



# 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**

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

**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

MULTI-COUNTY: Dry Creek Joint Elementary School District

STATE AGENCY: Department of Rehabilitation  
Department of Toxic Substances Control

A written comment period has been established commencing on October 26, 2018, and closing on December 10, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 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 December 10, 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 Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

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

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**REG-2018-00014**

**NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING FOR THE  
CALIFORNIA AUTOMOBILE ASSIGNED  
RISK PLAN SIMPLIFIED MANUAL OF RULES  
AND RATES**

SUBJECT OF HEARING

California's Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") for changes to the Simplified Manual of Rules and Rates.

AUTHORITY AND REFERENCE TO  
ADOPT RATES

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code § 11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date: December 19, 2018**

**Time: 10:00 a.m.**

**Place: Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013**

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 19, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

**ADVOCACY OR WITNESS FEES**

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

**CA 18–07**

A common provision in business contracts is a waiver of subrogation; that is, a waiver of the right of one party to bring a claim for damages against another.

The California Automobile Assigned Risk Plan (“CAARP”) Manual does not provide a rating procedure or an endorsement to be used when a waiver of subrogation is required by contract.

CAARP proposes allowing a waiver of subrogation if required by contract.

**CA 18–11**

California S.B. 179 amends Section 12800 of the Vehicle Code to include a nonbinary applicant to the gender category for applicants requesting a California driver’s license.

To adhere to the legislative change CAARP proposes amending the private passenger auto classifications to: update the classification table to include a youthful nonbinary classification; introduce a definition of nonbinary; and amend the definition of youthful operator to include nonbinary.

**COMPARABLE FEDERAL LAW**

There are no comparable existing federal regulations or statutes.

**LOCAL MANDATE DETERMINATION**

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

**MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS OR COSTS WHICH MUST  
BE REIMBURSED PURSUANT TO  
GOVERNMENT CODE SECTIONS 17500  
THROUGH 17630**

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE AGENCY;  
FEDERAL FUNDING**

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES AND  
THE ABILITY OF CALIFORNIA BUSINESSES  
TO COMPETE**

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACT ON PRIVATE PERSONS  
OR ENTITIES**

The Insurance Commissioner has initially determined that the proposal will not affect private persons or entities.

**IMPACT ON HOUSING COSTS**

The Insurance Commissioner has initially determined that the application will not affect housing costs.

**IMPACT ON SMALL BUSINESS**

The proposed rate changes could affect small businesses.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The application would not mandate the use of specific technologies or equipment.

**ALTERNATIVES**

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**PLAIN ENGLISH**

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

**TEXT AND INITIAL STATEMENT OF REASONS**

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

**FINAL STATEMENT OF REASONS**

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

**ACCESS TO RULEMAKING FILE**

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the

hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

**AUTOMATIC MAILING**

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

**AVAILABILITY OF MODIFIED TEXT OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF INSURANCE**

**REG-2018-00017**

**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN PLAN OF OPERATIONS**

**SUBJECT OF HEARING**

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations.

**AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of



Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date: December 19, 2018**

**Time: 10:00 a.m.**

**Place: Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013**

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 19, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

**CA 18-06**

Currently, the Plan provides companies with market shares greater than 5% of the California private passenger business the option to buy out into the Limited Assignment Distribution (“LAD”). Annually, each company must request an exception from the Advisory Committee to buy out and enter into an LAD agreement. However, companies requesting exceptions are left with uncertainty from year to year, making it difficult for them to make long-term business plans.

CAARP proposes to give all companies with private passenger quotas the option to buy out into an LAD when the Plan private passenger application volume is 25,000 vehicles or less.

**CA 18-09**

The Plan of Operation does not state the hours of operation during which an assigned company or CAIP servicing carrier must provide customer service.

CAARP proposes new insurer and CAIP servicing carrier performance standards for hours of operation to provide customer service.

**CA 18-10**

Current Plan rules must be updated to provide guidance for insurer reporting of voluntary base data for low speed vehicles written in the voluntary market.

The California Automobile Assigned Risk Plan proposes expansion of the definition of voluntary miscellaneous nonfleet personal vehicles to include low speed vehicles for data reporting purposes.

Calculated car years for low speed vehicles, as well as the other classes of miscellaneous nonfleet personal vehicles and named nonowner applicants, will be excluded from the calculated car years used for private passenger determination. Without such clarification, low speed vehicles written in the voluntary market would be reported to AIPSO as private passenger nonfleet car years, which would adversely impact future rate filings.

**COMPARABLE FEDERAL LAW**

There are no comparable existing federal regulations or statutes.

**LOCAL MANDATE DETERMINATION**

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

**MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630**

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

**COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING**

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

**SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE**

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

**COST IMPACTS ON PRIVATE PERSONS OR ENTITIES**

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

**IMPACT ON HOUSING COSTS**

The Insurance Commissioner has initially determined that the application will not affect housing costs.

**IMPACT ON SMALL BUSINESS**

The proposed rate changes could affect small businesses.

**SPECIFIC TECHNOLOGIES OR EQUIPMENT**

The application would not mandate the use of specific technologies or equipment.

**ALTERNATIVES**

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF INSURANCE**

**REG-2018-00021**

**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN PLAN OF OPERATIONS**

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations.

AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date: December 19, 2018**

**Time: 10:00 a.m.**

**Place: Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013**

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding.

Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 19, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accor-

dance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

CA 18-13

When a private passenger application is incomplete or does not meet Program requirements, the Plan notifies the applicant and producer of any violations and assigns the application. Plan procedures for the handling and assignment of applications with violations are unclear and should be clarified.

