Metam sodium developmental toxicity study in the rat. Zeneca Central Toxicology Laboratory, Alderley Park, Macclesfield, Cheshire, UK, Report No. CTL/P/4052. A summary of the study is contained in the US Environmental Protection Agency (US EPA) Office of Prevention, Pesticides and Toxic Substances, Memorandum from TF McMahon to L Deluise, Subject: Metam Sodium: Review of a Rat Developmental Toxicity Study Submitted by the Registrant under FIFRA Section 6(a)(2) and Review of a Rabbit Developmental Toxicity Study Submitted by the Registrant, December 8, 1993. [<https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/039003/039003-052.pdf>].

<sup>11</sup> Hodge, M.C.E. 1993. Metam Sodium: Developmental Toxicity Study in the Rabbit. Zeneca Central Toxicology Laboratory, Alderley Park, Macclesfield, Cheshire, UK, Report No. CTL/P/4035, Study No. RB0623, 9/6/93. A summary of the study is contained in the US EPA, Office of Prevention, Pesticides and Toxic Substances, Memorandum from TF McMahon to L Deluise, Subject: Metam Sodium: Review of a Rat Developmental Toxicity Study Submitted by the Registrant under FIFRA Section 6(a)(2) and Review of a Rabbit Developmental Toxicity Study Submitted by the Registrant, December 8, 1993. [<https://archive.epa.gov/pesticides/chemicalsearch/chemical/foia/web/pdf/039003/039003-052.pdf>].

<sup>12</sup> Section 25803(a)(5).

## ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

Some businesses may not be able to afford the expenses of establishing a MADL and therefore may face litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs. In addition, by providing a MADL, this regulatory proposal may encourage businesses to lower the amount of the listed chemical in their products to a level that does not require a warning. This in turn may reduce exposures to metham sodium and reduce resident, worker, and environmental exposures to chemicals that cause reproductive toxicity.

## NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

OEHHA has conducted an evaluation for whether there are any other regulations on this matter and has found that these are the only regulations dealing with Proposition 65 Maximum Allowable Dose Levels for metham sodium. Therefore, OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, state or local agencies and does not address compliance with any other law or regulation.

## RESULTS OF ECONOMIC IMPACT ANALYSIS (Gov. Code section 11346.3(b))

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

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people to chemicals that are known to cause cancer or reproductive harm. The law also prohibits the discharge of listed chemicals into sources of drinking water.

Because the proposed MADL provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, OEHHA has determined that the proposed regulatory action will not have any impact on the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

Benefits of this regulation include, sparing businesses the expense of calculating their own MADL and possibly enabling them to reduce or avoid litigation costs. By providing a MADL, it may encourage businesses to lower the amount of the listed chemical in their product to a level that does not cause a significant exposure, thereby providing a public health benefit to Californians. This in turn may reduce exposure to metham sodium and reduce resident, worker, and environmental exposures to chemicals that cause reproductive harm.

#### PEER REVIEW

This notice and the Initial Statement of Reasons will be provided to the Developmental and Reproductive Toxicant Identification Committee for scientific peer review and comment.

#### AUTHORITY

Health and Safety Code Section 25249.12.

#### REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

#### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 expressly<sup>13</sup> does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

#### COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 expressly<sup>14</sup> does not apply to any State agency, OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

#### EFFECT ON FEDERAL FUNDING TO THE STATE

Because Proposition 65 expressly<sup>15</sup> does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

#### EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

Because the proposed regulatory level provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

The proposed MADL was developed to provide compliance assistance for these businesses in determining whether a warning is required or a discharge is prohibited. The MADL provides a level of exposure at or below which a warning is not required and a discharge is not prohibited. Use of the MADL is not mandatory. The implementing regulations allow a business to calculate its own level and provide guidance in order to assist businesses in doing so.<sup>16</sup> However, conducting such a process can be expensive and time consuming, and the resulting levels may not be defensible in an enforcement action. OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed MADL will not impose any mandatory requirements on small

<sup>13</sup> See Health and Safety Code section 25249.11(b).

<sup>14</sup> See Health and Safety Code section 25249.11(b).

<sup>15</sup> See Health and Safety Code section 25249.11(b).

<sup>16</sup> Title 27, Cal. Code of Regs., section 25801 et seq.



business. Rather, the proposed MADL will provide compliance assistance for small businesses subject to the Act because it will help them determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act.

#### CONSIDERATION OF ALTERNATIVES

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

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, which contains the text of the regulation and the information upon which the regulation is based. A copy of the Initial Statement of Reasons, the text of the regulation and documents used by OEHHA to develop the proposed regulation are available upon request from OEHHA at the address, e-mail address and telephone number indicated above. These documents are also posted on OEHHA's website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

#### FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHA at the address, e-mail address and telephone number indicated above, and on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

#### TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0717-18

#### ITEM #1 CalWORKs Income or Household Composition Reporting

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on March 14, 2018, at the following address:

Office Building # 8  
744 P St., Room 103  
Sacramento, California

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on March 14, 2018.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at

<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

Office of Regulations Development  
 California Department of Social Services  
 744 P Street, MS 8-4-192  
 Sacramento, California 95814  
 TELEPHONE: (916) 657-2586  
 FACSIMILE: (916) 654-3286  
 E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

**CHAPTERS**

Manual of Policies and Procedures Chapter 44-300

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Assembly Bill (AB) 2062 prohibits counties from assessing an overpayment (OP) for a California Work Opportunity and Responsibility to Kids (CalWORKs) program recipient for the month following a change in income if the recipient reported the change and the county was unable, before the first of the month following the change in income, to provide 10-day notice of the termination or reduction in benefits. For CalWORKs cases in which only the child or children in the household are aided, AB 2062 additionally prohibits counties from assessing an OP for a change in household composition if the recipient reported the change and the county was unable, before the first of the month following the change in income, to provide 10-day notice of the termination or reduction of benefits. Note: legislative deadline is for the regulations to be effective no later than July 1, 2018.

