



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**ADOPTION**

STATE AGENCY: Department of FISCAL

**AMENDMENT**

MULTI-COUNTY: Gavilan Joint Community College District

A written comment period has been established commencing on March 2, 2018, and closing on April 16, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Sasha Linker, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested per-

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than April 16, 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 Sasha Linker, 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 re-

spective agency. Requests for copies from the Commission should be made to Sasha Linker, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

## TITLE 2. STATE PERSONNEL BOARD

**Notice is hereby given** that the State Personnel Board (Board) proposes to adopt the regulatory changes described below. The Board will consider any and all comments, objections, or recommendations that may be timely submitted regarding this proposed action.

### PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on April 18, 2018, at 10:00 a.m. in Room 150 at 801 Capitol Mall, Sacramento, California.

### WRITTEN COMMENT PERIOD

The written comment period closes on April 16, 2018, at 5:00 p.m. Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below.

Jeanne R. Wolfe  
Senior Attorney  
State Personnel Board  
801 Capitol Mall, MS 53  
Sacramento, CA 95814  
Fax: (916) 653-4256  
Email: [jeanne.wolfe@spb.ca.gov](mailto:jeanne.wolfe@spb.ca.gov)

Comments must be received by the contact person no later than 5:00 p.m. on April 16, 2018.

### AUTHORITY AND REFERENCE

The Board proposes to adopt the proposed action under the authority granted by the California Constitution, article VII, section 3 and Government Code sections 18502 and 18701 in order to implement, interpret, and make specific the provisions of California Constitution, article VII, section 1 and Government Code sections 18900, 18931, 18935, and 18941.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### A. Summary of Existing laws and Regulations Related to the Proposed Action

The Board is a constitutional body responsible for enforcing California's civil service statutes. (Cal. Const., art. VII, § 3.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*) The Board also establishes rules implementing and enforcing the merit principle in the state civil service system. (Gov. Code, § 18660; see Cal. Const., art. VII, § 1, subd. (b).)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.) The Board's regulations concerning selection, examinations, and classification may be adopted by the Board without public notice or comment; however, regulations related to selection and examinations shall be reasonably available to all interested parties. (Gov. Code, § 18213.) The rulemaking procedures set forth in Government Code section 18214 apply to the adoption of Board regulations concerning other matters.

In this instance, the subject matter of the proposed regulations relates to petitions to participate in civil service examinations. These regulations are thus exempt from the APA process; however, the Board finds that a public comment period would be appropriate for this regulatory action.

#### B. Comparable Federal Regulations or Statutes

The Board has conducted a review of federal regulations and statutes and determined there are no comparable federal regulations or statutes.

#### C. Policy Statement Overview

The proposed changes are intended to update, clarify, and make more concise and efficient situations in which an employee has been dismissed from state civil service by adverse action or as a result of disciplinary proceedings and thereafter seeks employment with the state by taking civil service examinations. The amendments clarify that the request is a written petition to participate in civil service examinations and require that the petition be served on the agency that initially served the adverse action of dismissal. The amendments add that where an agency no longer exists or has undergone significant organizational and administrative changes, CalHR shall determine whether a different or new agency should be notified and, if so, CalHR shall serve the agency with a copy of the petition. As with current Rule 211, the amendments require that certain information must be contained in the petition, e.g., effective date of the dismissal, the reason(s) for the dismissal, and an ex-

planation setting forth reasons why the petition should be granted.

The proposed changes also clarify and make more precise the factors CalHR must consider when making a decision to grant or deny the request. For instance, rather than “[c]onfirmation/assurance of corrected and/or sustained improved behavior, the changes state, “Evidence of corrected and sustained improved behavior.” The timeframes for decision making and any appeal remain the same.

In addition, the proposed changes add Rule 211.2<sup>1</sup> which concerns petitions to participate in civil service examinations after there has been a Board decision on the adverse action dismissing the former employee. In general, this proposed Rule mirrors the process, considerations, and timeframes of proposed Rule 211, except the petition to participate in civil service examinations is submitted to the Executive Officer for review and decision. Like the agency that filed the adverse action dismissing the employee, CalHR may submit to the Executive Officer a response to the petition. Also, similar to proposed Rule 211, the former employee may appeal the Executive Officer’s decision to the Board. Other proposed changes are technical for purposes of style and consistency.

**D. Evaluation of Consistency and Compatibility with Existing State Regulations**

In reviewing other state regulations, the Board found that the instant regulatory proposal is consistent and compatible with existing state regulations.

**DETERMINATION OF FISCAL IMPACT ON PUBLIC AGENCIES**

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: This proposed regulatory package is intended to update the Board’s regulations and make more simplified and streamlined the procedures for petitions to participate in civil service examinations. Therefore, the Board expects that any costs or savings to State agencies will be minimal, if any.

<sup>1</sup> Rule 211.1 concerns limitations on administrative hearing or medical interpreter certification for non-citizens and is not part of this proposed rulemaking action.

- Other nondiscretionary cost of savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None.

**SIGNIFICANT EFFECT ON HOUSING COSTS**

None.

**ECONOMIC IMPACT ON BUSINESS**

- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Effect on small business: The proposed regulations only set standards related to state civil service examinations and selection. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

**DESCRIPTION OF COST IMPACT**

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

**RESULTS OF ECONOMIC IMPACT ASSESSMENT**

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state’s environment.

It is expected that the adoption of this regulatory package will have a positive impact on the general health and welfare of California residents in that the benefits of this proposed regulatory action include updating and clarifying procedures related to petitions to participate in civil service examinations.

**CONTACT PERSONS**

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Jeanne R. Wolfe  
Senior Attorney  
State Personnel Board  
801 Capitol Mall, MS 53  
Sacramento, CA 95814  
Phone: (916) 653-1028  
Fax: (916) 653-4256  
Email: [jeanne.wolfe@spb.ca.gov](mailto:jeanne.wolfe@spb.ca.gov)

In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Lori Gillihan  
Chief, Policy and Compliance Review Division  
State Personnel Board  
801 Capitol Mall, MS 53  
Sacramento, CA 95814  
Phone: (916) 653-1028  
[Lori.Gillihan@spb.ca.gov](mailto:Lori.Gillihan@spb.ca.gov)

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Senior Attorney Wolfe at the above address.

#### AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in ~~strikeout~~ and underline;
2. A copy of this notice and statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814, Fax: (916) 653-4256. Items 1 through 3 are also available on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that 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 Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. The Board will accept written comments only on the modified regulations for 15 days after the date on which they are made available to the public.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and ~~strikeout~~ can be accessed on the Board's website at [www.spb.ca.gov](http://www.spb.ca.gov) under "What's New?"

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (the Department) amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Huanglongbing (HLB) Disease Interim or Quarantine as an emergency action that was effective on December 15, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 13, 2018.

This notice is being provided to comply with Government Code Section 11346.4.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments or a request for

a public hearing relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to [Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on April 16, 2018. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov)  
 916.403.6650  
 916.651.2900 (FAX)

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

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

##### Anticipated Benefits from This Regulatory Action

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

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

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

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

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

FAC Section 401.5 states, "The department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state." The adoption of this regulation is one step to mitigate the spread of HLB through its vector, Asian Citrus Psyllid (ACP). This prevents the ACP from naturally spreading and increases the chances of successfully containing the disease to the smallest area possible.

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

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

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

#### AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for HLB in the Garden Grove area of Orange County by approximately 17 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities

against HLB within this additional area. The total area that would be under regulation is now approximately 618 square miles.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant effect on housing costs: None.

#### *Small Business Determination*

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

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Based on the information above, amendment of these regulations will not:

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

The Department is not aware of any specific benefits that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$3.3 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment

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

#### CONSIDERATION OF ALTERNATIVES

The Department 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.

#### AUTHORITY

The Department proposes to amend Section 3439(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agriculture Code.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302, 5322, 5761, 5762, and 5763 of the Food and Agriculture Code.

#### CONTACT

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

#### INTERNET ACCESS

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



AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

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

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

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

The Department of Food and Agriculture (the Department) amended subsection 3439(b) of the regulations in Title 3 of the California Code of Regulations pertaining to the Huanglongbing (HLB) Disease Interim or Quarantine as an emergency action that was effective on December 7, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 5, 2018.

This notice is being provided to comply with Government Code Section 11346.4.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments or a request for a public hearing relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to [Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on April 16, 2018. The Department

will consider only comments received at the Department offices by that time. Submit comments to:

Dean Kelch  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Dean.Kelch@cdfa.ca.gov](mailto:Dean.Kelch@cdfa.ca.gov)  
916.403.6650  
916.651.2900 (FAX)

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

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

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

Anticipated Benefits from This Regulatory Action

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

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

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution, but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to pre-

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

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

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

FAC Section 401.5 states, "The department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state." The adoption of this regulation is one step to mitigate the spread of HLB through its vector, Asian Citrus Psyllid (ACP). This prevents the ACP from naturally spreading and increases the chances of successfully containing the disease to the smallest area possible.

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

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

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

#### AMENDED TEXT

This emergency rulemaking action expanded the quarantine area for HLB in the Pico Rivera area of Los Angeles County by approximately 4 miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against HLB within this additional area. The total area that would be under regulation is now approximately 601 square miles.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant effect on housing costs: None.

*Small Business Determination*

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

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Based on the information above, amendment of these regulations will not:

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

The Department is not aware of any specific benefits that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$3.3 billion per year citrus industry brings to the State's economy. This regulation benefits over 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, especially in the

Asian culture, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental impacts caused by HLB [Gov. Code Sec. 11346.3(b)].

**CONSIDERATION OF ALTERNATIVES**

The Department 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.

**AUTHORITY**

The Department proposes to amend Section 3439(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the Food and Agriculture Code.

**REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302, 5322, 5761, 5762, and 5763 of the Food and Agriculture Code.

**CONTACT**

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

**INTERNET ACCESS**

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

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

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

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

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

The Department of Food and Agriculture amended section 3591.5 of the regulations in Title 3 of the California Code of Regulations pertaining to Mediterranean Fruit Fly Eradication Area as an emergency action that was effective on December 5, 2017. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 4, 2018.

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

**PUBLIC HEARING**

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

**WRITTEN COMMENT PERIOD**

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on April 16, 2018. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

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

#### Anticipated Benefits from This Regulatory Action

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

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

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

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

Existing law, CCR Section 3591.5, defines the state's eradication areas for the Mediterranean fruit fly.

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

This regulation will benefit the public's general welfare by providing authority for the State to perform detection, control, and eradication activities against the Mediterranean fruit fly in San Mateo County.

The implementation of this regulation will prevent:

- direct damage to the agricultural industry growing host fruits
- indirect damage to the agricultural industry growing host fruits due to the implementation of quarantines by other countries and loss of export markets
- increased production costs to the affected agricultural industries
- increased pesticide use by the affected agricultural industries
- increased costs to the consumers of host fruits
- increased pesticide use by homeowners and others
- the need to implement a State interior quarantine
- the need to implement a federal domestic quarantine

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

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

#### AMENDED TEXT

This emergency rulemaking action added San Mateo County to the Mediterranean Fruit Fly Eradication Area. The effect of the amendment of this regulation is to provide authority for the State to perform eradication activities against the Mediterranean fruit fly in the County of San Mateo.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*The Department has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

*Small Business Determination*

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department has determined the amendment of this regulation would benefit:

- the general public
- homeowners and community gardens
- agricultural industry
- the State's general fund

There are no known specific benefits to worker safety or the health of California residents.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective

in implementing the statutory policy or other provision of law than the proposal described in this Notice.