CAARP proposes enhancements to Plan procedures that clarify how applications with violations are handled by the Plan.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS OR COSTS WHICH MUST  
BE REIMBURSED PURSUANT TO  
GOVERNMENT CODE SECTIONS 17500  
THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of

Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY;  
FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES AND  
THE ABILITY OF CALIFORNIA BUSINESSES  
TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACTS ON PRIVATE PERSONS  
OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS ON  
THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

**AVAILABILITY OF MODIFIED TEXT  
OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING REGARDING  
COMMERCIAL AUTOMOBILE INSURANCE  
PROCEDURE RATES FOR THE CALIFORNIA  
AUTOMOBILE ASSIGNED RISK PLAN**

**REG-2018-00019**

**SUBJECT OF HEARING**

California's Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") for approval of increased rates for the five commercial sub-lines for the Commercial Automobile Insurance Procedure ("CAIP").

**AUTHORITY AND REFERENCE TO  
ADOPT RATES**

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code § 11340.9(g) applies to this proceeding.

**HEARING DATE AND LOCATION**

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date: December 19, 2018**

**Time: 10:00 a.m.**

**Place: Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013**

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

**ACCESS TO HEARING ROOM**

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 19, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining commercial automobile coverage through CAIP. Section 11624 provides: “Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan.” Title 10, California Code of Regulations, § 2498.5 references the commercial automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP’s recent rate application. CAARP has proposed rate changes for five CAIP sub-lines, amounting to an overall average **24.1 percent rate increase**. The five sub-lines are:

Trucks, Tractor and Trailers;  
Taxis, Limousines and Van Pools;  
All Buses Combined;  
Zone Rated Risks and  
Employers Non–Ownership Liability.

Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

CAARP is proposing overall rate increases for Trucks, Tractor and Trailers; Taxis, Limousines and Van Pools; All Buses Combined; Zone Rated Risks and Employers Non–Ownership Liability. Although the number of commercial auto applications placed by CAARP is small, the proposed rate changes could have a statewide economic impact directly affecting busi-

nesses, including the ability of California businesses to compete with businesses in other states. The proposed rate changes could also impact competition or competitiveness. The proposal could also affect the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California. However, California Insurance Code section 11624(e) requires that premium charges for the plan shall be actuarially sound so as to result in no subsidy of the plan by the voluntary market. Therefore, if and to the extent that CAARP is able to demonstrate that certain existing rates are no longer actuarially sound and that rate increases are warranted, the Commissioner is required to approve increased rates. Of course, the Commissioner also recognizes that section 11624(e) requires that rates not be excessive, and the Commissioner will not approve an increase that results in excessive rates.

#### COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has determined that there could be potential cost impacts on businesses directly affected by the proposed rate increases. Although the rate application involves commercial automobile insurance rates, to the extent a rate increase impacts business, it could also impact private persons employed by those businesses. The rate increase could also impact private persons wishing to purchase goods or services from businesses if the price of goods or services is increased to cover the increased cost of insurance coverage.

#### IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

#### IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

#### SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

#### ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

#### TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, this Notice of Proposed Action and Text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above.

Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

#### FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

#### ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

#### AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.



AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED TEXT  
OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**REG-2018-00011**

**NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING FOR THE  
CALIFORNIA AUTOMOBILE ASSIGNED  
RISK PLAN SIMPLIFIED MANUAL OF RULES  
AND RATES**

**SUBJECT OF HEARING**

The California Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP") to increase private passenger automobile rates referenced in California Code of Regulations, Title 10, Section 2498.5.

**AUTHORITY AND REFERENCE TO  
ADOPT RATES**

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision in the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code §11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date: December 19, 2018**

**Time: 10:00 a.m.**

**Place: Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013**

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

### DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 19, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

### ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346 6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### **CA 18–08**

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining private passenger automobile coverage through policies assigned through the California Automobile Assigned Risk Plan (“CAARP”). Section 11624 provides: “Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan.” Title 10, California Code of Regulations, § 2498.5 references the private passenger automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP’s recent rate application. CAARP has proposed rate change a 12.5 percent rate increase.

Further details appear in the rate application on file with the Commissioner and **available for review as set forth below**.

### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

### COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS  
OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details

on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON  
THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED TEXT  
OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF  
INSURANCE**

**REG-2018-00016**

**NOTICE OF PROPOSED ACTION AND  
NOTICE OF PUBLIC HEARING REVISIONS  
TO CALIFORNIA LOW COST AUTOMOBILE  
PLAN OF OPERATIONS**

**SUBJECT OF HEARING**

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Low Cost Automobile (“CLCA”) Plan of Operations.

**AUTHORITY TO ADOPT RULES AND  
PROCEDURES AND REFERENCE**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner’s decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

**HEARING DATE AND LOCATION**

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date: December 19, 2018**

**Time: 10:00 a.m.**

**Place: Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013**

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

**ACCESS TO HEARING ROOM**

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

**DEADLINE FOR WRITTEN COMMENTS**

All written materials, unless submitted, at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on December 19, 2018**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

**ADVOCACY OR WITNESS FEES**

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661A. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
 Office of the Public Advisor  
 300 Spring Street 12<sup>th</sup> Floor  
 Los Angeles, CA 90013  
 Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW

**LC18-04**

Current Plan rules must be updated to provide guidance for insurer reporting of voluntary base data for low speed vehicles written in the voluntary market.

The California Automobile Assigned Risk Plan proposes expansion of the definition of voluntary miscellaneous nonfleet personal vehicles to include low speed vehicles for data reporting purposes.