These regulations add to the following CalWORKs policy areas: reporting changes affecting eligibility, grant determinations, county actions, and overpayments due to the inability to provide 10-day notice of adverse action. These regulations amend the Manual of Policies and Procedures (MPP) sections 44-316.311 and 44-350.5.

**Benefits:**

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The amendments to the CalWORKs regulations as required by AB 2062 will benefit the health and welfare of CalWORKs recipients by eliminating a rule that currently results in unavoidable debt accrual for recipients. This change may positively impact these clients' lives and could help them make the move towards self-sufficiency more successfully. Furthermore, the regulation changes required by AB 2062 removed a disincentive for CalWORKs clients to find employment as previous law required a county to issue an OP when a CalWORKs client started working and reported the change in income in a timely notice but the county was unable to issue a 10-day notice. There is no effect on worker safety, and the state's environment as the result of the proposed regulations because the regulations only affect individuals participating in the CalWORKs program.

**Consistency:**

The CDSS has found these regulation amendments neither inconsistent nor incompatible with existing regulations because research was done by the program to determine that these are non-duplicating and non-repetitive regulations, and that they do not negate or overlap other existing regulation or law. Further, these regulations are not duplicative of any federal law.

**Incorporation by Reference:**

This regulation action does not incorporate by reference any form or document.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: None. No general fund costs are included in the Budget.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500-17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: TANF funds of \$195,000 fiscal year (FY) 2016-17 and \$217,000 FY 2017-18.

**LOCAL MANDATE STATEMENT**

These regulations do impose a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs under Section 17500 et seq. of the Government Code, because these regulations only make changes to an existing administrative process and system configuration updates.

**STATEMENT OF SIGNIFICANT ADVERSE  
ECONOMIC IMPACT ON BUSINESS**

The CDSS has made an initial determination that the proposed action 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. This determination was made based on the fact that these regulation changes are only applicable to CWDs.

**STATEMENT OF POTENTIAL COST IMPACT ON  
PRIVATE PERSONS OR BUSINESSES**

The CDSS 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 amendments to the CalWORKs regulations as required by AB 2062 will benefit the health and welfare of CalWORKs recipients by eliminating a rule that currently results in unavoidable debt accrual for recipients. This change may positively impact these clients' lives and could help them make the move towards self-sufficiency more successfully. Furthermore, the regulation changes required by AB 2062 removed a disincentive for CalWORKs clients to find employment as previous law required a county to issue an OP when a CalWORKs client started working and reported the change in income in a timely notice but the county was unable to issue a 10-day notice.

**SMALL BUSINESS IMPACT STATEMENT**

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to current clients and assistance units of the CalWORKs program and the state and county agencies that offer it.

**STATEMENT OF RESULTS OF ECONOMIC  
IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: The amendments to the CalWORKs regulations as required by AB 2062 will benefit the health and welfare of CalWORKs recipients by eliminating a rule that currently results in un-

avoidable debt accrual for recipients. This change may positively impact these clients' lives and could help them make the move towards self-sufficiency more successfully. Furthermore, the regulation changes required by AB 2062 removed a disincentive for CalWORKs clients to find employment as previous law required a county to issue an OP when a CalWORKs client started working and reported the change in income in a timely notice but the county was unable to issue a 10-day notice. There is no effect on worker safety, and the state's environment as the result of the proposed regulations because the regulations only affect individuals participating in the CalWORKs program.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

In developing the regulatory action, CDSS considered the following alternatives with the following results: No alternatives have been presented for review.

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

**AUTHORITY AND REFERENCE CITATIONS**

Authority: Sections 10553, 10554, and 11369, Welfare and Institutions Code;

Reference: Sections 11265.3 and 11265.47, Welfare and Institutions Code.

**CDSS REPRESENTATIVE REGARDING THE  
RULEMAKING PROCESS OF THE  
PROPOSED REGULATION**

Contact  
Person: Kenneth Jennings  
(916) 657-2586  
  
Backup: Sylvester Okeke  
(916) 657-2586



**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION REQUEST  
FOR**

LandSmart On-the-Ground for Sonoma Creek —  
Vineyard Project 1  
(Tracking Number: 1653-2018-011-001-R3)  
Sonoma County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on January 8, 2018, that the Sonoma Resource Conservation District (District) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project seeks to reduce sediment input into Sonoma Creek by implementing a series of stream crossing modifications. The project includes modification of three existing stream crossings and replacing an existing 12-inch culvert with an 18-inch culvert at a fourth crossing. The proposed project will be carried out on an unnamed tributary of Sonoma Creek, located on the MacLeod Family Vineyard, 740 Indian Springs Road, Kenwood, Sonoma County, California.

On July 11, 2017, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the LandSmart On-the-Ground for Sonoma Creek — Vineyard Project 1. The Regional Water Board determined that the Project, as described in the NOI, met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (CIWQS Place ID 836712) for coverage under the General 401 Order on September 22, 2017.

The District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the District will have the opportunity to submit under Fish and Game Code section 1652.

**DEPARTMENT OF FISH AND WILDLIFE**

**PROPOSED RESEARCH ON FULLY  
PROTECTED SPECIES**

Research on the San Francisco Garter Snake

The Department of Fish and Wildlife (Department) received a proposal on August 21, 2017, from William Stagnaro, on behalf of BioMaAS Inc., requesting authorization to take the San Francisco garter snake (*Thamnophis sirtalis tetrataenia*) ('snake'), for scientific research purposes, consistent with conservation and recovery of the species. The snake is a Fully Protected reptile, and is also listed as Endangered under the California Endangered Species Act and Endangered under the federal Endangered Species Act.