AUTHORITY

The Department proposes to amend subsections 3591.5 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

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

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF PROPOSED REGULATIONS

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

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption.

Any interested person may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

#### Title 3. Food and Agriculture Division 3. Economics

Chapter 1. Fruit and Vegetable Standardization  
Subchapter 4. Fresh Fruits, Nuts and Vegetables  
Articles 4 Containers, and 22 Citrus  
§ 1380.19 Standard Containers; 1430.10 Citrus, Uniform Size Requirement; 1430.12 Citrus, Packing Requirements for Standard Containers No. 58, 59, 61, 63, 65, 66, or 67; 1430.13 Citrus, Marking Requirements; 1430.50 Citrus, Marking Requirements; 1430.51 Tangerines and Mandarins, Size, Count, and Tolerance; and 1430.53 Tangerines or Mandarins, Container Size Markings.

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed actions.

#### 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 authorized representative, no later than 15 days before the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. Comments may also be submitted via facsimile (FAX) at (916) 900-5345 or by e-mail to [steve.patton@cdfa.ca.gov](mailto:steve.patton@cdfa.ca.gov). The written comment period closes at **5:00 p.m. on May 7, 2018**. The Department will consider only comments received at the Department by that time. Submit comments to:

Steve Patton, Branch Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 900-5030;  
Fax: (916) 900-53451

#### AUTHORITY AND REFERENCE

Sections 14, 407, 42681, and 42683 of the Food and Agricultural Code authorize the Department to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Sections 42681, 42682, 42683, and 42941 of the Food and Agricultural Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action amends Title 3, Division 3, Chapter 1, Subchapter 4, Article 4 and Article 22, § 1380.19 Standard Containers; 1430.10. Citrus, Uniform Size Requirement; 1430.12. Citrus, Packing Requirements for Standard Containers No. 58, 59, 61, 63, 65, 66, or 67; 1430.13. Citrus, Marking Requirements; 1430.50. Citrus, Marking Requirements; 1430.51. Tangerines and Mandarins, Size, Count, and Tolerance; and 1430.53. Tangerines or Mandarins, Container Size Markings.

Section 14 of the Food and Agricultural Code authorizes the Department to adopt rules and regulations in accordance with the Administrative Procedure Act. Additional authority vested in the Food and Agricultural Code grants the California Department of Food and Agriculture Secretary the authority to amend or repeal rules and regulations.

Section 407 of the Food and Agricultural Code authorizes the Secretary of the Department to adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code that the Secretary is directed or authorized to administer or enforce.

Section 42681 of the Food and Agricultural Code specifies, in part, that the Secretary of the Department may, upon a petition of a person that the Secretary finds has a substantial interest in the growing or handling of the particular fruit, nut, or vegetable involved, establish, modify, or rescind by regulation, which initially took effect January 1, 1971, standard container, lid, marking, sizing requirement for commodities, and packing arrangement for any fruits, nuts, or vegetables, for which specific quality standards have otherwise been provided by law or regulation.

Section 42682 of the Food and Agricultural Code authorizes the California Department of Food & Agricul-

ture (CDFA) Secretary to establish, modify, or rescind, by regulation, which initially took effect January 1, 1971, standard container, lid, marking, sizing requirements for commodities, and packing arrangements for any fruits, nuts, or vegetables, for which specific quality standards have otherwise been provided by law or regulation.

The Secretary shall not, by regulation, adopt any new container or packing requirement, unless the new container or packing requirement has previously been authorized by regulation of the director as an experimental container pack.

Section 42683 of the Food and Agricultural Code establishes that the Secretary, in promulgating regulations concerning standard containers, lids, marking, sizing, consumer packages or packing requirements for fruits, nuts, and vegetables, will consider such factors as the ease of handling, identification, federal laws, rules or regulations, containers, lids and packs in substantial use in the industry and the competitive position of the California fruit, nut, and vegetable industry.

Section 42941 of the Food and Agricultural Code mandates that it is unlawful for any person to prepare, pack, place, deliver for shipment, deliver for sale, load, ship, transport, cause to be transported, or sell any fruits, nuts, or vegetables in bulk, or in any container or subcontainer, unless such fruits, nuts, and vegetables, and their containers, conform to the provisions of this division or the regulations promulgated thereunder.

The effect of the proposed regulatory action introduces a new export container for mandarins and tangerines, consistent with the weight requirements of certain foreign and domestic markets. Citrus shippers and packers will now be allowed to pack utilizing a more efficient and stable container currently utilized for other commodities. Additionally, the increase in fruit volume allowed in these containers will reduce damage to fruit which results in cost savings and reduced waste.

#### CONSISTENCY EVALUATION

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

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

Other nondiscretionary cost or savings imposed on local agencies: None.

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

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

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

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

The Department concludes that it is (1) unlikely that the proposal will eliminate/create any jobs and/or eliminate existing business; (2) likely that this proposal may create new business or expand current business opportunities for producers and packers of citrus; (3) unlikely that the proposal will create an unknown number of new businesses providing citrus; (4) likely the proper handling and packing of citrus fruits will protect consumers and the industry, and assure that both entities are purchasing acceptable quality fresh fruits. Finally, the proposed rulemaking will create an indirect impact to the protection of public health and safety.

Benefits of the Proposed Action: The proposed regulation will benefit the California mandarin and tangerine citrus producers, packers, retailers, and consumers. Mandarin and tangerine shippers and packers will now be allowed to pack utilizing a specialized export container, allowing California mandarins and tangerines to be more competitive in international markets and better satisfy global demand. Additionally, the usage of containers adapted to mandarins and tangerines, which are smaller and softer citrus, will reduce damage to products, resulting in cost savings and greater consumer satisfaction.

Significant effect on housing costs: None.

#### SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed changes to the regulations would result in no added costs to small businesses affected by these proposed changes. This proposed regulatory action would allow packers to pack utilizing a more efficient and stable container currently utilized for other commodities. In addition, the proposed regulatory actions were initiated at the request of the impacted industry.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered 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 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 Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Steve Patton, Branch Chief  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 900-5030; Fax: (916) 900-5345

The backup contact person for these inquiries is:

Thomas Osborn, Branch Analyst  
Inspection and Compliance Branch  
California Department of Food and Agriculture  
1220 N Street, Sacramento, CA 95814  
Telephone: (916) 900-5030; Fax: (916) 900-5345

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Thomas Osborn at the above address.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department will have the rulemaking file available for inspection and copying throughout the rulemaking process at its office at: 2800 Gateway Oaks Drive, Suite 100, Sacramento, CA 95833. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice; the proposed text of the regulations; the initial statement of reasons; and petitions received from industry. Copies may be obtained by contacting Thomas Osborn at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may amend the proposed regulations substantially as described in this notice. If the Department makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Thomas Osborn at the address listed above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Thomas Osborn at the address listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikethrough can be accessed through the Department's website at: <http://www.cdfa.ca.gov/is/Regulations.html>.

**TITLE 4. CALIFORNIA HORSE RACING BOARD**

**NOTICE OF PROPOSAL TO AMEND RULE 1588, HORSE INELIGIBLE TO START IN A RACE AND THE PROPOSED ADDITION OF RULE 1842.1, ADDITIONAL REPORTING FOR INTRA-ARTICULAR TREATMENTS**

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1588, Horse Ineligible to Start in a Race, and to add Rule 1842.1, Additional Reporting for Intra-Articular Treatments. The



proposed amendment to Rule 1588 will add subsections 1588(m) and (n). The new subsection 1588(m) provides that a horse that has not raced at a recognized race meeting in 120 or more consecutive days, and has not raced in California since the conclusion of that absence in any race, is ineligible to start in a race until such horse, prior to entry, has undergone an examination by the official veterinarian or the racing veterinarian, and declared raceably sound and in fit physical condition to exert its best effort in a race. The official veterinarian or racing veterinarian may have the horse perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness. Post-work blood and urine test samples shall be taken from the horse and the provisions of Article 6 shall apply to such official workouts in the same manner as a scheduled race. For purposes of Rule 1588, “workout” means an exercise session near full speed or close to full speed. The new subsection 1588(n) provides that a horse that has received an intra-articular injection (joint injection) within the previous five days (120 hours) prior to the scheduled post-time for the race in which it is entered shall be ineligible to start in such race. The proposed addition of Rule 1842.1 will require veterinarians administering medication or treatment into an articular structure of a horse located within the enclosure to provide an intra-articular treatment record to the trainer, who shall maintain such records of the treatment for a minimum of one year. The trainer shall make such records available to the examining veterinarian for the purpose of assisting with pre-race veterinary examinations or other examinations as required by the Board. The record of the inter-articular treatment shall be recorded on the form CHRB-24A, Intra-Articular Treatment Record (New 12/17), which is incorporated by reference in Rule 1842.1, and shall state the name of the horse treated, the date and time of the treatment, the intra-articular structures treated, the medication administered, dose, and the reason for the treatment.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, April 19, 2018**, or as soon thereafter as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on April 16, 2018**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

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

#### AUTHORITY AND REFERENCE

##### Rule 1588:

Authority: Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19440 and 19562, Business and Professions Code.

##### Rule 1842.1:

Authority: Sections 19440, 19562, and 19580, Business and Professions Code. Reference: Sections 19440, 19562, and 19580, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication in order to preserve and enhance the integrity of horse racing in the state.

The CHRB tracks horse fatalities that occur at any facility under its jurisdiction. Horses may suffer fatalities while racing, training, or due to other non-exercise related cause, including stable area accidents or medical maladies such as gastro-intestinal, respiratory, or neu-

rological diseases. One of the primary purposes of tracking such fatalities is to identify health and safety risks for horse and rider, and to implement preventive or corrective actions. At the February, 2017 CHRB Medication, Safety and Welfare Committee meeting, staff reported that a survey of racehorse fatalities occurring 2013 through 2016 revealed that 20 percent of the losses were horses that raced after being laid up for 120 days or more. At the recommendation of the Board's Equine Medical Director, the Committee determined it would put forward a proposal to amend Rule 1588. The proposed amendment will aid in the reduction of race horse injuries and fatalities by providing that a horse will not be allowed to start in a race after a 120-day layoff, unless it is found to be raceably sound and in fit physical condition to exercise its best efforts in a race.

The proposed amendment to Rule 1588 would add a new subsection 1588(m). The new subsection provides that a horse that has not raced at a recognized race meeting in 120 or more consecutive days, and has not raced in California since the conclusion of that absence in any race, is ineligible to start in any race until such horse, prior to entry, has undergone an examination by the official veterinarian or the racing veterinarian and declared raceably sound and in fit physical condition to exert its best effort in a race. A "recognized race meeting" is the entire period of a race meeting conducted by an association within the inclosure of the designated grounds, for which the Board has granted a license. The term may include a meeting conducted by an association in another jurisdiction recognized by the Board. The proposed amendment also gives the official veterinarian or racing veterinarian the ability to have the horse perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness. Post-work blood and urine test samples shall be taken from such horse and the provision of Article 6 shall apply to such official workouts in the same manner as a scheduled race. For purposes of clarity, subsection 1588(m) defines "workout" as an exercise session near full speed or close to full speed.