Calculated car years for low speed vehicles, as well as the other classes of miscellaneous nonfleet personal vehicles and named nonowner applicants, will be excluded from the calculated car years used for Low Cost quota determination. Without such clarification, low speed vehicles written in the voluntary market would be reported to AIPSO as private passenger nonfleet car years, which would adversely impact future rate filings.

**LC 18-05**

Currently, the Plan provides companies with market shares greater than 5% of the California private passenger business the option to buy out into the Limited Assignment Distribution (“LAD”). Annually, each company must request an exception from the Advisory Committee to buy out and enter into an LAD agreement. However, companies requesting exceptions are left with uncertainty from year to year, making it difficult for them to make long-term business plans.

CAARP proposes to give all companies with low cost quotas the option to buy out into an LAD when the Plan Low Cost application volume is 25,000 vehicles or less.

**LC 18-07**

CA Insurance Code §11629.78(b) prohibits an insured under the Low Cost Program from purchasing or maintaining any automobile liability insurance coverage other than a Low Cost Auto Policy for any additional vehicles in the insured’s household. As a result, many applicants are not eligible for a Low Cost Auto Policy if

any other member of their household has their own automobile liability insurance policy.

CAARP proposes expanding eligibility requirements to include (1) an applicant who resides in a household where their spouse or another member of the household has their own automobile liability insurance policy and (2) an applicant who purchases or maintains an automobile liability insurance policy other than a Low Cost Auto Policy covering an automobile or motor vehicle that cannot be covered by the Low Cost Program.

**LC 18-08**

The Policy Change Request — Certification Form has been reformatted to consolidate information and signature fields onto a single page.

CAARP proposes expanding the list of applications, forms, and manuals available for Plan to include the new California Low Cost Automobile Insurance Program Eligibility Requirements Form. Expanding supporting documentation requirements for address changes and replacement vehicles to include the insured’s physical address if different from their mailing address. And updating the Policy Change Request — Certification Form to streamline completion of the form.

**LC 18-09**

The Plan of Operation does not state the hours of operation during which an assigned company must provide customer service.

CAARP proposes new insurer performance standards for hours of operation to provide customer service.

**LC 18-10**

California S.B. 179 amends Section 12800 of the Vehicle Code to include a nonbinary applicant to the gender category for applicants requesting a California driver’s license.

To adhere to the legislative change CAARP proposes amending the CLCA classifications to: update the classification table to include a youthful nonbinary classification; introduced definition of nonbinary; and amend the definition of youthful operator to include nonbinary.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR  
SCHOOL DISTRICTS OR COSTS WHICH MUST  
BE REIMBURSED PURSUANT TO  
GOVERNMENT CODE SECTIONS 17500  
THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY;  
FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT ON BUSINESSES AND  
THE ABILITY OF CALIFORNIA BUSINESSES  
TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS  
OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private persons or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the mended regulations.

**TITLE 10. DEPARTMENT OF INSURANCE**

**REG-2018-00022**

**NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REVISIONS TO CALIFORNIA LOW COST AUTOMOBILE PLAN OF OPERATIONS**

SUBJECT OF HEARING

California Insurance Commissioner Dave Jones will hold a public hearing to address the proposed amendments to the California Low Cost Automobile ("CLCA") Plan of Operations.

AUTHORITY TO ADOPT RULES AND PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

**Date: December 19, 2018**

**Time: 10:00 a.m.**

**Place: Department of Insurance Hearing Room  
300 South Spring Street  
Los Angeles, CA 90013**

**The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.**

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS:  
AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street, 21<sup>st</sup> Floor  
San Francisco, CA 94105  
[riordanm@insurance.ca.gov](mailto:riordanm@insurance.ca.gov)  
Telephone: (415) 538-4226  
Facsimile: (415) 904-5490

The backup agency contact person for this proceeding will be:

Emily Gallagher, Attorney  
California Department of Insurance  
Rate Enforcement Bureau  
45 Fremont Street 21<sup>st</sup> Floor  
San Francisco, CA 94195  
[gallagher@insurance.ca.gov](mailto:gallagher@insurance.ca.gov)  
Telephone: (415) 538-4108

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the

address listed above **no later than 5:00 p.m. on December 19, 2018.**

Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

#### ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Spring Street 12<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 346 6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### **LC 18–11**

The reinstatement procedure for Low Cost Auto Policies provides options for the submission of outstanding payments and renewal deposits. The methods for payment submission include hand delivery to the insurer and electronic submission by credit or debit card. However, effective date determination procedures for both do not provide immediate coverage.

CAARP proposes introducing a new procedure that provides immediate coverage when payments and renewal deposits are mailed or delivered to the producer or are physically accepted by the producer from the insured in their office.

This is an expansion of the reinstatement procedures applicable to outstanding payments and renewal deposits which are transmitted electronically by credit or debit card or are hand delivered to the insurer.

##### **LC 18–12**

When a Low Cost application is incomplete or does not meet Program requirements, the Plan notifies the applicant and producer of any violations and assigns the application. Plan procedures for the handling and assignment of applications with violations are unclear and should be clarified.

CAARP proposes enhancements to Plan procedures that clarify how applications with violations are handled by the Plan.

#### COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

#### LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

#### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

#### COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no ef-



fect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

#### COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private persons or entities.

#### IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

#### IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

#### SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

#### ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action.

#### PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

#### TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

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#### FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's website.

#### ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 45 Fremont Street, 21<sup>st</sup> Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

#### AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at [www.insurance.ca.gov](http://www.insurance.ca.gov).

#### AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

**TITLE 12. DEPARTMENT OF VETERANS AFFAIRS**

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (“CalVet”) is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

CalVet will hold a public hearing starting at 10:00 a.m. on December 14, 2018, at the Medal of Honor Hall (“MOH”), on the first floor of CalVet’s Headquarters Building located at 1227 O Street, Sacramento, California 95814. The MOH is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. CalVet requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalVet. Comments may also be submitted by facsimile (FAX) at (916) 653-2456 or by e-mail to [phil.mcallister@calvet.ca.gov](mailto:phil.mcallister@calvet.ca.gov). The written comment period closes at **5:00 p.m. on December 10, 2018**. CalVet will consider only comments received at CalVet offices by that time, as well as comments received at the public hearing. Submit comments to:

Phil McAllister, Regulatory Actions Coordinator  
 California Department of Veterans Affairs  
 1227 O Street, Suite 300  
 Sacramento, California 95814

**AUTHORITY AND REFERENCE**

Authority: Education Code Sections 67100, 67101, and 67102. Reference: 38 C.F.R. 21.4253 and 3671.

**A. Policy Statement Overview**

The California Department of Veterans Affairs (CalVet), California State Approving Agency for Veterans Education (CSAAVE), operates under contract with the U.S. Department of Veterans Affairs (USDVA). Under the authority of federal law, Title 38 United States Code, the CSAAVE approves or disapproves veterans’ education and training programs, prevents abuses, and promotes quality in veterans’ education by evaluating and monitoring education and training programs.

CalVet proposes to adopt California Code of Regulations, title 12, sections 443, 444, 445, 446, and 447 concerning additional requirements on postsecondary educational institutions seeking to enroll veterans or persons eligible for Title 38 funds.

Education Code Sections 67100, 67101, and 67102 grants CSAAVE administrative control over the Title 38 Funding Program. Postsecondary educational institutions and programs seeking to enroll veterans or persons eligible for Title 38 awards must receive CSAAVE approval for these courses. To that end, CSAAVE may require the postsecondary institution or program to comply with all federal and state laws and regulations as well as additional reasonable criteria established by CSAAVE. Beginning in the 2016-2017 award year, the postsecondary institution or program must also have its approval to operate from the Bureau for Private Postsecondary Education (BPPE) certified by CSAAVE or be a California public college or university.

Currently, CSAAVE has not adopted comprehensive criteria for Title 38 funding. Without regulations, postsecondary educational institutions and programs will continue to spend public funds to target Title 38 beneficiaries without improving either the quality of education or graduation outcomes for those recipients.

Regrettably, there is a history of abuse by some Title 38 school and program recipients, including the documented waste of large amounts of public monies, and more importantly, the taking of monies and years from the intended beneficiaries without adequate benefit. These disappointing outcomes have been documented in audits, Congressional reports and numerous other sources. More specifically, the rationale for rules to prevent historical and predicted abuse is driven by numerous factors, including the following:

1. The higher maximums for tuition assistance and for living expenses for veterans under Title 38 *vis-à-vis* public assistance to other populations; a justifiable disparity, but one that creates an incentive for marketing abuse;

2. The irreparable harm that can flow from years of education without beneficial outcome, including the common private borrowing by students, which can create hardship where expected employment does not occur, including credit ruination and, other consequences;
3. Limitations on effective court redress or other state protections to address abuses of veterans in their use of Title 38 benefits.
4. Congressional intent that veterans receive reliable assistance to achieve self-sufficiency and success.

These and other factors commend a preventive strategy that is based on bright-line criteria that closely correlate with abuse prevention or education success — including the empirical record of graduation, job qualification, subsequent employment, debt management, and other measurable performance factors. The rules also ensure that student veterans have an effective legal remedy against a postsecondary institution or program’s fraudulent or predatory practices to provide redress where prevention fails. A set of these rules apply only to institutions with a predominant share of revenue from Title 38 public sources — with the concomitant expectation of statutory and rule compliance. As a part of the privileged receipt of those funds and that trust, the institutions may not categorically forbid effective judicial redress by the student veterans involved.

**The specific problem being addressed in this regulatory action is to, without being unduly burdensome, build upon the recent performance standards for the broader state higher education Cal Grant subsidy, and establish baseline accreditation, graduation, and academic spending requirements appropriate for this distinct population.**

B. Informative Digest

The specific purpose for each proposed amendment or adoption of 12 CCR 443–447 would provide as follows:

**Section 443** defines terms used in the regulations. This is necessary for the reader to be able to easily understand the meaning of the defined term or phrase as used in the regulations.

**Section 444** requires institutions be accredited in accordance with California EC 67102 or be issued a waiver by the USDVA under 38 USC 3676 section (f)(1). This is necessary to ensure the California institutions comply with all federal and state laws and regulations regarding accreditation and the authority to operate as a California Private Postsecondary Institution.

**Section 445(a)(1)** requires institutions to comply with EC 67100. This is necessary to ensure that institutions and programs comply with state and federal requirements and standards applying to Title 38 eligibility.

**Section 445(a)(2)** requires institutions to comply with any standard, policy, rule, law, or requirement used in consideration for a grant of program approval by CSAAVE under EC 67100(c). This is necessary to ensure that institutions and programs comply with state and federal requirements and standards applying to Title 38 eligibility.

**Section 445(a)(3)** requires qualifying institutions and programs provide information on their graduates’ license examination passage rates, graduation completion rates, and the cohort default rate current or most recent year preceding the application submitted to CSAAVE for approval consideration and certify this requirement to CSAAVE. This is necessary to ensure that institutions and programs comply with state and federal requirements and standards applying to Title 38 eligibility.