Mr. Stagnaro is requesting authorization to conduct surveys for the snake's presence, to monitor existing populations, and to salvage dead specimens throughout the species' range in San Mateo, San Francisco, and Santa Cruz Counties, in accordance with methods approved by the Department and the U.S. Fish and Wildlife Service (Service). The proposed research and recovery activities include surveys and habitat assessments, capture of wild snakes by hand, hand-held reptile stick, and by terrestrial trap lines (i.e., funnel traps and drift fencing), taking of body measurements and photographs, and release. If found, snake carcasses may be salvaged, and the remains donated to a public scientific institution as designated by the Department and the Service. Mr. Stagnaro, and any others working under his permit that are deemed qualified by the Department for this purpose, would conduct the activities described above, in order to provide population and distribution information and assess efficacy of recovery efforts. No adverse effects on individual snakes or snake populations are expected.

The Department intends to issue, under specified conditions, a Memorandum of Understanding (MOU) to authorize qualified professional wildlife researchers, with Mr. Stagnaro as the Principal Investigator, to carry out the proposed activities. The researchers are also required to have a valid federal recovery permit for the snake, and a scientific collecting permit (SCP) to take other terrestrial species in California.

Pursuant to California Fish and Game Code (FGC) Section 5050(a)(1), the Department may authorize take

of Fully Protected reptile species after a 30–day notice period has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 5050 for take of Fully Protected reptiles, it would issue the MOU on or after February 26, 2018, for an initial and renewable term of up to, but not to exceed, four years.

Contact: Laura Patterson, [Laura.Patterson@wildlife.ca.gov](mailto:Laura.Patterson@wildlife.ca.gov), 916–341–6981.

**DEPARTMENT OF JUSTICE**

**NOTICE OF RESCHEDULED PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD**

Notice is hereby given that the Department of Justice (Department) has rescheduled the public hearing regarding the Handguns and Firearm Safety Device Testing regulations from the originally noticed date and time of February 26, 2018 at 10:00 a.m.

Oral comments on the proposed action will be taken at a public hearing from 10:00 a.m.–12:00 noon on March 12, 2018, at the following location:

Resources Building Auditorium  
1416 9th Street  
Sacramento, California 95814

The auditorium is wheelchair accessible.

At the hearing, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons making oral comments at the hearing also submit a written copy of their testimony.

Please direct inquiries concerning the hearing to:

Jacqueline Dosch  
Department of Justice  
P.O. Box 160487  
Sacramento, CA 95816–0487  
Email: [handgunsFSDtesting@doj.ca.gov](mailto:handgunsFSDtesting@doj.ca.gov)  
Fax: (916) 227–5419

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period has been extended and will now close at 5:00 p.m. on March 12, 2018. Only comments received by that time will be considered.

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

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

**(PROPOSITION 65)**

**NOTICE OF INTENT TO LIST: TRIM®VX**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list *TRIM® VX* as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup>. This action is being proposed under the authoritative bodies listing mechanism<sup>2</sup>.

Chemical	Reference	Occurrence and Uses
<i>TRIM® VX</i>	NTP (2016)	TRIM® VX is a metal–working fluid used as a lubricant and coolant liquid for cleaning tools and parts during cutting, drilling, milling, and grinding.

**Background on listing via the authoritative bodies mechanism:** A chemical must be listed under the Proposition 65 regulations when two conditions are met:

- 1) An authoritative body formally identifies the chemical as causing cancer (Section 25306(d)<sup>3</sup>).
- 2) The evidence considered by the authoritative body meets the sufficiency criteria contained in the regulations (Section 25306(e)).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Section 25306(f)).

The National Toxicology Program (NTP) is one of several institutions designated as authoritative for the

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

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

<sup>3</sup> All referenced sections are from Title 27 of the Cal. Code of Regulations.

identification of chemicals as causing cancer (Section 25306(m)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in the regulations.

**OEHHA's determination:** *TRIM® VX* meets the criteria for listing as known to the state to cause cancer under Proposition 65, based on findings of the NTP (2016).

**Formal identification and sufficiency of evidence for *TRIM® VX*:** In 2016, NTP published a report on *TRIM® VX*, entitled *Toxicology and Carcinogenesis Studies of TRIM® VX in Wistar Han [CrI:WI (Han)] Rats and B6C3F1/N Mice (Inhalation Studies)*, that concludes that the chemical causes cancer (NTP, 2016). This report satisfies the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations.

OEHHA is relying on the NTP's discussion of data and conclusions in the report that *TRIM® VX* causes cancer. NTP (2016) states in the Conclusion section of the report's Summary (page 6):

"We conclude that exposure to aerosols of TRIM VX caused tumors of the lung in male and female mice. . ."

The NTP (2016) report states in the Conclusion section of the report's Abstract and main body of the report (pages 9 and 71, respectively):

"Under the conditions of these 2-year inhalation studies. . . There was *clear evidence of carcinogenic activity* of TRIM VX in male B6C3F1/N mice based on the increased combined incidences of alveolar/bronchiolar adenoma or carcinoma of the lung."

"There was *clear evidence of carcinogenic activity* of TRIM VX in female B6C3F1/N mice based on the increased combined incidences of alveolar/bronchiolar adenoma or carcinoma (primarily carcinoma) of the lung." (Emphasis in original)

Thus, NTP (2016) found that *TRIM® VX* causes increased incidences of malignant and benign alveolar/bronchiolar tumors in male and female mice.