In the fall of 2012, the New York Task Force on Racehorse Health and Safety (Task Force) made a number of recommendations based on its investigation of breakdowns that occurred at the Aqueduct 2011–2012 Fall–Winter race meeting at Aqueduct Race Course in New York. In addition to investigating the rash of breakdowns, the Task Force was charged with advising on policies relating to necropsies, track conditions, and pre-race examination of horses, as well as practices relating to veterinary procedures and equine drug use. The Task Force's recommendations included enhanced restrictions on the use of intra-articular corticosteroids, which are anti-inflammatory drugs administered by entering a joint. Specifically, the recommendations in-

cluded trainer reporting requirements for intra-articular treatments, as well as a prohibition on racing after an intra-articular corticosteroid injection. Also, in 2012, the Racing, Medication and Testing Consortium (RMTC) issued its own set of corticosteroid thresholds. The RMTC is an industry organization that works to develop and promote uniform rules and testing standards at the national level. It coordinates research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants, and to protect the interests of the racing public. In 2012, the Board adopted the RMTC standards by amending Rule 1844, Authorized Medication, to provide for levels of corticosteroids that may be present in official test samples. While the corticosteroid thresholds contained in the amendment to Rule 1844 effectively stopped corticosteroids from being used within days of a race, the rule did not provide a "stand-down" time as recommended by New York's Task Force. Rule 1844 treated corticosteroid injections no differently than other authorized medications, which can be administered until 48 of post-time pursuant to Rule 1843.5, Medication, Drugs and Other Substances Permitted After Entry in a Race. To address the issue, the proposed amendment to Rule 1588 adds a new subsection 1588(n). The new subparagraph provides that a horse that has received an intra-articular injection within the previous five days (120 hours) prior to the scheduled post-time for the race in which it is entered, is ineligible to start in such race. The proposed addition of subsection 1588(n) leaves Rule 1844's allowable levels of corticosteroids in place while providing a "stand-down" time as recommended by New York's Task Force.

The proposed addition of Rule 1842.1 would require all Board-licensed veterinarians who administer a medication or treatment into an articular structure of a horse to provide the horse's trainer with a written record of the treatment. The procedure shall be recorded on the form CHRB-24A, Intra-Articular Treatment Record (New 12/17) (CHRB-24A), which is incorporated by reference in Rule 1842.1. The trainer shall maintain all intra-articular treatment records of horses under his or her care for a minimum of one year from the date of the treatments. The records of intra-articular treatments shall be made available to the examining veterinarian for the purpose of pre-race or other examinations as required pursuant to the Board's rules and regulations. The CHRB-24A requires the veterinarian who administers the intra-articular treatment to record the date and time of treatment, the intra-articular structures treated, the medication administered, the dose and the reason for the treatment.

POLICY STATEMENT OVERVIEW OF  
ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1588 adds a new subsection 1588(m), which provides that a horse that has not raced at a recognized race meeting in 120 or more consecutive days and has not raced in California since the conclusion of that absence in any race, is ineligible to start in any race until such horse, prior to entry, has undergone an examination by the official veterinarian or the racing veterinarian and is declared raceably sound and in fit physical condition to exert its best effort in a race. The new subsection also states that the official veterinarian or racing veterinarian may require the horse to perform satisfactorily in a workout or qualifying race to demonstrate its physical fitness. Post-work blood and urine test samples shall be taken from such horse and the provisions of Article 6 shall apply to such official workouts in the same manner as a scheduled race. Workout, for purposes of Rule 1588, means an exercise session near full speed or close to full speed.

The proposed addition of subsection 1588(m) will promote the health and safety of racehorses and race-track safety in general. The amendment will aid in the reduction of injuries to horses, or worse, catastrophic loss of racehorses, by requiring horses that have not raced for 120 or more consecutive days to be examined by the official veterinarian or racing veterinarian, and declared raceably sound and in fit physical condition to exert their best effort, before being allowed to enter to race. In turn, the health and safety of jockeys will be advanced, as a reduction in equine injuries and sudden deaths may also mean lower jockey injury rates. The required examination provides an opportunity for the examining veterinarian to evaluate the condition of the horse, which by virtue of being off 120 days or longer, may have had physical challenges that required time to heal or recuperate. Blood and urine test samples taken after a workout or qualifying race will provide additional information as to the fit physical condition of a horse that has not raced for 120 or more consecutive days. The addition of subsection 1588(m) serves to ensure that a horse that has not raced for 120 days or longer is raceably sound and in fit physical condition to exert its best efforts in a race. Ensuring the health of race horses protects the financial interests of racing associations, horse owners, trainers and jockeys. Racing associations depend on an inventory of sound horses to fill races and generate handle; owners and trainers suffer financial losses when horses are unable to compete for a purse; and injured jockeys lose income when they are unable to ride.

The proposed amendment to Rule 1588 adds a new subsection 1588(n), which provides that a horse that has received an intra-articular injection within the previous

five days (120 hours) prior to the scheduled post-time for the race in which it is entered, is ineligible to start in the race. An intra-articular injection is a procedure used in the treatment of inflammatory joint conditions; however, the procedure may not necessarily heal the problem that is causing inflammation. In addition, inflammation is part of the healing process, so there is a relationship between the proposed timeframe of five days and allowing healing. The addition of subsection 1588(n) will promote the health and safety of race horses. The health and safety of jockeys will also be advanced, as a reduction in equine injuries and sudden deaths may also mean lower jockey injury rates. Administering the procedure not later than five days prior to the scheduled post-time provides an opportunity for the medication to have an effect. In addition, the intra-articular injections are not administered within 48 hours of post-time, and this gives the examining veterinarian an opportunity to evaluate the horse without the injection being administered so close to the pre-race examination (Rule 1846, Racing Soundness Examination, provides that the horse shall be subject to a veterinary examination for racing soundness on race day not later than two hours prior to official post-time for the race in which the horse is entered.) Ensuring the health of race horses protects the financial interests of racing associations, horse owners, trainers and jockeys. Racing associations depend on an inventory of sound horses to fill races and generate handle; owners and trainers suffer financial losses when horses are unable to compete for a purse; and injured jockeys lose income when they are unable to ride.

The proposed addition of Rule 1842.1 would require all Board-licensed veterinarians who administer a medication or treatment into an articular structure of a horse to provide the horse's trainer with a written record of the treatment. The procedure shall be recorded on the form CHRB-24A, which is incorporated by reference in Rule 1842.1. The trainer shall maintain all intra-articular treatment records of horses under his or her care for a minimum of one year from the date of the treatments. The records of intra-articular treatments shall be made available to examining veterinarian for the purpose of pre-race or other examinations as required pursuant to the Board's rules and regulations. The proposed addition of Rule 1842.1 will work in conjunction with the amended Rule 1588 to protect the health and safety of horse and rider. The recording of intra-articular procedures on the form CHRB-24A will make race-day examinations more meaningful, as the trainer can provide a record of such procedures for the examining veterinarian. In turn, the examining veterinarian can make a more complete assessment of the horse. Thorough pre-race examinations ensure the soundness of horses entered to race. Sound racehorses

help protect the health and safety of jockeys, as well as the financial interests of racing associations, owners and trainers. The form CHRB-24A is incorporated by reference in Rule 1842.1, as it would be cumbersome, unduly expensive or otherwise impractical to publish the document in the California Code of Regulations.

#### CONSISTENCY EVALUATION

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

#### DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment to Rule 1588 and the addition of Rule 1842.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: New York Task Force on Racehorse Health and Safety Official Report. Investigation of Equine Fatalities at Aqueduct 2011-2012 Fall/Winter Meet.

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

Significant effect on housing costs: none.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendment to Rule 1588 and the addition of Rule 1842.1 will not (1) impact the creation of, or eliminate jobs within the State of California; (2) impact the creation of new businesses or eliminate existing businesses within California; or (3)

affect the expansion of businesses currently doing business within California.

The proposed amendment to Rule 1588 and the addition of Rule 1842.1 is a benefit to the health and welfare of California residents who hold occupational licenses as jockey, apprentice jockeys or other licensees that require close proximity to race horses, because the proposed regulations safeguard the health and safety of the California's racing equines. Sound racehorses help prevent accidents and injuries to horse and rider.

Effect on small businesses: none. The proposal to amend Rule 1588 and the addition of Rule 1842.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSON

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

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

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

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

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

TITLE 5. CALIFORNIA STATE LIBRARY/CALIFORNIA LIBRARY SERVICES ACT

NOTICE OF CONSIDERATION OF PROPOSED AMENDMENTS TO THE CALIFORNIA LIBRARY SERVICES ACT REGULATIONS

The California Library Services Board (CLSB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed amendments to the California Library Services Act Regulations.

DATE: April 17, 2018  
TIME: At the conclusion of the California Library Services Board meeting beginning at 9:30 a.m.  
LOCATION: Stanley Mosk Library and Courts Building, 914 Capitol Mall, Room 500 Sacramento, CA 95814.

This item will be considered after a meeting of the Board, which will commence at 9:30 a.m., April 17, 2018. Any additional meeting information, including the agenda, will be posted at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/> under "Board Meetings". Please consult the agenda for the meeting, which will be available at least ten days before April 17, 2018, to determine when this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide written comments by physical mail or electronic submittal before the hearing. The public comment period for this regulatory action will begin on the date this notice is published, March 2, 2018. Written comments not physically submitted at the hearing must be received no later than 5:00 p.m. on April 20, 2018. Comments submitted prior to the hearing must be addressed to one of the following: Physical mail: Annly Roman, California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237 or Electronic submittal: [annly.roman@library.ca.gov](mailto:annly.roman@library.ca.gov). Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

## AUTHORITY AND REFERENCE

This regulatory action is proposed under that authority granted in California Education Code, sections 18724 and 18725. The changes are proposed to conform, update, and delete provisions related to sections 18702, 18703, 18710, 18720, 18724, 18726, 18731, 18740, 18741 (repealed, 2016), 18743, 18745, 18746, 18747, 18765 (repealed, 2016) of the Education Code.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendment to California Code of Regulations, title 5, sections 20101, 20105, 20107, 20116, 20118, 20119, 20122, 20123, 20124, 20125, 20127, 20130, 20134, 20135, 20136, 20140, 20158, 20180, 20185, 20190, 20203, 20205, 20215, 20216, 20217, 20235, 20236, 20251, 20252, 20255, 20257, 20260, and 20265.

Background and Effect of the Proposed Regulatory Action:

Sections 18700–18767 of the California Education Code creates the California Library Services Act (Act) to facilitate greater equality of access to library services and resources regardless of location, income, or education level, especially in communities where people lack or have barriers to information and library services.

Sections 18720–18726 detail the administration of the California Library Services Act, which is done by an appointed Board of 13 representatives of various sections of the library community as well as the California State Librarian who serves as the chief executive officer of the Board.

Sections 18731 and 18743 of the Education Code encourage equal access by allowing libraries to participate in universal borrowing, allowing anyone to check out items from their library regardless of residence, and requiring all member libraries of a Cooperative Library System to provide equal access to all residents of the system, not just those in the library's immediate area.

As originally enacted in 1977, the Act authorized various programs to help libraries share resources and opportunities for public libraries to seek grant funds allocated under the Act. These programs included the application of public libraries to the California Library Services Board for grant funds to create targeted programs, reimbursements for costs associated with the loaning of physical materials, statewide coordinated reference centers, funding for program assessment, and grants to facilitate the communication and delivery of information and materials within and between Cooperative Library Systems. These programs were funded, at varying levels, with state funding. Due to budget constraints

funding for the California Library Services Act was gradually reduced until 2010 when it was eliminated altogether. A small amount of funding was later restored only to the communication and delivery program established in section 18745 of the Education Code.

In 2016 the California Library Services Act was amended to remove references to the obsolete programs that no longer received funding; including references to the Interlibrary Loan Program, reimbursements for costs associated with loaning physical materials, and grant programs supporting changes in Cooperative Library System membership. Additionally, changes were made to modernize the Act. Originally, the act was written to facilitate the sharing of print materials. Changes were made to the act to include digital materials and resource sharing in the services that could receive funding under the Act and under the communication and delivery program.