**Section 445(a)(4)** requires qualifying institutions and programs to demonstrate financial stability. This is necessary to ensure that the qualifying institutions and programs can assure their students they can complete their education.

**Section 445(a)(5)** requires all qualifying postsecondary institutions and programs to comply with state and federal provisions on advertising, representations, claims, and marketing. All advertising showed to veterans must be truthful and comply with the Unfair Competition Law and the Consumer Legal Remedies Act. This section is necessary to ensure these institutions’ advertising and representations made to veterans and other individuals eligible for Title 38 are neither fraudulent nor deceitful.

**Section 445(a)(6)** requires institutions and programs to comply with state and federal disclosure standards and requirements. All advertising showed to veterans must be truthful and comply with the Unfair Competition Law and the Consumer Legal Remedies Act. This section is necessary to ensure these institutions’ advertising and representations made to veterans and other individuals eligible for Title 38 are neither fraudulent nor deceitful. This is necessary to ensure the institutions and programs comply with state federal requirements and standards applying to Title 38 eligibility, and to prevent an institution from misrepresenting that it has such approval from the Department of Education or CSAAVE.

**Section 445(a)(7)** requires the institution or program to provide URL links to the CSAAVE websites. This is necessary to help prospective students make informed decisions about their academic future and to inform students of the approval status of the institution and its program(s).

**Section 445(b)(1)** requires institutions to comply with EC 67100. This is necessary to ensure that institutions and programs comply with state and federal re-

quirements and standards applying to Title 38 eligibility.

**Section 445(b)(2)** requires institutions to satisfy requirements necessary to allow a student who completes the educational program to qualify to take any required licensing or certification exam. This is necessary to ensure that institutions and programs comply with state and federal requirements and standards applying to Title 38 eligibility, and to assure student success.

**Section 445(c)** requires qualifying institutions and programs to conduct an “employment market assessment” at program creation and submit the assessment to CSAAVE. This is necessary to substantiate student outcomes following graduation and demonstrate that the institution or program is responding to job market conditions and substantiate advertising claims.

**Section 445(d)** authorizes CSAAVE to utilize the institution’s or program’s compliance with any standards, rules, and/or requirements prescribed by any state or federal licensing or approving agency or entity, and any accrediting body, agency, or association, as a basis for a grant of CSAAVE approval. This is necessary to ensure that CSAAVE does not grant approval for non-compliant institutions and programs and prevent veterans and other eligible persons from enrolling and losing Title 38 education benefits.

**Section 446** requires institutions to provide CSAAVE copies of all documents and other materials concerning the institution and its programs for which approval is sought, including all documents maintained by the governmental, accrediting, or licensing agency or entity. This is to ensure CSAAVE has knowledge of the licensing and/or approval status of an institution or its approved programs offered in California.

**Section 447** authorizes CSAAVE to suspend the approval of a course for new enrollment, or suspend approval of a licensing or certification test, pursuant to 38 Code of Federal Regulations (CFR) section 21.4259(a)(1). It also provides the authority to immediately disapprove a course, licensing or certification test, pursuant to 38 CFR Section 21.4259(a)(2) and 38 USC section 3679.

EVALUATION OF INCONSISTENCY/  
INCOMPATIBILITY WITH EXISTING  
STATE REGULATIONS

After conducting an evaluation for any regulations related to this area, Cal Vet has found that there are no inconsistent or incompatible existing state regulations. Cal Vet (through the CSAAVE administrator) is the only state agency that regulates the awarding of Title 38 funds to postsecondary educational institutions and

programs seeking to enroll veterans or eligible persons for such awards.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*CalVet has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: Minimal.

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

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

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

Cost impacts on a representative private persons or businesses: CalVet 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, Statewide Adverse Economic Impact on Business: 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.

Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS

In accordance with Government Code section 11346.5(a)(10), the results of the EIA (full EIA found in the Initial Statement of Reasons) are as follows:

- The proposed regulations will not create or eliminate jobs in California.
- The proposed regulations will not create or eliminate businesses in California.
- The proposed regulations will not affect the expansion of existing businesses in California.

*Benefits of the Proposed Action:*

The proposed regulations will add protections for California veterans not currently in place. Applying the standards currently in place for the Cal Grant subsidy ensure a consistent application of state requirements for higher education institutions, while protecting veterans and ensuring they will receive the educational benefits they expect and should acquire when enrolled in a state-approved Title 38 program.

SMALL BUSINESS DETERMINATION

The proposed regulations will not affect small business because this proposed regulation only impacts educational institutions who seek Title 38 funding.

BUSINESS REPORT

The proposed regulation does not require a business report.

CONSIDERATION OF ALTERNATIVES

CalVet 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.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
1227 O Street, Suite 300  
Sacramento, California 95814  
Telephone: (916) 653-1961  
Fax: (916) 653-2456  
Email: phil.mcallister@calvet.ca.gov

The backup contact person for these inquiries is:

Latanaya Johnson  
Education Administrator  
California State Approving Agency for Veterans  
Education  
1227 O Street  
Sacramento, CA 95814  
Telephone: (916) 503-8319  
Fax: (916)653-1035  
Email: [latanaya.johnson@calvet.ca.gov](mailto:latanaya.johnson@calvet.ca.gov)

Please direct requests for copies of the proposed text (the “express terms”) 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 Phil McAllister at the above address.