**Request for comments:** OEHHA is requesting comments as to whether *TRIM® VX* meets the criteria set forth in the Proposition 65 regulations for authoritative bodies listings. In order to be considered, **OEHHA must receive comments by 5:00 p.m. on February 26, 2018.** Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Mailing

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

Fax: (916) 323-2265

Street  
Address: 1001 I Street  
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters should advise OEHHA when submitting documents to request redaction of home addresses or personal telephone numbers. Electronic files submitted should not have any form of encryption.

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

**References**

National Toxicology Program (NTP, 2016). NTP Technical Report on the *Toxicology and Carcinogenesis Studies of TRIM® VX in Wistar Han [CrI:WI (Han)] Rats and B6C3F1/N Mice (Inhalation Studies)*. Technical Report Series No. 591. US Department of Health and Human Services, NTP, Research Triangle Park, NC. Available at [https://ntp.niehs.nih.gov/ntp/htdocs/lt\\_rpts/tr591\\_508.pdf](https://ntp.niehs.nih.gov/ntp/htdocs/lt_rpts/tr591_508.pdf).

**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# 2017-1205-03  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS  
Engagement Record and Reference Forms

This change without regulatory effect filing by the Board for Professional Engineers, Land Surveyors, and Geologists amends sections 427.10 and 427.30 in title



16 of the California Code of Regulations to update the revision dates for four forms incorporated by reference. The Board is revising the forms to update Board contact information and outdated Agency information, and remove outdated regulatory language previously included for informational purposes.

Title 16  
 AMEND: 427.10, 427.30  
 Filed 01/11/2018  
 Agency Contact: Jeff Alameida (916) 263-2269

File# 2017-1205-04  
 BOARD FOR PROFESSIONAL ENGINEERS,  
 LAND SURVEYORS AND GEOLOGISTS  
 Delinquent Reinstatement

This change without regulatory effect filing by the Board for Professional Engineers, Land Surveyors, and Geologists amends section 420.1 and repeals section 424.5 in title 16 of the California Code of Regulations regarding reinstatement requirements in order to align with changes to the Business and Professions Code contained in Senate Bill 1165 (Stats. 2016, ch. 236).

Title 16  
 AMEND: 420.1  
 REPEAL: 424.5  
 Filed 01/17/2018  
 Agency Contact: Jeff Alameida (916) 263-2269

File# 2017-1128-02  
 BOARD OF EDUCATION  
 Instructional Materials Adoptions

This rulemaking action by the State Board of Education amends section 9517.3 of title 5 of the California Code of Regulations to establish requirements for participation in all future adoptions of instructional materials in accordance with section 60213 of the Education Code.

Title 5  
 AMEND: 9517.3  
 Filed 01/11/2018  
 Effective 01/11/2018  
 Agency Contact: Hillary Wirick (916) 319-0860

File# 2017-1201-03  
 BOARD OF PHARMACY  
 Disciplinary Guidelines

In this resubmitted regular rulemaking action, the Board amends its “Manual of Disciplinary Guidelines and Model Disciplinary Orders,” which is incorporated by reference in section 1760, Title 16, of the California Code of Regulations. The amendments re-organize the Disciplinary Guidelines, incorporate changes that have

occurred in pharmacy laws, and establish new terms and conditions of probation.

Title 16  
 AMEND: 1760  
 Filed 01/17/2018  
 Effective 04/01/2018  
 Agency Contact: Anne Sodergren (916) 574-7910

File# 2017-1201-05  
 CALIFORNIA GAMBLING CONTROL  
 COMMISSION  
 Accounting Reference Correction

The California Gambling Control Commission submitted this action to make changes without regulatory effect pursuant to California Code of Regulations, title 1, section 100. The action updates cross-references in sections 12386(a)(2)(G), 12391(a)(4), and 12566(b)(10) and (11) and (c)(13) and (14) in title 4 of the California Code of Regulations.

Title 4  
 AMEND: 12386, 12391, 12566  
 Filed 01/17/2018  
 Agency Contact: Josh Rosenstein (916) 274-5823

File# 2017-1130-02  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Huanglongbing (HLB) Disease Interior Quarantine

This timely Certificate of Compliance by the Department of Food and Agriculture makes permanent the expansion of the quarantine area for Huanglongbing (“HLB”) disease into the Rosemead area of Los Angeles County. The quarantine area is being expanded by approximately 11 square miles in response to the confirmation on June 23, 2017, of the presence of HLB from suspect citrus tissue samples collected in the Rosemead area. This action provides authority for the state to perform quarantine activities against HLB within this additional area.

Title 3  
 AMEND: 3439(b)  
 Filed 01/16/2018  
 Effective 01/16/2018  
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1204-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Peach Fruit Fly Interior Quarantine and Eradication

This certificate of compliance action makes permanent the emergency action that supplanted the existing host list for the peach fruit fly, *Bactrocera zonata*, with the host list recently revised and disseminated by the United States Department of Agriculture. (See OAL File No. 2017-0720-04E.)

Title 3  
 AMEND: 3424(c), 3591.12  
 Filed 01/16/2018  
 Effective 01/16/2018  
 Agency Contact: Rachel Avila (916) 403-6813

Title 10  
 AMEND: 2498.5  
 Filed 01/17/2018  
 Effective 01/17/2018  
 Agency Contact: Michael Riordan (415) 538-4226

File# 2017-1213-01  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Huanglongbing (HLB) Disease Interior Quarantine

This timely Certificate of Compliance by the Department of Food and Agriculture makes permanent the creation of a quarantine area for Huanglongbing (“HLB”) disease in the Crestmore Heights and Riverside areas of Riverside and San Bernardino Counties. The quarantine area is approximately 94 square miles and was created in response to the confirmation on July 25, 2017, of the presence of HLB from suspect citrus tissue samples collected in the Riverside area. This action provides authority for the state to perform quarantine activities against HLB within this area.