The California Library Services Act has existing regulations in place which give policies and procedures for the running of the Board, notice and posting requirements for meetings, and designated meeting processes that must be followed. The current regulations also address the administration of the Cooperative Library Systems (Systems) in California, clarify reporting requirements, and requirements for consolidations of Systems or processes for libraries wishing to join or change Systems. Finally, the regulations provide guidance on the library eligibility to participate in grant programs and reimbursements for programs set forth in the related statute, the related reporting requirements, and general administration of the programs.

The proposed action will conform the regulations to changes which have been made to the related statute under the Education Code. These changes include removing obsolete reimbursement and grant program provisions that are no longer supported by state funds or statute. Additionally, the proposed action will change the meeting requirements to conform to current Bagley–Keene (Bagley–Keene Act) Open Meeting Act (Government Code, sections 11120–11131) requirements. The California Library Services Board is required under the Government Code to abide by notice and meeting procedure requirements dictated under the Bagley–Keene Act, but the California Library Services Act regulations, as currently written, do not reflect these requirements and often list posting and procedural requirements that contradict current required practices. These changes will clean up the regulatory language and do away with the confusion caused by conflicting regulatory and statutory requirements.

The proposed amendments to the California Library Services Act regulations also update the regulations to reflect the ability, added to statute in 2016, of Cooperative Library Systems to use remaining Communication

and Delivery program grant funds for resource sharing and delivery of digital materials. The amendments also clarify the use of funds for technology supporting shared resources or digital resources to ensure that, on a go forward basis, there is a uniform interpretation of what is allowed under the corresponding statute.

#### CONSISTENCY EVALUATION

No additional federal, state, or local regulations dealing with this or similar programs were discovered that proved inconsistent or incompatible with the proposed regulatory action.

#### LOCAL MANDATE

The California State Library has determined that there is no mandate imposed on local agencies or school districts by these regulations.

#### FISCAL IMPACT/COST IMPACTS

The California State Library has determined that the changes to these regulations will result in: no cost to any local agency or school district requiring reimbursement pursuant to Government Code sections 17500 through 17630; no cost or savings to any state agency; no other discretionary cost or savings imposed upon local agencies; and no cost or savings in federal funding to the state. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The California State Library has determined that the proposed regulations 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.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The California State Library has concluded that it is: unlikely that the proposal will eliminate or create any jobs and/or eliminate or have any impact on existing business; and unlikely that this proposal may lead to the creation of new business or expand business currently operating in California. The proposed regulatory changes will be unlikely to have any impact to the health or welfare of California residents, worker safety, or the state's environment.

#### BUSINESS/SMALL BUSINESS

The existing California Library Services Act regulations already contain a reporting requirement for California Cooperative Library Systems and no new reporting requirements are added in the proposed changes to the regulations. The current reporting requirement only applies to the California Cooperative Library Systems and does not apply to outside business. The California State Library has also determined that the proposed action does not affect small business.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered, 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 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 California State Library invites interested persons to present statements or arguments putting forward alternatives to the proposed regulations, at the scheduled hearing or during the written comment period.

#### CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to: Annly Roman by mail at: California Library Services Board, California State Library, P.O. Box 942837, Sacramento, CA 94237; by email: [annly.roman@library.ca.gov](mailto:annly.roman@library.ca.gov); or telephone: (916) 323-0057. The alternative contact person to obtain information concerning the proposed administrative action is: Monica Rivas, reachable by mail at Library Development Services Bureau, California State Library, P.O. Box 942837, Sacramento, CA 94237; or by phone at (916) 653-5471. Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Annly Roman at the above contact information.

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

The California State Library will have the rulemaking file available for inspection and copying throughout the rulemaking process at the Stanley Mosk Library and Courts Building, 914 Capitol Mall, Suite 220, Sacra-

mento, 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 regulations; the initial statement of reasons; California Library Services Board Actions to approve initial language; and any petitions received from the industry. Copies may be obtained by contacting Annly Roman at the address, email address, or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the California State Library in conjunction with the California Library Services Board may amend the proposed regulations. Any modified text will be made available to the public at least 15 days before the California Library Services Board adopts the regulations as revised. Written comments will be accepted on the modified regulations for 15 days after they are made available. Please send requests for copies of any modified regulations to the attention of Annly Roman at the address, or email address listed above.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Annly Roman at the address or email address listed above. Additionally, the Final Statement of Reasons will be available through the California State Library's website at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/>.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed changes to the regulations can be accessed through the California State Library's website at <http://www.library.ca.gov/services/to-libraries/ca-library-services-act/>.

## TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

General Industry Safety Orders  
Section 3999(b)

### Guarding of Conveyor Belt Support Rollers — Deletion of Note

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 (T8 CCR) 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 **April 19, 2018** in the **Auditorium** of the **Harris State Building, 1515 Clay Street, Oakland, 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 **March 2, 2018** and closes at 5:00 p.m. on **April 19, 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 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 and health standards that are at least as effective as federal occupational safety and health standards.

#### INFORMATIVE DIGEST OF PROPOSED ACTION/ POLICY STATEMENT OVERVIEW

Section 3999(b) provides the guarding requirement for pulleys, drums, and sprockets in belt conveyors. It



includes an advisory Note stating: “Normally, conveyor belt support rollers need not be guarded unless they create a potential hazard for serious injury.” The Note is vague and detracts from the clarity of subsection 3999(b), and therefore is proposed for deletion.

**Anticipated Benefits**

Removing the vague Note will contribute to the understanding of an employer’s responsibility to guard support rollers as prescribed, and, per T8 CCR Section 4002(a), as otherwise hazardous to employees. Consequently, deletion of the Note will advance the objective of employee protection from potential hazards caused by such support rollers.

**Section 3999(b)**

Section 3999(b) is the state standard that provides the guarding requirement for most of the parts and components of a belt conveyor. An accompanying Note, being proposed for deletion, states:

*“Normally, conveyor belt support rollers need not be guarded unless they create a potential hazard for serious injury.”*

Per the Final Statement of Reasons (FSOR) included in the Machine Guarding rulemaking file (Public Hearing date: December 12, 1984), this Note had been proposed by an advisory committee, to address certain long conveyors, such as those used in processing plants, having support rollers which were not powdered. In the FSOR, Board staff characterized such support rollers as only becoming hazardous when loaded.

The intent of the Note had been to explain that non-hazardous, belt conveyor support rollers need not be guarded. Instead, it served to detract from the prescriptive clarity of Section 3999(b), by resorting to an imprecise key term, “[n]ormally,” and by suggesting a hazard threshold, of potential “serious injury,” which is less protective than additionally applicable requirements for guarding against (simply) “hazardous” rolling equipment and pinch points per T8 CCR Section 4002(a), which states:

*“(a) All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded.”*

Thus, it is necessary to delete the Note in Section 3999(b) because it not only detracts from the prescriptive clarity of Section 3999(b), but also from an employer’s certainty about the applicability of Section 4002(a) to belt conveyor hazards.

The Board evaluated the proposed regulation pursuant to Government Code Section 11346.5(a)(3)(D) and has determined that the regulation is 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).

DISCLOSURES REGARDING THE PROPOSED ACTION

**Mandate on Local Agencies and School Districts:** None.

**Cost or Savings to State Agencies:** None.

**Cost to any Local Government or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:** None.

**Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.

**Cost or Savings in Federal Funding to the State:** None.

**Cost Impacts on a Representative Private Person or Business:**

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

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses to Compete:**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states since no new requirements or changes to the existing requirements are proposed.

**Significant Effect on Housing Costs:** None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated since no new requirements or changes to the existing requirements are proposed.

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

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses since no new requirements or changes to the existing requirements are proposed.

**BENEFITS OF THE PROPOSED ACTION**

Removing the vague Note will increase the certainty of an employer's understanding of its responsibility to guard support rollers as prescribed, and as otherwise hazardous to employees. Consequently, its removal will advance the objective of employee protection from potential hazards caused by the support rollers.

**CONSIDERATION OF ALTERNATIVES**

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

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

**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 STATEMENT OF REASONS,  
TEXT OF THE PROPOSED REGULATION AND  
RULEMAKING FILE**

The Board 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, 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 substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulation as revised. Please request copies of any modified regulation by contacting Ms. Hart or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulation for at least 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 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, the Notice of Proposed Action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

**TITLE 10. CALIFORNIA HEALTH  
BENEFIT EXCHANGE**

**CALIFORNIA CODE OF REGULATIONS,  
TITLE 10, CHAPTER 12,  
ARTICLES 2, 4, 5, and 7  
ADOPT SECTIONS 6408 and 6410 (Art. 2); 6450,  
6452, and 6454 (Art. 4); 6470, 6472, 6474, 6476,  
6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494,  
6496, 6498, 6500, 6502, 6504, 6506, 6508, and 6510  
(Art. 5); 6600, 6602, 6604, 6606, 6608, 6610, 6612,  
6614, 6616, 6618, 6620 and 6622 (Art. 7)**

The California Health Benefit Exchange/Covered California (the Exchange) Board proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Exchange has not scheduled a public hearing on this proposed action. However, the Exchange 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.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Exchange. The written comment period closes at **5:00 p.m. on April 16, 2018 (45 days after the published date)**. The Exchange will consider only comments received at the Exchange's office by that time. Submit written comments to:

Sarah Vu, Regulations Coordinator  
California Health Benefit Exchange  
(Covered California)  
1601 Exposition Blvd.  
Sacramento, CA 95815

Comments may also be submitted by facsimile (FAX) at 916-403-4468 or by e-mail to [regulations@covered.ca.gov](mailto:regulations@covered.ca.gov).

**AUTHORITY AND REFERENCE**

Government Code Section 100504(a)(6) authorizes the Exchange Board to adopt rules and regulations, as necessary. The proposed regulations implement, inter-

pret, and make specific sections 15438 and 100500 and following of the Government Code; sections 1346.2 and 1366.6 of the Health and Safety Code; and sections 10112.3 and 10112.4 of the Insurance Code. They also implement, interpret, and make specific the policies and requirements of the federal Patient Protection and Affordable Care Act of 2010 (Pub. Law 111-148), as amended by the federal Health Care and Education Reconciliation Act (Pub. L. 111-152) and Title 45, Code of Federal Regulations (CFR) section 155.10 and following.

**SUMMARY OF EXISTING LAWS**

Under the federal Patient and Protection and Affordable Care Act (ACA), each state is required, by January 1, 2014, to establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. State law, the California Patient Protection and Affordable Care Act (Gov. Code, § 100500 et seq.), established the California Health Benefit Exchange within state government, and it specifies the powers and duties of the executive board of the Exchange.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW AND EFFECT OF THE  
REGULATIONS**

In the spring of 2010, President Obama signed federal healthcare reform legislation, the Affordable Care Act (ACA) (ACA refers to the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111-48), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111-152)).

The ACA provides the authority and establishes requirements for states to create health insurance exchanges. These Exchanges make Qualified Health Plans (QHPs) available to individuals and/or qualified employers (small businesses; also known as the Small Business Health Options Program or SHOP). Under the ACA states may choose to operate their own exchanges, participate in a regional (multi-state) or subsidiary exchange or defer to a federally facilitated exchange (an Exchange established and operated by the federal Secretary of Health and Human Services (HHS)). States that choose to operate an exchange may choose to operate an exchange that provides for the purchase of coverage in the individual market and the establishment of a SHOP, or for the establishment of a SHOP only.