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

CalVet will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date

this notice is published in the Notice Register, the rule-making file consists of this notice, the proposed text of the regulations and the initial statement of reasons. Copies may be obtained by contacting Phil McAllister at the address or phone number listed above.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Phil McAllister at the address indicated above. CalVet 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 Phil McAllister at the above address.

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 through our website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

**TITLE 17. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER THE PROPOSED REGULATION  
FOR THE REPORTING OF CRITERIA AIR  
POLLUTANTS AND TOXIC AIR  
CONTAMINANTS**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (title 17,

California Code of Regulations, section 93400 et seq.), which was developed pursuant to requirements of California Assembly Bill (AB) 617.<sup>1</sup>

DATE: December 13, 2018  
 TIME: 9:00 a.m.  
 PLACE: California Environmental Protection Agency  
 California Air Resources Board  
 Byron Sher Auditorium  
 1001 I Street  
 Sacramento, California 95814

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., December 13, 2018, and will continue at 8:30 a.m., December 14, 2018. Please consult the agenda for the meeting, which will be available at least 10 days before December 13, 2018, to determine the day on which 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 comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on October 26, 2018. Written comments not physically submitted at the hearing must be submitted on or after October 26, 2018, and received **no later than 5:00 p.m.** on December 10, 2018. CARB requests that when possible, written and email statements be filed at least 10 days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:

Clerk of the Board, California Air Resources Board  
 1001 I Street, Sacramento, California 95814

Electronic submittal:

<http://www.arb.ca.gov/lispub/comm/bclist.php>

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.

Additionally, the Board requests but does not require that persons who submit written comments to the Board reference the title of the proposal in their comments to facilitate review.

**AUTHORITY AND REFERENCE**

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, 39605, 39607, 39607.1, 39701, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2. This action is proposed to interpret and implement section 39607.1 of the Health and Safety Code.

**INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW**

**Sections Affected:** Proposed adoption to California Code of Regulations, Title 17, Subchapter 7.7, Article 1, sections 93400, 93401, 93402, 93403, 93404, 93405, 93406, 93407, 93408, 93409, 93410, and 93411.

**Documents Incorporated by Reference (Cal. Code Regs., tit. 1, § 20, subd. (c)(3)):**

- California Office of Environmental Health Hazard Assessment (OEHHA), *Air Toxics Hot Spots Program — Risk Assessment Guidelines — The Air Toxics Hot Spots Program Guidance Manual for Preparation of Health Risk Assessments*. February 2015; Incorporated by reference in section 93401(c)(2)(A)1. Available at: <https://oehha.ca.gov/air/crn/notice-adoption-air-toxics-hot-spots-program-guidance-manual-preparation-health-risk-0>.
- CARB, *Emission Inventory Criteria and Guidelines for the Air Toxics “Hot Spots” Program*. Effective September 26, 2007; Incorporated by reference in section 93402, “Toxic air contaminant.” Available at: <https://www.arb.ca.gov/ab2588/2588guid.htm> (Appendix A-1).
- United States Census Bureau, *North American Industry Classification System Manual*. 2017; Incorporated by reference in section 93402, “North American Industry Classification System (NAICS) code(s).” Available at [https://www.census.gov/eos/www/naics/2017NAICS/2017NAICS\\_Manual.pdf](https://www.census.gov/eos/www/naics/2017NAICS/2017NAICS_Manual.pdf).
- United States Environmental Protection Agency (U.S. EPA) Data Element Registry Service (DERS), Unit Type Code, *System of Registries —*

<sup>1</sup> Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

*Export*, effective date January 7, 2013; Incorporated by reference in section 93402, “Unit Type Code.” Available at: [https://iaspub.epa.gov/sor\\_internet/registry/datareg/searchandretrieve/valuelist/search.do?d=49489-e=5&verNr=1&details=displayDetails&id=12300&6578706f7274=1](https://iaspub.epa.gov/sor_internet/registry/datareg/searchandretrieve/valuelist/search.do?d=49489-e=5&verNr=1&details=displayDetails&id=12300&6578706f7274=1).

- U.S. EPA Source Classification Codes, as Appendix C to the ISOR, accessed October 1, 2018; Incorporated by reference in section 93402, “Source Classification Code(s).” Available at: <https://ofmpub.epa.gov/sccwebservices/sccsearch/>.
- National Oceanic and Atmospheric Administration, *North American Datum of 1983*. December 1989; Incorporated by reference in section 93402, “Geospatial coordinates.” Available at [https://www.ngs.noaa.gov/PUBS\\_LIB/NADof1983.pdf](https://www.ngs.noaa.gov/PUBS_LIB/NADof1983.pdf).

**Background:**

California’s existing air quality programs are responsible for significant public health improvements through statewide and regional air quality planning requirements, advancement of technology-based solutions, and risk reduction efforts near industrial facilities. For example, since the 1970s, regulations at the State and local level have led to a nearly 70 percent reduction in nitrogen oxide emissions, a key component of smog formation. Also, in the past 25 years, emissions and health impacts from air toxics exposure have been reduced by 75 percent.

However, certain communities continue to experience adverse and inequitable environmental and health impacts from air pollution. As compared to other areas, communities near ports, rail yards, warehouses, or freeways, for example, experience a higher concentration of air pollution due to emissions from mobile sources such as cars, diesel trucks, locomotives, and ships. Many of the same communities also experience air quality impacts from large industrial facilities such as oil refineries. Additionally, in many communities across the State, smaller sources of toxic air contaminants like chrome plating facilities, metal recycling facilities, oil and gas production operations, and pesticide use, also contribute to localized air quality impacts. Within certain communities multiple sources of toxic air contaminants that are located in close proximity may also result in an elevated cumulative exposure burden for nearby human receptors.