Title 3  
 AMEND: 3439(b)  
 Filed 01/16/2018  
 Effective 01/16/2018  
 Agency Contact: Rachel Avila (916) 403-6813

File# 2017-1207-02  
 DEPARTMENT OF INSURANCE  
 Low Cost Auto Plan of Operations Rate Filing (2018)

This filing with the Secretary of State and the printing in the California Code of Regulations (CCR) of an amendment to section 2498.6 of Title 10 of the CCR concerns new rates and surcharges for the California Automobile Assigned Risk Plan.

Title 10  
 AMEND: 2498.6  
 Filed 01/17/2018  
 Effective 01/17/2018  
 Agency Contact: Michael Riordan (415) 538-4226

File# 2017-1207-05  
 DEPARTMENT OF INSURANCE  
 Revisions to California Automobile Assigned Risk Plan (CAARP) Simplified Manual of Rules and Rates

This is a filing by the Department of Insurance pursuant to Government Code section 11343.8 concerning the amendment of section 2498.5 of Title 10 of the California Code of Regulations. The amended section incorporates by reference an updated version of the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates containing amendments to Rules 2, 8, 20, 22, 25, 26, 51, and 94.

File# 2017-1130-01  
 DEPARTMENT OF JUSTICE  
 Update of Forms

In this change without a regulatory effect, the Department of Justice (Department) is amending various sections in title 11 of the California Code of Regulations to change its telephone number and remove the facsimile number on the forms incorporated by reference.

Title 11  
 AMEND: 2084, 2086, 2088, 2089, 2090, 2091, 2092, 2095, 2096, 2107, 2109  
 Filed 01/16/2018  
 Agency Contact: Melan Noble (916) 210-7011

File# 2017-1130-05  
 DEPARTMENT OF REHABILITATION  
 Collection and Release of Personal Information

In this action, the Department of Rehabilitation (Department) amends section 7140.5 of Title 9 of the California Code of Regulations concerning requirements for the collection and release of personal information from and about individuals who are applying for or receiving services from the Department.

Title 9  
 AMEND: 7140.5  
 Filed 01/16/2018  
 Effective 01/16/2018  
 Agency Contact: Shelly Risbry (916) 558-5498

File# 2017-1201-01  
 DEPARTMENT OF SOCIAL SERVICES  
 Department of Social Services

This action without regulatory effect by the Department of Social Services deletes the requirement that the Social Security Number of a license-exempt child care provider must be on file with the county or contractor paying for child care services, renumbers the remaining subsections accordingly, and updates reference citations.

Title MPP  
 AMEND: 47-260  
 Filed 01/17/2018  
 Agency Contact: Oliver Chu (916) 657-3588

File# 2017-1201-02  
 DEPARTMENT OF SOCIAL SERVICES  
 Service Dog Definition

The Department of Social Services submitted this action to make changes without regulatory effect to Manual of Policies and Procedures section 46–430.1(s)(2), pursuant to California Code of Regulations, title 1, section 100. The proposed action amends the definition of “service dog” so that it is consistent with the federal definition for a service dog located in 28 Code of Federal Regulations part 35.104.

Title MPP  
AMEND: 46–430  
Filed 01/17/2018  
Agency Contact: Kenneth Jennings (916) 657–2586

File# 2018–0102–02  
DEPARTMENT OF STATE HOSPITALS  
Electronic Patient Property

The Department of State Hospitals is amending section 4350 of title 9 of the California Code of Regulations to address the possession, viewing, and distribution of illicit materials by removing digital memory storage, other means of memory storage, specified digital media players, and digital media burners from the personal possession of patients. Additionally, commercially produced CDs and DVDs and players without access to the internet will be permitted, but those that are not commercially produced and game systems with access to the internet will be prohibited. Finally, the amendments allow hospitals to provide digital media on a supervised basis.

Title 9  
AMEND: 4350  
Filed 01/12/2018  
Effective 01/12/2018  
Agency Contact: Amy Whiting (916) 651–3247

File# 2017–1128–01  
DIVISION OF WORKERS’ COMPENSATION  
Medical Treatment Utilization Schedule (MTUS)

This file and print action by the Division of Workers’ Compensation within the Department of Industrial Relations adopts three sections and amends sixteen sections in title 8 of the California Code of Regulations to make evidence based updates to the medical treatment utilization schedule (MTUS). This action is exempt from the rulemaking provisions of the Administrative

Procedure Act and OAL review pursuant to Labor Code section 5307.27(a).

Title 8  
ADOPT: 9792.23.10, 9792.23.11, 9792.23.12  
AMEND: 9792.20, 9792.22, 9792.23, 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24.1, 9792.24.2, 9792.24.3, 9792.24.4  
Filed 01/11/2018  
Effective 12/01/2017  
Agency Contact: John Cortes (510) 286–7100

File# 2017–1129–02  
OFFICE OF STATEWIDE HEALTH PLANNING  
AND DEVELOPMENT  
Amendments to Patient Data Reporting Requirements

The Office of Statewide Health Planning and Development filed this action to amend six sections, adopt one section, and amend two incorporated by reference documents under title 22 of the California Code of Regulations. The amended and adopted sections and the amended incorporated by reference documents update patient data reporting requirements of hospitals and freestanding ambulatory surgery clinics licensed by the Department of Public Health primarily to align state regulations with national standards, although a few of the amended and adopted provisions further implement Health and Safety Code statutes that require the patient data reporting.