That same year, 2010, California chose to operate its own exchange as the California Legislature enacted and the governor signed legislation establishing the California Health Exchange (now also known as "Covered California") and its governing Board. (Stats. 2010, ch.

659, section 2, (SB 900, [Alquist, Steinberg]); Stats. 2010, ch. 655 (AB 1602, [Perez]).

Section 2 of AB 1602 expressed the Legislature’s intent in creating the Exchange and its governing Board as follows: “It is the intent of the Legislature to enact the necessary statutory changes to California law in order to establish an American Health Benefit Exchange in California and its administrative authority in a manner that is consistent with the federal Patient Protection and Affordable Care Act (Public Law 111–148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), hereafter the federal act. In doing so, it is the intent of the Legislature to do all of the following: Reduce the number of uninsured Californians by creating an organized, transparent marketplace for Californians to purchase affordable, quality health care coverage, to claim available federal tax credits and cost–sharing subsidies, and to meet the personal responsibility requirements imposed under the federal act. (b) Strengthen the health care delivery system. (c) Guarantee the availability and renewability of health care coverage through the private health insurance market to qualified individuals and qualified small employers. (d) Require that health care service plans and health insurers issuing coverage in the individual and small employer markets compete on the basis of price, quality, and service, and not on risk selection. (e) Meet the requirements of the federal act and all applicable federal guidance and regulations.”

Pursuant to the requirements and guidance of state and federal law, these regulations provide definitions, abbreviations and standards for notice (Articles 2, 4); standards for eligibility, eligibility determination and redetermination for Qualified Health Plans (QHP), Advance Payment of Premium Tax Credit (APTC); Cost Sharing Reduction (CSR); and termination of coverage (Article 5); and an appeals process, including notice, eligibility pending appeal, informal resolution, hearing requirements, and an expedited appeal procedure (Article 7).

### OBJECTIVES

The broad objectives of this proposed regulatory action are to:

- Provide structure for the Exchange and give predictability and clear standards to the public and qualified health plan issuers.
- Specifically provide the public with clear standards and eligibility requirements to qualify for federal tax subsidies through the Exchange.
- Establish the criteria and process for eligibility determination, enrollment, and disenrollment of enrollees and potential enrollees in the Exchange.

- Establish a fair and efficient appeals process for prospective and current enrollees of the Exchange. More specifically, this action creates clear guidelines for the public to request and receive a fair hearing.
- Put California in compliance with the federal act.
- Allow the Exchange to administer the ACA systematically and predictably for the public on an ongoing basis through eligibility determination, enrollment, and disenrollment procedures.
- Reduce health care costs and provide increased and quality health care to the public in California.

### BENEFITS

Anticipated benefits including nonmonetary benefits to the protection of public health and safety, worker safety, the environment, the prevention of discrimination, or the promotion of fairness or social equity, from this proposed regulatory action are:

- Making quality health care available to all Californians;
- Providing structure for the Exchange to give predictability and clear standards to the public and qualified health plan issuers now and into the future;
- Providing the public with clear standards and eligibility requirements to qualify for federal tax subsidies through the Exchange;
- Establishing the criteria and process for eligibility determination, enrollment, and disenrollment of enrollees and potential enrollees in the Exchange;
- Establishing an appeals process for prospective and current enrollees of the Exchange and thereby providing due process to applicants denied insurance or with other appealable rights. More specifically, this action includes clear guidelines for the public to request and receive a fair hearing;
- Aligning California’s regulations with the federal act and complying with state law;
- Reducing health care costs for Californians;
- Providing increased health care access to the public in California; and
- Ultimately, helping to save lives and increase the health of the public in California.

### EVALUATION OF CONSISTENCY AND COMPATIBILITY

The Exchange has evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the laws that regulate the Exchange and specifically

those statutes and regulations related to health insurance. Exchange staff also conducted an internet search of other state agency regulations.

Several California statutes and regulations govern health insurance. The Exchange has made its best effort to conform its regulations to State law, and does not know of any State statutes or regulations conflicting with these proposed regulations. Some compatible statutes, such as the Health and Safety Code Section 1399.849 and the Insurance Code Section 10965.3, provide additional requirements that affect the Exchange's proposal as noted throughout this document and the proposed regulatory text. Each is compatible with this proposal.

**DOCUMENTS TO BE INCORPORATED  
BY REFERENCE**

None.

**JUSTIFICATION FOR DUPLICATION**

These proposed regulations were developed with significant stakeholder engagement to implement and clarify the mandates of the ACA and the requirements of the federal regulations. These regulations duplicate texts from the U.S. Department of Health and Human Services' (HHS) regulations in 45 C.F.R. Part 155 related to the Exchange establishment standards and other related standards under the ACA and 45 C.F.R. Part 156 related to the health insurance issuer standards under the ACA, including standards related to the Exchanges.

**MATTERS PRESCRIBED BY STATUTE  
APPLICABLE TO THE AGENCY OR TO ANY  
SPECIFIC REGULATION OR CLASS OF  
REGULATIONS**

None.

**MANDATE ON LOCAL AGENCIES AND  
SCHOOL DISTRICTS**

None. The Executive Director of the California Health Benefit Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

**FISCAL IMPACTS  
COST TO ANY LOCAL AGENCY OR SCHOOL  
DISTRICT WHICH MUST BE REIMBURSED  
PURSUANT TO GOVERNMENT CODE SECTION  
17500 ET SEQ.**

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

**COSTS OR SAVINGS TO STATE AGENCIES**

The proposal results in additional costs to the California Health Benefit Exchange, which is currently funded by federal grant money and will become financially self-sustaining in 2015. The proposal does not result in any costs or savings to any other state agency.

**OTHER NONDISCRETIONARY OR SAVINGS  
IMPOSED ON LOCAL AGENCIES**

None. This proposal does not impose other nondiscretionary cost or savings on local agencies.

**COSTS OR SAVINGS IN FEDERAL FUNDING TO  
THE STATE**

The proposal results in additional costs to the California Health Benefit Exchange, which is currently funded by federal grant money and will become financially self-sustaining in 2015. There is no other impact on federal funding to the state as a result of these regulations.

**SIGNIFICANT EFFECT ON HOUSING COSTS**

None.

**EFFECT ON SMALL BUSINESS**

This proposal may impact small business with whom the Exchange contracts to accomplish the goals and objectives of the regulations herein proposed.

**SIGNIFICANT, STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY AFFECTING  
BUSINESS, INCLUDING THE ABILITY OF  
CALIFORNIA BUSINESSES TO COMPETE WITH  
BUSINESSES IN OTHER STATES**

Covered California makes an initial determination that this proposal 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.

#### COST IMPACTS ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

#### RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT/ANALYSIS

##### **1. The Creation or Elimination of Jobs Within the State of California**

The implementation of these regulations will yield both positive and negative impacts on the employment in California, but will generate an overall net positive employment impact.

##### **2. The Creation of New Businesses or the Elimination of Existing Businesses within the State of California**

Since the proposed regulations only pertain to enrollment in individual health insurance policies, they will not directly result in the creation or elimination of businesses. The establishment and growth of a health insurance exchange in the nation's most populous state will likely attract insurance carriers who did not previously sell policies in California.

##### **3. Competitive advantages or disadvantages for businesses currently doing business within the state**

When comparing the competitive advantage of businesses outside of California to those in California, no direct impact is projected.

##### **4. Increase or decrease of investment in the state**

These regulations do not require or mandate any additional investment from individuals or businesses. Any additional investment in the state would be an indirect effect of induced changes in medical care and consumer spending.

##### **5. Incentives for innovation in products, materials, or processes**

Improved access to affordable individual health insurance coverage will create a unique opportunity for individuals and businesses. Since healthcare will now be more readily available, the reluctance to leave a job due to uncertainties related to healthcare coverage will diminish. As individuals enjoy more employment mo-

bility, opportunities for innovation, self-employment, independent contracting, and consulting will increase.

Businesses will also be able to dedicate more dollars to research and development, innovation, and expansion. The reduction of healthcare costs and "job lock" will free up capital for individuals and businesses, allowing for more opportunities of expansion and innovation.<sup>1</sup>

##### **6. Benefits of the regulations, 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**

The proposed regulations will benefit California residents who apply for health benefits through the Exchange. It will make quality health care available to all Californians and provide the public with clear standards and eligibility requirements to qualify for federal tax subsidies. It will benefit the public by clarifying the criteria and process for eligibility determination, enrollment and disenrollment, and an appeals process.

#### SUMMARY OF DOF COMMENTS ON THE SRIA AND AGENCY RESPONSE

Covered California summarized the comments received on February 16, 2016 from the Department of Finance (DOF).

1. *DOF Comment:* The description of the baseline must include what likely happens in the absence of the regulations, including the impacts to local governments.

##### *Covered California Response:*

The agency has included additional information in the SRIA explaining that the purpose of the proposed regulations is to improve the affordability of health insurance by determining the eligibility of Californians for Advance Premium Tax Credits.

2. *DOF Comment:* The SRIA must include a discussion of how the proposed eligibility and enrollment regulations affect the uninsured rate in California. There are more than twice as many uninsured Californians under the age of 65 as there are enrolled through the exchange, and the SRIA must address the steps the exchange has taken to facilitate enrollment and how the proposed regulations affect the number of insured Californians.

##### *Covered California Response:*

Since 2013, the rate of the uninsured in California has dropped by more than half, from 17 percent to 6.8 per-

<sup>1</sup> The Economic Impact of the Affordable Care Act on California, May 2012, Bay Area Council, Micah Weinberg and Jon Haverman.

cent in 2017 — a record low for California, according to data from the U.S. Centers for Disease Control. The decrease in the uninsured was due to both the Medicaid expansion and the establishment of the Exchange under the Affordable Care Act, which was facilitated through robust marketing and outreach to the uninsured. More than 3.6 million people have purchased health insurance through Covered California since the agency opened its doors five years ago. The regulations provide the ongoing framework for this success, ensuring that individuals who need help to afford health insurance continue to get the coverage they need available under the law. With the regulations in place, California can expect to see ongoing success maintaining the rate of the uninsured at record levels, and lower than the U.S. rate of 9 percent.

The agency has included additional information in the SRIA explaining that the Affordable Care Act provided state-based marketplaces with full discretion on how to market the Exchange to its own state-specific market conditions. The implementation of very robust outreach and marketing efforts resulted in not only more enrollees, but healthier enrollees, which in turn translated into lower statewide premiums than would have been charged otherwise. The 2017 report, *MAR-KETING MATTERS: Lessons From California to Promote Stability and Lower Costs in National and State Individual Insurance Markets*, provides an overview of California's marketing and outreach experience, strategy and tactics as well as its impact on enrollment and premiums.

3. *DOF Comment:* Given the uncertainty about federal policy changes, the SRIA could include a discussion of what assumptions might change, or how impacts might be different.

*Covered California Response:*

The SRIA indicates that the elimination of the individual mandate penalty “would have the most negative short-term impact on enrollment with Covered California.” In turn, this reduction in enrollment would substantially reduce the positive economic impacts identified in the SRIA, including moderating the anticipated job and income gains. Our own published estimates of the potential magnitude of the reduction in enrollment vary from 14 percent to 30 percent nationwide, with a somewhat smaller impact in California. Ultimately, the economic impact would depend on the reaction of California's individual health insurance market in terms of premiums charged, advance premium tax credits paid by the federal government, and health plan participation and any market stabilization measures that may be

enacted at the federal level in the coming weeks and months.