AB 617, signed into law in July 2017, continues California’s environmental leadership by establishing innovative new practices to improve air quality in California’s most disadvantaged communities. AB 617 requires community-focused and community-driven ac-

tion, using multiple strategies and tools, to reduce air pollution and improve public health in communities experiencing a disproportionate cumulative exposure burden from air pollutants. A critical component of AB 617 is its reporting requirements that will be implemented by this proposed regulation.

Emissions inventory data is the foundation of many programs at CARB. Emissions inventory data for greenhouse gases (GHG) support CARB’s programs focused on climate change issues, while inventory of criteria pollutant and toxic air contaminants emissions data is critical to support California’s air quality programs. Consistently updated and accurate emissions data is also fundamental to the community right-to-know tenets established in AB 197,<sup>2</sup> and the community-driven action mandated by AB 617. Emissions data is crucial to evaluating and mitigating the effects of air pollutants at the local, regional, and statewide levels.

Historically, emissions inventories were developed to assess emissions to support air quality programs such as State Implementation Plans and local measures implemented by the air districts. AB 197 and AB 617 require a more integrated, trend-based assessment of criteria pollutant and air toxics emissions data. However, the frequency and scope of reporting criteria pollutants and air toxics emissions varies between air districts. Many large air districts collect criteria and air toxic emissions data annually, while smaller districts may only report emissions once every three or four years, depending on the size of a facility. Additionally, the types of criteria pollutants and air toxics reported vary across districts, depending on the attainment status of air districts and the proximity of sources to large sources.

**Proposed Regulatory Action:**

The emission reporting requirements in AB 617 direct CARB to establish a uniform statewide system of annual reporting of criteria pollutant and toxic air contaminants for stationary sources, while working closely with the local air districts.

The proposed “Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants” (or CTR Regulation) includes the following:

- Annual criteria pollutant and air toxics emissions reporting for sources subject to the CTR Regulation;
- Consistency in the types of criteria pollutants and air toxics that need to be reported;
- Establishing applicability for sources subject to the reporting requirements;

<sup>2</sup> Assembly Bill 197, Garcia, E., Chapter 250, Statutes of 2016, modified the California Health and Safety Code, amending § 39510 and § 39607, and adding § 38506, § 38531, § 38562.5, and § 38562.7.

- Establishing the contents and how the emissions must be reported in the emissions data report;
- Creating reporting deadlines and the process for submitting emissions data reports.

CARB will implement the proposed program requirements in tandem with local air districts to avoid potential duplication of reporting efforts. Air districts have worked closely with their local facilities for many decades and have detailed, specific knowledge of these facilities with regard to their permitting, data collection, and enforcement histories. The districts' knowledge is necessary to ensure the success of the statewide reporting program.

This notice provides the objectives and benefits, a summary of fiscal impacts, and other information related to the implementation of AB 617's section 39607.1 of the California Health and Safety Code (H&SC) by establishing a uniform statewide system for mandatory annual emissions reporting to CARB.

**Objectives and Benefits of the Proposed Regulation:**

The proposed CTR regulation supports the community right-to-know components of AB 197 and the community-driven actions to address cumulative exposure burden in the most impacted communities in AB 617. The data collected under the regulation will be a significant and beneficial tool in ensuring that communities that are disproportionately affected by air pollution will get the help they need to reduce their air pollution burdens. Additionally, the CTR regulation meets the needs of AB 197 by requiring the annual collection of criteria pollutant and air toxics emissions data, which improves the ability to establish emissions trends for the largest of California's emissions sources.

A key benefit of the proposed regulation is its harmonization of statewide data submission requirements, such as reporting deadlines, frequency of reporting, and the specific chemical substances and other data to be reported on an annual basis, so that similar industrial sectors will begin to have data comparability, regardless of where they are located within California. This improved data in turn provides benefits to community groups, the public, regulators, scientists, CARB, and others, who have growing needs to access complete, user-friendly, and high-quality emissions data. The proposed regulation would significantly increase access to useful data in user-friendly forms, such as mapping (as provided in the current CARB Pollution Mapping Tool<sup>3</sup>), graphs, and detailed emissions data reports when needed.

In addition to addressing the requirements and goals of AB 197 and AB 617, inventory data helps to deter-

mine what is being emitted into the air, by whom, and where. Inventory data helps guide and provides the scientific basis for CARB's regulatory development process; identify and address areas of concern; and to track progress in emission reduction efforts, from stationary sources, area sources, and mobile sources. Consistently reported and accurate inventory data are an essential element in the development of cost-effective solutions to reduce air pollution and protect human health. Moreover, inventory data supports CARB's overall obligation to work to improve California's air quality. Additionally, while the reporting regulation provides no direct benefits to worker safety, over time, indirect benefits to workers and residents within these communities may be realized as a function of actions taken to reduce emissions, based on the improved inventory.

**Comparable Federal Regulations:**

Various provisions of existing federal regulations require the reporting of criteria emissions and toxic air contaminants to U.S. EPA. The proposed CARB regulation also requires reporting of criteria and toxic emissions, which does have some overlap with existing federal requirements. Overall, however, the requirements are not duplicative. The proposed CARB regulation is specifically designed to address the needs associated with evaluating air pollution impacts in disproportionately impacted communities. These needs cannot be met with data collected under existing federal regulations, which makes it necessary to implement the new CARB requirements.