Title 22  
ADOPT: 97268 AMEND: 97215, 97218, 97219, 97253, 97254, 97255  
Filed 01/11/2018  
Effective 04/01/2018  
Agency Contact:  
Kimberly Gustafson (916) 326–3939

File# 2017–1128–03  
SECRETARY OF STATE  
Ballot Printing

This action adopts, amends, and repeals regulations relating to the manufacture, finishing, quality standards, distribution, and inventory control of ballot cards and ballot on demand systems including, inter alia, certifying ballot on demand systems, clarifying provisions related to ballot on demand users, creating and clarifying regulations in printing processes, and removing obsolete regulations.



**Title 2**

ADOPT: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20222, 20223, 20224, 20228, 20235, 20260, 20261, 20262, 20263, 20264, 20265, 20266, 20267, 20268, 20270, 20271, 20272, 20273, 20274, 20275, 20276, 20277, 20278, 20279, 20280

AMEND: 20200, 20201, 20213 (Renumbered 20215), 20214 (Renumbered 20216), 20216 (Renumbered 20217), 20217 (Renumbered 20218), 20220, 20220.5 (Renumbered 20260), 20221, 20222 (Renumbered 20225), 20223 (Renumbered 20226), 20224 (Renumbered 20232), 20227, 20225 (Renumbered 20230), 20226 (Renumbered 20229), 20230 (Renumbered 20231), 20235 (Renumbered 20233), 20236 (Renumbered 20234), 20247 (Renumbered 20236), 20249.5 (Renumbered 20237), 20250 (Renumbered 20238), 20255 (Renumbered 20250), 20258 (Renumbered 20240), 20260 (Renumbered 20241), 20261 (Renumbered 20242), 20265 (Renumbered 20251), 20266 (Renumbered 20252), 20267 (Renumbered 20253)

REPEAL: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20215, 20245, 20249, 20251, 20252, 20253, 20254, 20256, 20257, 20259, 20262

Filed 01/11/2018

Effective 01/11/2018

Agency Contact:

Rodney Rodriguez (916) 695-1447

File# 2017-1130-06

SECRETARY OF STATE

Vote-By-Mail Ballot Drop Boxes and Vote-By-Mail Drop Off Locations

This regulatory action by the Secretary of State adopts sections in title 2 of the CCR regarding vote by mail ballot drop boxes and drop off locations. This rule-making implements Elections Code section 3025, by establishing requirements for the design of drop boxes, drop-off locations, security measures, times, chain of custody of ballots, and other related matters.

**Title 2**

ADOPT: 20130, 20131, 20132, 20133, 20134, 20135, 20136, 20137, 20138

Filed 01/11/2018

Effective 01/11/2018

Agency Contact: Robbie Anderson (916) 657-2166

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN August 16, 2017 TO  
January 17, 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**

01/11/18 ADOPT: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20213, 20214, 20222, 20223, 20224, 20228, 20235, 20260, 20261, 20262, 20263, 20264, 20265, 20266, 20267, 20268, 20270, 20271, 20272, 20273, 20274, 20275, 20276, 20277, 20278, 20279, 20280 AMEND: 20200, 20201, 20213 (Renumbered 20215), 20214 (Renumbered 20216), 20216 (Renumbered 20217), 20217 (Renumbered 20218), 20220, 20220.5 (Renumbered 20260), 20221, 20222 (Renumbered 20225), 20223 (Renumbered 20226), 20224 (Renumbered 20232), 20227, 20225 (Renumbered 20230), 20226 (Renumbered 20229), 20230 (Renumbered 20231), 20235 (Renumbered 20233), 20236 (Renumbered 20234), 20247 (Renumbered 20236), 20249.5 (Renumbered 20237), 20250 (Renumbered 20238), 20255 (Renumbered 20250), 20258 (Renumbered 20240), 20260 (Renumbered 20241), 20261 (Renumbered 20242), 20265 (Renumbered 20251), 20266 (Renumbered 20252), 20267 (Renumbered 20253) REPEAL: 20202, 20203, 20204, 20205, 20206, 20207, 20208, 20209, 20210, 20211, 20212, 20215, 20245, 20249, 20251, 20252,

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 4-Z**

	20253, 20254, 20256, 20257, 20259, 20262	12/13/17	AMEND: 3435(d)
01/11/18	ADOPT: 20130, 20131, 20132, 20133, 20134, 20135, 20136, 20137, 20138	12/12/17	ADOPT: 1391.7 AMEND: 1391, 1391.1, 1391.3
01/08/18	ADOPT: 20140, 20141, 20142, 20143, 20144	12/11/17	AMEND: 3439(b)
12/20/17	AMEND: 1859.76	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
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	12/07/17	AMEND: 3439(b)
10/26/17	ADOPT: 571.1	12/05/17	AMEND: 3591.5
10/23/17	AMEND: 11024	11/28/17	AMEND: 3406(c), 3591.5(b)
10/23/17	AMEND: 59740	11/22/17	AMEND: 3435(b)
10/10/17	AMEND: 10500	11/21/17	AMEND: 3435(b)
10/09/17	AMEND: 59780	11/21/17	REPEAL: 1408.22
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	11/20/17	AMEND: 3591.15
		11/20/17	AMEND: 3435(b)
		11/15/17	AMEND: 6728
		11/09/17	AMEND: 3435(b)
		11/07/17	ADOPT: 6690, 6691, 6692
		11/07/17	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856
09/22/17	AMEND: 1859.2, 1859.81	11/06/17	AMEND: 3435(b)
09/21/17	AMEND: 59620	11/02/17	AMEND: 3435(b)
09/20/17	ADOPT: 1859.90.5 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.4	10/23/17	AMEND: 3435(b)
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	10/16/17	AMEND: 3591.15
		10/16/17	AMEND: 3439(b)
		09/28/17	AMEND: 3439(b)
		09/28/17	AMEND: 3435(b)
		09/27/17	AMEND: 3435(b)
		09/21/17	AMEND: 1430.142
		09/19/17	AMEND: 3406(c), 3591.5(b)
		09/14/17	AMEND: 3439
08/30/17	AMEND: 59590	09/12/17	AMEND: 3435(b)
08/16/17	AMEND: 604	09/07/17	AMEND: 3435(b)
		09/05/17	AMEND: 3435(b)
		09/05/17	AMEND: 3435(b)
		08/31/17	AMEND: 3439(b)
		08/30/17	AMEND: 2320.1
		08/22/17	AMEND: 3439
		08/17/17	AMEND: 3435(b)
		08/16/17	AMEND: 3435(b)
		08/16/17	AMEND: 3439(b)
<b>Title 3</b>		<b>Title 4</b>	
01/16/18	AMEND: 3439(b)	01/17/18	AMEND: 12386, 12391, 12566
01/16/18	AMEND: 3424(c), 3591.12	01/09/18	ADOPT: 1597.5, 1597.6 AMEND: 1554, 1581.1, 1588, 1597, 1853
01/16/18	AMEND: 3439(b)		
01/03/18	AMEND: 3435(b)	01/08/18	AMEND: 12120, 12303, 12362
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)		