Covered California is engaged in ongoing research and analysis to assess the most likely outcome of the elimination of the penalty as well as other potential federal policy actions. For example, Covered California recently produced *“The Roller Coaster for Consumers Continues: The Prospect for Individual Health Insurance Markets Nationally for 2019: Risk Factors, Uncertainty and Potential Benefits of Stabilizing Policies,”* that was informed by review by outside academic and policy experts. It includes a review of market factors and impacts on 2018 enrollment, potential premium impacts for 2019 and federal policies that could mitigate those factors. This and other analyses will be crucial considerations in the upcoming development and approval of the Exchange's fiscal year 2018–19 budget. Therefore, we believe it would be premature to include preliminary estimates of this impact in this SRIA at this time.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as 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 Exchange invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Bahara Hosseini  
California Health Benefit Exchange  
(Covered California)  
1601 Exposition Blvd.  
Sacramento, CA 95815  
Telephone: (916) 228-8486

The backup contact person for inquiries concerning the proposed administrative action is:

Sarah Vu  
California Health Benefit Exchange  
(Covered California)  
1601 Exposition Blvd.  
Sacramento, CA 95815  
Telephone: (916) 228-8727

Please direct copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Bahara Hosseini at the above contact information.

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

The Exchange 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 of this notice is published in the Notice Register, the rulemaking file will consist of this notice, the proposed text of the regulation and the Initial Statement of Reasons. There is currently no other information upon which the proposed rulemaking is based. Copies may be obtained by contacting Bahara Hosseini at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding a hearing, if requested, and considering all timely and relevant comments received, the Exchange may adopt the proposed regulations substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public at least 15 days before the Exchange adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Bahara Hosseini at the address indicated above. The Exchange will accept written comments on the modified regulations 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 Bahara Hosseini at the above address.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulations in underline and strikeout can be accessed through our website at [www.healthexchange.ca.gov/regulations](http://www.healthexchange.ca.gov/regulations).

**TITLE 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 203, 265 and 355 of the Fish and Game Code and to implement, interpret or make specific sections 200, 203, 203.1, 265, 270, 355 and 356 of said Code, proposes to amend subsection (a)(1)(D)4. of Section 300, Title 14, California Code of Regulations, relating to Resident Upland Game Bird Hunting Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Current regulations in Section 300, Title 14, California Code of Regulations (CCR), provide general hunting seasons for taking resident and migratory upland game birds, including sage grouse. A limited number of hunting permits are issued for greater sage grouse, and that number is based on annual population surveys. For the 2018-2019 season, the Department of Fish and Wildlife (Department) will present the Commission a final recommendation for permits based on the spring 2018 lek counts, which means the Commission will notice a possible range, and adopt final permit numbers based on the final lek counts.

The Department is recommending the following regulation changes:

Amend subsection 300(a)(1)(D)4. to adjust the annual number of General Season greater sage grouse hunting permits by zone for the 2018-2019 season.

**Non-monetary Benefits to the Public**

The Commission anticipates benefits to the health and welfare of California residents through the sustainable management of sage grouse populations. The Commission does not anticipate non-monetary benefits to worker safety, the prevention of discrimination, the promotion of fairness or social equity and the increase in openness and transparency in business and government.



Consistency and Compatibility with Existing Regulations

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 300 are neither inconsistent nor incompatible with existing State regulations. No other State agency has the authority to promulgate hunting regulations.

Benefits of the regulations

Adoption of sustainable upland game seasons, bag and possession limits, and authorized methods of take provides for the maintenance of sufficient populations of upland game birds to ensure their continued existence.

Consistency and Compatibility with State Regulations

The Fish and Game Commission, pursuant to Fish and Game Code Sections 200, 203 and 265 has the sole authority to regulate hunting in California. Commission staff has searched the California Code of Regulations and has found no other agency with the authority to regulate resident and upland game bird hunting in California. Therefore the Commission has determined that the proposed amendments are neither inconsistent nor incompatible with existing State regulations.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Four Points by Sheraton Ventura Harbor Resort, 1050 Schooner Drive, Ventura, California, on Thursday, April 19, 2018 at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Resources Building, Auditorium, First Floor, 1416 Ninth Street Sacramento, California, on Thursday, June 21, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on June 7, 2018 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on June 15, 2018. All comments must be received no later than June 21, 2018, at the hearing in Sacramento, California. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090. If you would like copies of any modifications to this proposal, please include your name and mailing address.

Availability of Documents

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and

available for public review from the agency representative, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Scott Gardner, Senior Environmental Scientist, (916) 801-6257**, has been designated to respond to questions on the substance of the proposed Resident Upland Game Bird hunting regulations. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

Impact of Regulatory Action/Results of the Economic Impact Assessment

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the regulations propose only minor changes not affecting business.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs or businesses in California or on the expansion of businesses in California; and, does not anticipate benefits to worker safety, because the regulations propose only minor changes not affecting jobs.

The Commission anticipates benefits to the health and welfare of California residents. The proposed regulations are intended to provide continued recreational opportunity to the public. Hunting provides opportunities for multi-generational family activities and promotes respect for California’s environment by the future stewards of the State’s resources.

The Commission anticipates benefits to the environment by the sustainable management of California’s upland game resources. The fees that hunters pay for licenses and stamps are used for conservation.

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

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

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

Effect on Small Business

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

Consideration of Alternatives

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

**TITLE 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**

**PROPOSED AMENDMENTS TO ARTICLE 6 CLEAR AND REASONABLE WARNINGS RESIDENTIAL RENTAL PROPERTY EXPOSURE WARNINGS NEW SECTIONS 25607.34 AND 25607.35**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Article 6 of Title 27 of the California Code of Regulations<sup>1</sup> by adopting Sections 25607.34 and 25607.35. OEHHA amended the Article 6 Clear and Reasonable Warnings regulations in August 2016 to include tailored warnings for several specific types of

<sup>1</sup> All further references are to Title 27, Cal. Code of Regs., unless indicated otherwise.

exposure situations (Section 25607.1, et seq.). OEHHA has received a request to adopt tailored safe harbor exposure warnings for exposures to listed chemicals that can occur at residential rental properties, and is proposing this rulemaking in response to that request.

### 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 April 16, 2018**, the designated close of the written comment period. All comments 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. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Monet Vela  
Office of Environmental Health Hazard Assessment  
P. O. Box 4010, MS 23 11F  
Sacramento, California 95812-4010  
Telephone: 916-323-2517  
Fax: 916-323-2610  
E-mail: [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov)

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. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

### PUBLIC HEARING

A public hearing on this proposed regulatory amendment 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 **April 2, 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 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 the California Relay

Service: 1-800-735-2929 (TTY), 1-800-735-2922 (Voice) TTY which is a Telecommunications Device for the Deaf, and is reachable only from phones equipped with a TTY Device.

### CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela at (916) 323-2517, or by e-mail to [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov). Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or [mario.fernandez@oehha.ca.gov](mailto:mario.fernandez@oehha.ca.gov).

### AUTHORITY

Health and Safety Code section 25249.12 and Health and Safety Code section 25249.8(a).

### REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.8(a), 25249.10, 25249.11 and 25249.12.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### BACKGROUND

OEHHA is the lead agency that implements Proposition 65<sup>2</sup> and has the authority to promulgate and amend regulations to further the purposes of the Act. The Act requires businesses to provide a clear and reasonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity.<sup>3</sup> The Act also prohibits the discharge of listed chemicals to sources of drinking water.<sup>4</sup> These proposed amendments to the regulations would provide guidance to residential rental property businesses concerning how to comply with the warning requirements under Proposition 65 for exposures to listed chemicals at residential rental property.

### SPECIFIC BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulatory action will facilitate residential rental property businesses' compliance with the

<sup>2</sup> Health and Safety Code section 25249.5 et seq., The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65". Hereafter referred to as "Proposition 65" or "the Act".

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

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

Act by providing clarifying guidance concerning the provision of safe harbor warnings under Proposition 65. The health and welfare of California residents will likely benefit by increasing the public's ability to understand the warnings they receive for the various exposures to listed chemicals that may occur at residential rental properties.

**NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS**

OEHHA has conducted an evaluation and has determined that Article 6 is the only regulation concerning Proposition 65 warnings. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations. The action does not change the existing mandatory requirements on businesses subject to Proposition 65, state or local agencies and does not address compliance with any other law or regulation.

**LOCAL MANDATE/FISCAL IMPACT**

Because Proposition 65 by its terms<sup>5</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 because Proposition 65 does not apply to these facilities.<sup>6</sup> OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings in federal funding to the state because of the proposed regulatory action.

**EFFECT ON HOUSING COSTS**

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any new mandatory requirements on any business.

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

The proposed regulatory action provides compliance assistance to residential rental property businesses subject to the Act by adding a safe harbor regulation and

does not impose any new mandatory requirements on those businesses. OEHHA has therefore made an initial determination that the adoption of this 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.

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

**Creation or Elimination of Jobs within the State of California**

The proposed regulatory action will not impact the creation or elimination of jobs within California. The action provides guidance and specificity for businesses concerning safe harbor methods and content a business may use to provide a Proposition 65 warning for exposures to listed chemicals that can occur at residential rental property businesses.

**Creation of New Businesses or Elimination of Existing Businesses within the State of California**

The proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within California. The action provides guidance and specificity to the existing regulations concerning safe harbor methods and content a business may use to provide a Proposition 65 warning for exposures to listed chemicals that can occur at residential rental property businesses.

**The Expansion of Businesses Currently Doing Business within the State**

OEHHA does not anticipate any major impact on the expansion of businesses currently doing business within the state. The action provides guidance and specificity to the existing regulations concerning safe harbor methods and content a business may use to provide a Proposition 65 warning for exposures to listed chemicals that can occur at residential rental property businesses.

**Benefits of the Proposed Regulation**

Affected businesses will likely benefit from the proposed regulatory action because the amendments provide clarifying guidance concerning the provision of safe harbor warnings under Proposition 65. The health and welfare of California residents will likely benefit by increasing the public's ability to understand the warnings they receive for the various exposure situations that may occur at residential rental properties.

**COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS**

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily

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<sup>5</sup> See Health and Safety Code section 25249.11(b).

<sup>6</sup> Health and Safety Code section 25249.11(b).

incur in reasonable compliance with the proposed regulatory action. The action does not impose any new requirements upon private persons or business.

**EFFECT ON SMALL BUSINESSES**

The proposed regulatory action will not adversely impact very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees.<sup>7</sup>

**REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY'S REASONS FOR REJECTING THOSE ALTERNATIVES**

Pursuant to Government Code section 11346.5(a)(13), 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 Proposition 65 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 STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available 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 proposed regulation that 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

<sup>7</sup> Health and Safety Code section 25249.11(b).

regulation. Notice of the comment period on the revised proposed regulation and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. 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 THE FINAL STATEMENT OF REASONS**

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**DECISION NOT TO PROCEED**

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**NOTICE OF DECISION NOT TO PROCEED Pursuant to Government Code section 11347**

**Commission on Peace Officer Standards and Training (POST)**

**Concerning Training and Testing Specifications**

Pursuant to Government Code Section 11347, the Commission on Peace Officer Standards and Training (POST) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register, July 21, 2017 (Register 2017, No. 29-Z). The proposed rulemaking concerned Training and Testing Specifications.

Any interested person with questions concerning this rulemaking should contact Cheryl Smith at either (916) 227-0544 or by e-mail at: [csmith@post.ca.gov](mailto:csmith@post.ca.gov).

POST will also publish this Notice of a Decision Not to Proceed on its website.