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 4-Z**

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  
 11/02/17 AMEND: 10170.2, 10170.3, 10170.4, 10170.9, 10170.10  
 10/31/17 AMEND: 711  
 10/31/17 AMEND: 10031, 10032, 10033, 10035, 10036  
 10/18/17 ADOPT: 12250, 12260, 12261, 12262, 12263, 12264, 12285, 12287, 12290 AMEND: 12003, 12200, 12200.7, 12200.9, 12200.10A, 12200.11, 12200.18, 12220, 12220.18, 12560, 12562 REPEAL: 12200.13, 12200.16, 12200.21, 12220.13, 12220.16, 12220.21  
 10/13/17 ADOPT: 5145, 5146, 5233 AMEND: 5000, 5020, 5031, 5033, 5050, 5051, 5054, 5061, 5062, 5063, 5106, 5144, 5170, 5191, 5192, 5194, 5200, 5220, 5230, 5240, 5250, 5255, 5258, 5260, 5300, 5342, 5350, 5370, 5400, 5450, 5560, 5600 REPEAL: 5221  
 10/09/17 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100  
 10/05/17 AMEND: 1632  
 09/07/17 AMEND: 12101, 12200, 12200.6, 12200.9, 12200.13, 12202, 12220.6, 12222, 12309, 12342, 12354, 12359, 12464, 12465, Appendix A to Chapter 7 of Division 18, 12492  
 09/05/17 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.14, 10091.15  
 08/24/17 AMEND: 10170.3, 10170.4, 10170.8, 10170.9, 10170.10, 10170.14

**Title 5**

01/11/18 AMEND: 9517.3  
 11/28/17 AMEND: 9510, 9512, 9513, 9518, 9529, 9810  
 11/27/17 AMEND: 19810  
 11/21/17 ADOPT: 71396  
 11/16/17 ADOPT: 11526 AMEND: 11520, 11524, 11525  
 11/16/17 ADOPT: 11534.1 AMEND: 11530, 11533, 11534  
 11/13/17 REPEAL: 620, 621, 622, 623, 624, 625, 626, 627  
 11/07/17 ADOPT: 9517.1  
 10/18/17 AMEND: 851, 853.5, 853.7, 855, 856  
 09/12/17 AMEND: 18117, 18246  
 09/01/17 AMEND: 40756.1, 40805.1  
 09/01/17 AMEND: 40500  
 08/31/17 REPEAL: 40530, 40531, 40532  
 08/31/17 ADOPT: 40050.4, 40517, 40518, 41023  
 08/22/17 AMEND: 27300, 27301, 27400, 27401, 27600, 27601, 27602  
 08/17/17 AMEND: 19810

**Title 8**

01/11/18 ADOPT: 9792.23.10, 9792.23.11, 9792.23.12 AMEND: 9792.20, 9792.22, 9792.23, 9792.23.1, 9792.23.2, 9792.23.3, 9792.23.4, 9792.23.5, 9792.23.6, 9792.23.7, 9792.23.8, 9792.23.9, 9792.24.1, 9792.24.2, 9792.24.3, 9792.24.4  
 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)



**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 4-Z**

09/26/17	AMEND: 5189.1(t)(2)	12/22/17	ADOPT: 17.00, 17.02, 17.04, 17.06
09/14/17	AMEND: 336		AMEND: 15.00, 15.01
<b>Title 9</b>			
01/16/18	AMEND: 7140.5	12/07/17	AMEND: 1152.6.1
01/12/18	AMEND: 4350	11/20/17	ADOPT: 160.02, 160.04, 106.06, 161.00, 161.02, 161.04, 161.06 AMEND: 160.00
12/05/17	AMEND: 400	11/16/17	AMEND: 1157.21
11/22/17	ADOPT: 4700, 4710, 4711, 4712, 4713, 4714, 4715, 4716, 4717	11/15/17	AMEND: 180.00
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	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
08/17/17	ADOPT: 4020, 4020.1	11/13/17	AMEND: 225.00, 225.03, 225.09, 225.12, 225.15, 225.30, 225.35, 225.39, 225.42
<b>Title 10</b>			
01/17/18	AMEND: 2498.6	10/30/17	AMEND: 423.00
01/17/18	AMEND: 2498.5	10/25/17	AMEND: 26.01, 26.02
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	10/23/17	AMEND: 1153
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, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622	10/16/17	ADOPT: 2208, 2208.1, 2208.2 AMEND: 1956.8
10/05/17	ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007	09/11/17	AMEND: 1
09/21/17	AMEND: 2498.6	09/07/17	AMEND: 430.00, 431.00
09/21/17	ADOPT: 6854, 6856, 6864	<b>Title 14</b>	
09/20/17	AMEND: 2498.5	01/03/18	AMEND: 18943, 18944, 18945.1
09/20/17	AMEND: 6902, 6903, 6904	01/02/18	ADOPT: 722
08/21/17	ADOPT: 9000, 9001, 9002, 9003, 9004, 9005, 9006, 9007	12/27/17	AMEND: 699.5
<b>Title 11</b>			
01/16/18	AMEND: 2084, 2086, 2088, 2089, 2090, 2091, 2092, 2095, 2096, 2107, 2109	12/21/17	ADOPT: 128
01/02/18	ADOPT: 4260, 4261, 4262, 4263, 4264	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,
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		
<b>Title 13</b>			
12/28/17	ADOPT: 1294		

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 4-Z**

	963.9.1, 969, 969.1, 969.2, 969.3, 969.4, 969.5, 969.6, 969.7, 1032.10		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.
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,		
		10/24/17	AMEND: 25231
		10/04/17	AMEND: 18419
		09/29/17	AMEND: 29.80, 122
		09/26/17	AMEND: 300
		09/19/17	AMEND: 1094.16
		09/11/17	ADOPT: 4325
		09/07/17	AMEND: 913, 913.1, 913.2, 913.3, 913.4, 913.5, 913.6, 913.7, 913.8, 913.10, 913.11, 914, 914.1, 914.2, 914.3, 914.5, 914.6, 914.7, 914.8, 914.9, 915, 915.1, 915.2, 915.3, 915.4, 916, 916.1, 916.2, 916.3, 916.4, 916.5, 916.6, 916.7, 916.8, 916.9, 916.10, 916.11, 916.11.1, 916.12, 953.7, 953.8, 953.9, 953.12, 954.4, 1038
		09/05/17	AMEND: 29.15
		08/31/17	AMEND: 1122

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 4-Z**

08/29/17	AMEND: 119, Form FG 2025 (11/2005), Appendix A	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: 18660.7	AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7
08/22/17	ADOPT: 870.17 AMEND: 870.15 REPEAL: 870.17, 870.19, 870.21	
<b>Title 14, 27</b>		
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	08/31/17 AMEND: 8001 08/23/17 AMEND: 3000, 3090, 3177, 3323, 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3377.1, 3377.2, 3379
<b>Title 15</b>		
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), 3044 REPEAL: 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7	
12/12/17	AMEND: 8199	
11/30/17	AMEND: 1	
11/27/17	AMEND: 3600(b), 3600(e)	
11/03/17	ADOPT: 1712.4, 1714.4, 1730.4, 1740.4 AMEND: 1700, 1706, 1731, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792	
10/09/17	ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334	
10/04/17	AMEND: 3000, 3030, 3190, 3269	
10/04/17	AMEND: 18419	
09/25/17	ADOPT: 3570, 3572, 3573, 3580 AMEND: 3560, 3561, 3562, 3563, 3564,	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



**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 4-Z**

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

**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, 95122,

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  
 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]		81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81094
<b>Title 22</b>		08/28/17	AMEND: 80044, 84001, 84002, 84061, 84063, 84065, 84072.1, 84165, 84300.1, 84322, 84322.2, 84365, 86001, 86022, 86061, 86065
01/11/18	ADOPT: 97268 AMEND: 97215, 97218, 97219, 97253, 97254, 97255	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
12/18/17	ADOPT: 2925		
12/08/17	AMEND: 2608-1, 2627(b)-1	<b>Title 23</b>	
12/05/17	AMEND: 2706-2, 3301(d)-1, 3201-1, 3303-1, 3303.1(c)-1 REPEAL: 3303(b)-1	12/26/17	ADOPT: 3949.13
11/16/17	ADOPT: 63750.80 AMEND: 63850	12/15/17	AMEND: 64300, 64305, 64310, 64315
10/30/17	AMEND: 72517	12/14/17	AMEND: 64444, 64445, 64445.1, 64447.4, 64465, 64481
09/11/17	AMEND: 64431, 64432, 64447.2, 64465, 64481	11/20/17	AMEND: 2922
09/08/17	AMEND: 97210, 97240, 97241, 97246	11/16/17	AMEND: 3682.2, 3682.3, 3702.1, 3702.2, 3702.3, 3702.4, 3717
08/28/17	REPEAL: 97759	11/06/17	AMEND: 2200, 2200.5, 2200.6, 2200.7
08/16/17	AMEND: 100393(a)(1)	11/06/17	ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070
08/16/17	AMEND: 10100	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
<b>Title 22, MPP</b>		10/05/17	ADOPT: 2910 REPEAL: 2910
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	<b>Title 25</b>	
09/28/17	AMEND: 35000	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
09/18/17	ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190	10/12/17	ADOPT: 5535, 5535.5, 5536, 5536.5
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	<b>Title 27</b>	
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,	01/02/18	ADOPT: 25603.3
		12/28/17	AMEND: Appendix B; Div. 3; Subd. 1; Ch. 2
		12/20/17	AMEND: 27001
		11/20/17	AMEND: 25600.1, 25600.2, 25601, 25602, 25603, 25607, 25607.2, 25607.5, 25607.6, 25607.7, 25607.12, 25607.13
		11/15/17	AMEND: 27001
		11/15/17	AMEND: 27001
		10/30/17	ADOPT: 25607.32, 25607.33
		10/30/17	AMEND: 27000
		08/23/17	ADOPT: Appendix B to 25903 AMEND: 25903, Appendix A to 25903
		<b>Title MPP</b>	
		01/17/18	AMEND: 47-260
		01/17/18	AMEND: 46-430
		12/28/17	AMEND: 41-440, 42-711, 42-716, 42-717, 44-207
		11/16/17	AMEND: 44-211