**RULEMAKING PETITION  
DECISION**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3, Adult Institutions, Programs and  
Parole**

**PETITIONER**

Inmate Scott Stern, #T48270

**AUTHORITY**

The authority granted by Government Code (GC) Section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

**CONTACT PERSON**

Please direct any inquiries regarding this action to Timothy M. Lockwood, Associate Director, Regulation and Policy Management Branch, Department of Cor-

rections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

**AVAILABILITY OF PETITION**

The petition to amend regulations is available upon request directed to the Department’s contact person.

**SUMMARY OF PETITION**

Inmate Stern is petitioning to amend California Code of Regulations (CCR), Title 15, Division 3, Section 3043.2 so that inmates who previously earned 15 percent Good Conduct Credit and are now awarded 20 percent Good Conduct Credit should be awarded the additional five percent regardless of whether an inmate “was once a zero-credit earner,” meaning that these credits will not be forfeited due to past disciplinary infractions.

In regard to recent regulations, Inmate Stern states that “the passage about credit forfeiture through disciplinary transactions uses the words, ‘may be forfeited’ and ‘if they do not comply with,’ referring to rules and regulations. There is no verbiage about any type of continued punishment through credit loss applied retroactively.”

Inmate Stern also states that “even though Petitioner has suffered no disciplinary infractions in the last 41 months, the records office will deny the newly awarded 5% credits for ‘15%ers.’” Inmate Stern refers to this denial as an underground or unwritten rule.

Lastly, Inmate Stern asks the Department to amend regulations, clarify the “unwritten contingency,” or train staff on the legal requirements. Inmate Stern states that the loss of credit or denial of retroactive application of credit “without any current disciplinary infraction” violates due process and equal protection.

**DEPARTMENT DECISION**

The Department denies the petition to amend CCR, Title 15, Division 3, Section 3043.2. Inmate Stern is earning Good Conduct Credit in accordance with Section 3043.2 and the Department has not implemented any underground or unwritten rules regarding Good Conduct Credit.

Prior to the passage of the Public Safety and Rehabilitation Act of 2016 (Proposition 57), most inmates already received the equivalent of Good Conduct Credit pursuant to Penal Code Sections 2930 through 2935. These code sections established limits on the amount of credit each inmate could be awarded based on the type of offense committed. Following the passage of Proposition 57, the Department used the rulemaking authority provided by Proposition 57 to enhance the existing

statutory credit system by expanding the number of inmates eligible for Good Conduct Credit, increasing the amount of credit that may be awarded overall, and simplifying the number of credit categories. Thus, the regulations in CCR, Title 15, Division 3, Section 3043.2 provide as follows:

- (1) Inmates who are condemned or serving a sentence of life without the possibility of parole are not eligible for Good Conduct Credit because such credit has no effect on the length of their term;
- (2) Inmates serving a determinate or indeterminate term for a violent offense are eligible for 20 percent Good Conduct Credit;
- (3) Inmates serving a second or third strike under the Three Strikes Law for a nonviolent offense are eligible for 33.3 percent Good Conduct Credit;
- (4) The remaining inmates are eligible for 50 percent Good Conduct Credit, including violent inmates who successfully complete firefighter training; and
- (5) Nonviolent inmates classified as minimum custody or who successfully complete firefighter training are eligible for 66.6 percent Good Conduct Credit.

The new rates for Good Conduct Credits went into effect on May 1, 2017. Inmates retain whatever Good Conduct Credits they received prior to May 1, 2017, at the applicable rate at the time.

The award of Good Conduct Credits (and other types of credits) is relevant to an inmate's Earliest Possible Release Date (EPRD) or Minimum Eligible Parole Date (MEPD). An inmate serving a determinate term will be released on his or her EPRD, which is calculated as his or her total sentence, less any pre-prison credits and net credits earned. An inmate serving an indeterminate term ("life with the possibility of parole") has a MEPD, which is the date on which he or she is first eligible for parole. The EPRD and MEPD are fluid dates, as credit may be earned and forfeited throughout the inmate's incarceration. To understand this process, it is important to know that the Department is continually reviewing and amending the EPRD or MEPD based on the assumption the inmate will receive Good Conduct Credits at the applicable rate for the duration of his or her incarceration. The projected Good Conduct Credits are included in the EPRD or MEPD.

Inmates are expected to comply with the rules and regulations of the Department at all times. To calculate an accurate EPRD or MEPD, the Department must ensure a complete and accurate accounting of all periods of time that an inmate was earning credit, not earning credit, or lost credit due to a serious rules violation. If an inmate receives a serious disciplinary action or is placed on non-credit earning status, Good Conduct

Credit shall be forfeited. Milestone Completion Credits and Rehabilitative Achievement Credits are also subject to forfeiture after Good Conduct Credits are exhausted. As stated in the Informative Digest for the recent Proposition 57 regulations, "Credit forfeiture for disciplinary reasons is governed by existing rules in Title 15, Division 3, Chapter 1, Subchapter 4, Article 5, Inmate Discipline sections 3310–3326. These disciplinary rules remain unchanged and are not being revised in this rulemaking." (Informative Digest, Page 5.) The forfeiture process was not modified as part of the Proposition 57 regulations.

Some inmates may have so many credits forfeited that they create a negative balance of credits, and any ongoing accumulation of Good Conduct Credit merely goes to reducing the negative balance. Therefore, it is possible that an inmate could have such a large negative balance that he or she will never be able to bring his or her credits back into the positive, and would never see a reduction to the EPRD or MEPD. In those situations, the EPRD or MEPD will be the inmate's maximum date, meaning the inmate's full sentence minus any pre-prison credits. In such a situation, the inmate will never perceive any change to his or her EPRD or MEPD.

Inmate Stern appears to have quoted language from Page 29 of the Initial Statement of Reasons for the Proposition 57 regulations, at the explanation of Section 3043.2, subdivision (b)(3), which describes the 20 percent rate for Good Conduct Credits and states, "if [inmates] do not comply with the rules and regulations of the department, Good Conduct Credit may be forfeited which could negatively impact their release date." As previously mentioned, credit forfeiture is governed by existing regulations in CCR, Title 15, Division 3, Sections 3310–3326, and was not modified as part of the Proposition 57 regulations.

Inmate Stern also states that "even though Petitioner has suffered no disciplinary infractions in the last 41 months, the records office will deny the newly awarded 5% credits for '15%ers'." Inmate Stern is earning Good Conduct Credits at the new rate of 20 percent under the Proposition 57 regulations. He has not been denied credits. He is not seeing any change in his EPRD because he has a negative balance of credits.

Lastly, Inmate Stern states that the loss of credit or denial of retroactive application of credit "without any current disciplinary infraction" violates due process and equal protection. Inmate Stern's negative balance of credits is a result of past misconduct. The past misconduct was adjudicated with due process, including an opportunity for Inmate Stern to be heard and present evidence. Additionally, the Department's implementation of Proposition 57 Good Conduct Credits does not violate equal protection. Prior to the passage of Proposition 57, the Department awarded Good Conduct Credits at

the rates in effect under Penal Code Sections 2930 through 2935.

**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# 2018-0125-01  
BOARD OF EDUCATION  
California High School Proficiency Examination (CHSPE)

This certificate of compliance action by the Board of Education makes permanent the prior emergency action that implemented statutory fee waiver process and documentation requirements for foster youths taking the California High School Proficiency Exam.

Title 5  
ADOPT: 11526 AMEND: 11520, 11524, 11525  
Filed 02/20/2018  
Effective 02/20/2018  
Agency Contact: Hillary Wirick (916) 319-0644

File# 2018-0109-02  
CALIFORNIA HORSE RACING BOARD  
Altering of Sex of Horse

This action by the California Horse Racing Board amends requirements pertaining to alterations to the sex of a horse. The amendment authorizes the stewards to declare a horse from the race if the horse's true sex is not timely reported to the racing office.

Title 4  
AMEND: 1865  
Filed 02/21/2018  
Effective 04/01/2018  
Agency Contact: Harold Coburn (916) 263-6026

File# 2018-0109-03  
CALIFORNIA HORSE RACING BOARD  
Safety Helmets Required/Safety Vest Required

This action by the California Horse Racing Board amends safety equipment requirements to provide that any person who is mounted in or riding on a jog cart must wear a safety helmet and safety vest.

Title 4  
AMEND: 1689, 1689.1  
Filed 02/21/2018  
Effective 04/01/2018  
Agency Contact: Harold Coburn (916) 263-6026

File# 2018-0111-01  
CALIFORNIA TAX CREDIT ALLOCATION  
COMMITTEE  
CTCAC Regulations Implementing Federal and State LIHTC Laws

This action by the California Tax Credit Allocation Committee (Committee) adopts and amends regulations regarding the federal and state Low Income Housing Tax Credit programs. Pursuant to subdivision (a) of section 50199.17 of the Health and Safety Code, the Committee may adopt and amend regulations for the allocation of housing credits pursuant to that chapter and other specified sections of the Revenue and Taxation Code without complying with the procedural requirements of Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of the Government Code, except as provided in subdivision (b).

Title 4  
Filed 02/15/2018  
Effective 02/15/2018  
Agency Contact: Gina Ferguson (916) 651-7707

File# 2018-0215-02  
DEPARTMENT OF FOOD AND AGRICULTURE  
Huanglongbing Disease Interior Quarantine

This emergency rulemaking by the Department of Food and Agriculture expands the quarantine area for Huanglongbing ("HLB") disease in the Westminster and Santa Ana areas of Orange County. The quarantine area is being expanded by approximately fifty-four (54) square miles in response to the confirmation on January 3, 2018, of the presence of HLB from suspect citrus tissue samples collected in the Westminster and Santa Ana areas of Orange County. This emergency action provides authority for the state to perform quarantine activities against HLB within this additional area. The total area which is now under regulation is approximately 672 square miles.

Title 3  
AMEND: 3439(b)  
Filed 02/16/2018  
Effective 02/16/2018  
Agency Contact: Kyle Beucke (916) 403-6741



File# 2018-0207-02  
DEPARTMENT OF MOTOR VEHICLES  
Special Plates

These changes without regulatory effect relocate, without substantive change, 22 sections from Article 3.1 (Special Interest License Plates) to Article 3.3 (Special Plates) of Chapter 1 of Division 1 of Title 13 of the California Code of Regulations.

Title 13  
AMEND: 170.00 renumbered as 206.00, 170.02 renumbered as 206.02, 170.04 renumbered as 206.04, 170.06 renumbered as 206.06, 170.08 renumbered as 206.08, 170.10 renumbered as 206.10, 170.12 renumbered as 206.12, 171.00 renumbered as 206.20, 171.02 renumbered as 206.22, 172.00 renumbered as 206.30, 172.05 renumbered as 206.35, 172.10 renumbered as 206.40, 173.00 renumbered as 206.50, 173.02 renumbered as 206.52, 173.04 renumbered as 206.54, 173.06 renumbered as 206.56, 173.08 renumbered as 206.58, 174.00 renumbered as 206.60, 180.00 renumbered as 206.62, 180.02 renumbered as 206.64, and 181.00 renumbered as 206.66  
Filed 02/15/2018  
Agency Contact: Randi Calkins (916) 657-8898

File# 2018-0130-01  
STATE COASTAL CONSERVANCY  
Conflict-of-Interest Code for the State Coastal Conservancy

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

Title 14  
AMEND: 13800  
Filed 02/20/2018  
Effective 03/22/2018  
Agency Contact: Jonathon Gurish (510) 286-1002

File# 2018-0125-02  
SUPERINTENDENT OF PUBLIC INSTRUCTION  
High School Equivalency Test (HSET)

This certificate of compliance action makes permanent the emergency regulatory amendments to implement the statutory fee waiver process and documentation requirements for homeless and foster youths taking the High School Equivalency Test. (See OAL Matters 2017-0523-03E, 2017-1106-06EE.)

Title 5  
ADOPT: 11534.1  
AMEND: 11530, 11533, 11534  
Filed 02/20/2018  
Effective 02/20/2018  
Agency Contact: Hillary Wirick (916) 319-0860

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN September 20, 2017 TO  
February 21, 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**  
02/13/18 AMEND: 18420.1, 18432.5, 18440, 18531.10, 18533, 18901.1 REPEAL: 18450.4  
02/13/18 AMEND: 18535  
02/13/18 AMEND: 18247.5, 18402, 18420, 18423, 18435, 18450.5, 18521.5 REPEAL: 18225, 18450.3  
02/13/18 AMEND: 11034  
02/07/18 AMEND: 56800  
01/23/18 AMEND: 59530  
01/18/18 AMEND: 18351  
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

**CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 9-Z**

	(Renumbered 20236), 20249.5	01/24/18	AMEND: 2
	(Renumbered 20237), 20250	01/22/18	AMEND: 3439(b)
	(Renumbered 20238), 20255	01/18/18	AMEND: 3439(b)
	(Renumbered 20250), 20258	01/16/18	AMEND: 3439(b)
	(Renumbered 20240), 20260	01/16/18	AMEND: 3424(c), 3591.12
	(Renumbered 20241), 20261	01/16/18	AMEND: 3439(b)
	(Renumbered 20242), 20265	01/03/18	AMEND: 3435(b)
	(Renumbered 20251), 20266	12/26/17	AMEND: 3435
	(Renumbered 20252), 20267	12/21/17	AMEND: 3439(b)
	(Renumbered 20253) REPEAL: 20202,	12/20/17	AMEND: 6000, 6619, 6724, 6764, 6768,
	20203, 20204, 20205, 20206, 20207,		6769, 6776
	20208, 20209, 20210, 20211, 20212,	12/15/17	AMEND: 3439(b)
	20215, 20245, 20249, 20251, 20252,	12/13/17	AMEND: 3435(b)
	20253, 20254, 20256, 20257, 20259,	12/13/17	AMEND: 3435(d)
	20262	12/12/17	ADOPT: 1391.7 AMEND: 1391, 1391.1,
01/11/18	ADOPT: 20130, 20131, 20132, 20133,		1391.3
	20134, 20135, 20136, 20137, 20138	12/11/17	AMEND: 3439(b)
01/08/18	ADOPT: 20140, 20141, 20142, 20143,	12/07/17	ADOPT: 8000, 8100, 8101, 8102, 8103,
	20144		8104, 8105, 8106, 8107, 8108, 8109,
12/20/17	AMEND: 1859.76		8110, 8111, 8112, 8113, 8114, 8115,
11/30/17	AMEND: 10, 51.2, 52.1, 52.10, 52.11,		8200, 8201, 8202, 8203, 8204, 8205,
	53.2, 53.3, 57.1, 58.6, 58.10, 58.13, 60.1,		8206, 8207, 8208, 8209, 8210, 8211,
	64.1, 64.2, 64.3, 64.5, 67.2, 67.3, 67.6		8212, 8213, 8214, 8215, 8216, 8300,
11/27/17	AMEND: 18531.5		8301, 8302, 8303, 8304, 8305, 8306,
11/27/17	AMEND: 1859.190, 1859.194,		8307, 8308, 8400, 8401, 8402, 8403,
	1859.195, 1859.198		8404, 8405, 8406, 8407, 8408, 8409,
11/21/17	AMEND: 559.502		8500, 8501, 8600, 8601, 8602, 8603,
11/21/17	AMEND: 59640		8604, 8605, 8606, 8607, 8608
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,	11/20/17	AMEND: 3591.15
	547.53, 547.54, 547.55, 547.55.1,	11/20/17	AMEND: 3435(b)
	547.55.2, 547.56, 547.57, 547.57.1,	11/15/17	AMEND: 6728
	547.52.2, 547.57.3, 547.57.4, 547.58,	11/09/17	AMEND: 3435(b)
	547.58.1, 547.58.2, 547.58.3, 547.58.4,	11/07/17	ADOPT: 6690, 6691, 6692
	547.58.5, 547.58.6, 547.58.7, 547.58.8,	11/07/17	ADOPT: 2852.5 AMEND: 2850, 2851,
	547.58.9 AMEND: 281, 282 REPEAL:		2852, 2853, 2854, 2855, 2856
	547.50, 547.51, 547.52, 547.53, 547.54,	11/06/17	AMEND: 3435(b)
	547.55, 547.56, 547.57	11/02/17	AMEND: 3435(b)
09/22/17	AMEND: 1859.2, 1859.81	10/23/17	AMEND: 3435(b)
09/21/17	AMEND: 59620	10/16/17	AMEND: 3591.15
09/20/17	ADOPT: 1859.90.5 AMEND: 1859.2,	10/16/17	AMEND: 3439(b)
	1859.90, 1859.90.2, 1859.90.4	09/28/17	AMEND: 3439(b)
		09/28/17	AMEND: 3435(b)
		09/27/17	AMEND: 3435(b)
		09/21/17	AMEND: 1430.142
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02/16/18	AMEND: 3439(b)	02/21/18	AMEND: 1865
02/12/18	AMEND: 6000, 6739	02/21/18	AMEND: 1689, 1689.1
01/29/18	AMEND: 3439(b)		
01/29/18	AMEND: 3439(b)		
01/25/18	ADOPT: 2852.5 AMEND: 2850, 2851,		
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01/25/18 AMEND: 1685, 1688

01/24/18 ADOPT: 4002.10, 4206, 4207 AMEND: 4001, 4200, 4201

01/17/18 AMEND: 12386, 12391, 12566

01/17/18 AMEND: 12386, 12391, 12566

01/09/18 ADOPT: 1597.5, 1597.6 AMEND: 1554, 1581.1, 1588, 1597, 1853

01/08/18 AMEND: 12120, 12303, 12362

01/02/18 AMEND: 12261, 12264

12/28/17 AMEND: 4300, 4302, 4304, 4306, 4307, 4308

12/21/17 AMEND: 8078.8, 8078.10

12/19/17 AMEND: 232

12/13/17 AMEND: 10032, 10036

12/07/17 AMEND: 12200.3, 12200.5, 12200.14, 12202, 12205.1, 12220.3, 12220.5, 12220.14, 12222, 12225.1, 12301.1, 12342, 12350, 12352, 12357, 12358

12/01/17 ADOPT: 5259 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540

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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

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10/09/17 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100

10/05/17 AMEND: 1632

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02/20/18 ADOPT: 11526 AMEND: 11520, 11524, 11525

02/20/18 ADOPT: 11534.1 AMEND: 11530, 11533, 11534

01/29/18 AMEND: 19810

01/29/18 AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901

01/25/18 ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9 AMEND: 850, 851, 851.5, 853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8

01/22/18 AMEND: 27000

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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

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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

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10/26/17 ADOPT: 1711 AMEND: 1712, 1713,  
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10/09/17 AMEND: 1646(a)  
10/02/17 ADOPT: 1535.1, 5205, 8359.1 AMEND:  
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09/28/17 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4  
09/27/17 AMEND: 5191(b)  
09/26/17 AMEND: 5189.1(t)(2)

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01/16/18 AMEND: 7140.5  
01/12/18 AMEND: 4350  
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01/22/18 AMEND: 2498.6  
01/17/18 AMEND: 2498.6  
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11/27/17 ADOPT: 2303.23, 2303.24, 2303.25,  
2303.26, 2303.27, 2303.28 AMEND:  
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10/26/17 ADOPT: 6408, 6410, 6450, 6452, 6454,  
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10/05/17 ADOPT: 9000, 9001, 9002, 9003, 9004,  
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09/21/17 AMEND: 2498.6  
09/21/17 ADOPT: 6854, 6856, 6864  
09/20/17 AMEND: 2498.5  
09/20/17 AMEND: 6902, 6903, 6904

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01/30/18 AMEND: 20  
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01/16/18 AMEND: 2084, 2086, 2088, 2089, 2090,  
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01/02/18 ADOPT: 4260, 4261, 4262, 4263, 4264

11/29/17 AMEND: 2030, 2038, 2060  
11/29/17 AMEND: 2030, 2038, 2060  
11/27/17 AMEND: 301, 303, 308, 411, 415, 420  
11/07/17 ADOPT: 999.224, 999.225, 999.226,  
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renumbered as 206.20, 171.02  
renumbered as 206.22, 172.00  
renumbered as 206.30, 172.05  
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02/13/18 AMEND: 553.70  
02/01/18 AMEND: 1212.5, 1218, 1239, 1264  
01/25/18 AMEND: 1152.3  
12/28/17 ADOPT: 1294  
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12/07/17 AMEND: 1152.6.1  
11/20/17 ADOPT: 160.02, 160.04, 106.06, 161.00,  
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11/16/17 AMEND: 1157.21  
11/15/17 AMEND: 180.00  
11/13/17 ADOPT: 2774 AMEND: 2750, 2751,  
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10/30/17 AMEND: 423.00  
10/25/17 AMEND: 26.01, 26.02  
10/23/17 AMEND: 1153  
10/16/17 ADOPT: 2208, 2208.1, 2208.2 AMEND:  
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 02/06/18 AMEND: 1038  
 01/25/18 AMEND: 1038  
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 12/21/17 ADOPT: 128  
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 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  
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 11/28/17 ADOPT: 17403.3.2, 17403.3.3 AMEND: 17402, 17403.0, 17403.8, 17405.0, 17409.3, 18103.1, 18221.5  
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 11/27/17 AMEND: 3600(b), 3600(e)  
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 10/04/17 AMEND: 3000, 3030, 3190, 3269  
 10/04/17 AMEND: 18419  
 09/25/17 ADOPT: 3570, 3572, 3573, 3580  
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01/25/18 ADOPT: 1715.65  
 01/17/18 AMEND: 1760  
 01/17/18 AMEND: 420.1 REPEAL: 424.5  
 01/11/18 AMEND: 427.10, 427.30  
 01/03/18 AMEND: 1937.11  
 12/20/17 ADOPT: 2039.5  
 12/19/17 AMEND: 1735.2  
 12/07/17 ADOPT: 5000, 5001, 5002, 5003, 5004,  
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09/28/17	AMEND: 35000	01/18/18 AMEND: 10001
<b>Title 23</b>		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
01/24/18	ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6	10/12/17 ADOPT: 5535, 5535.5, 5536, 5536.5
12/26/17	ADOPT: 3949.13	<b>Title 27</b>
12/15/17	AMEND: 64300, 64305, 64310, 64315	02/05/18 AMEND: 25705
12/14/17	AMEND: 64444, 64445, 64445.1, 64447.4, 64465, 64481	02/01/18 AMEND: 27000
11/20/17	AMEND: 2922	01/29/18 AMEND: 27001
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11/06/17	AMEND: 2200, 2200.5, 2200.6, 2200.7	12/28/17 AMEND: Appendix B; Div. 3; Subd. 1; Ch. 2
11/06/17	ADOPT: 1070.5 AMEND: 1062, 1064, 1066, 1068, 1070	12/20/17 AMEND: 27001
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	11/20/17 AMEND: 25600.1, 25600.2, 25601, 25602, 25603, 25607, 25607.2, 25607.5, 25607.6, 25607.7, 25607.12, 25607.13
10/05/17	ADOPT: 2910 REPEAL: 2910	11/15/17 AMEND: 27001
		11/15/17 AMEND: 27001
		10/30/17 ADOPT: 25607.32, 25607.33
		10/30/17 AMEND: 27000
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		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