In addition, the reporting requirements are mandated by AB 617, section 39601.7(b)(1) of the H&SC, which requires CARB to establish "a uniform statewide system of annual reporting of emissions of criteria pollutants and toxic air contaminants for a stationary source." Further, the cost of differing reporting regulations is justified by the anticipated benefits to human health, public welfare, and the environment. Community monitoring and emission reduction programs will be implemented using the data collected under the regulation as a foundation to establish, evaluate, and quantify community air quality improvements. Additional information related to the justification for adoption of regulations different from federal regulations is provided in Section IX of the "Staff Report: Initial Statement of Reasons — Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants," referred to as the Initial Statement of Reasons (ISOR).

**An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subd. (a)(3)(D)):**

During the process of developing the proposed regulatory action, CARB conducted a search of any similar regulations on this topic and concluded that these regu-

<sup>3</sup> CARB Pollution Mapping Tool: [https://www.arb.ca.gov/ei/tools/pollution\\_map/](https://www.arb.ca.gov/ei/tools/pollution_map/).



lations are neither inconsistent nor incompatible with existing State regulations.

DISCLOSURE REGARDING THE  
PROPOSED REGULATION

**Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Gov. Code, § 11346.5, subds. (a)(5)&(6)):**

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below. A more detailed description and analysis is provided in Chapter VII of the ISOR for this regulatory item.

*Local Mandate Determination and Cost to Any Local Agency or School District Requiring Reimbursement under Government Code section 17500 et seq.:* None. Because the regulatory requirements apply equally to all reporting categories and unique requirements are not imposed on local agencies, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution. The proposed regulatory action would not create costs to any school district reimbursable by the State pursuant to Part 7 (commencing with section 17500), division 4, title 2 of the Government Code.

*Cost or Savings for State Agencies:* Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would result in a total marginal cost increase to approximately 260 state owned or operated facilities, with a total cost of approximately \$138,000 over four years. The costs result from minor additional emissions reporting requirements.

*Other Non-Discretionary Costs or Savings to Local Agencies:* The cost to 1,610 local agencies is estimated to be approximately \$5,000,000 over four years. The local agency cost estimate includes a four-year cost of approximately \$4,000,000 for 31 local air districts to implement provisions of the regulation, and a four-year cost of \$625,000 for 1,574 additional local agencies, such as water treatment plants, landfills, power plants, and others, who would be subject to the proposed reporting requirements for facilities.

*Cost or Savings in Federal Funding to the State:* None. Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer

has determined that the proposed regulatory action would not create costs or savings in federal funding to the State.

**Housing Costs (Gov. Code, § 11346.5, subd. (a)(12)):**

The Executive Officer has made the initial determination that the proposed regulatory action will not have a significant effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete (Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8)):**

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

**Results of the Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subd. (a)(10)):**

**NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment**

*Effect on Jobs/Businesses:*

The Executive Officer has determined that the proposed regulatory action would not produce a noticeable change in employment; business creation, elimination or expansion; consumer prices; or business competitiveness in California due to the reporting requirements. However, if the proposed regulation is adopted, CARB is expecting a small additional increase in California employment for technical consultants who will assist facilities in meeting the regulatory requirements. These consultants will typically act as technical assistance providers to assist in compiling data, preparing and reviewing emissions reports, and submitting required data. The employment increase to assist facilities is expected to be minimal, possibly 25-50 new jobs statewide. The number is low because most affected facilities are already subject to data collection and reporting programs, so they will be able to comply with the regulation requirements using existing staffing. CARB does not expect any new businesses to be created resulting from the regulation, because any needed consultants would most likely be hired from existing firms.

In addition to private business job creation, some local air districts may need to add staffing to handle the additional workload imposed by the regulation. Many districts will be able to absorb the additional workload with current staffing, but some may need to hire new staff. Based on discussions with the air districts and their anticipated staffing needs, we estimate that approximately 5-15 additional district staff positions may

be needed statewide to implement the requirements of the regulation.

**Benefits of the Proposed Regulation:**

The objective of the proposed regulatory action is to implement consistent statewide annual reporting requirements for facility criteria and toxic emissions data. A primary benefit of the regulation is to obtain detailed emissions data for use in reducing air pollution impacts for people living and working within communities disproportionately affected by airborne emissions. A more complete discussion of benefits of the regulation is provided previously in the “Objectives and Benefits” section of this document, under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code section 11346.5(a)(3).

**Business Report (Gov. Code, §§ 11346.5, subd. (a)(11); 11346.3, subd. (d)):**

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

**Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subd. (a)(9)):**

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action, and has made an initial determination that the proposed regulatory action would not have a significant statewide economic impact directly affecting representative private persons.

CARB staff performed an analysis of the facilities affected by the proposed reporting regulation and determined that 13,980 unique facilities will have fiscal impacts resulting from the reporting requirements in the proposed regulation over the first four years of implementation.

CARB staff estimates that the requirements will lead to an overall cost increase of approximately \$4,438,256 for affected reporting facilities over a four-year period. Many industrial sectors in the state are affected by the regulation including large facilities such as refineries and power plants, down to smaller facilities such as retail gasoline fueling stations and automotive paint shops. For this reason, facility-specific costs will vary widely based on the complexity of the facility, the pre-existing facility reporting requirements, the sophistication of existing data collection and management systems, and other factors, potentially ranging from \$154 to over \$77,000 for the first year of implementation.

However, to provide a single value, on an average basis, a “typical” median reporting facility affected by the proposed revisions will have an estimated total cost increase of \$1,405 over a four-year period to comply with the regulation. Additional fiscal information is included in the Section VII of the ISOR.

**Effect on Small Businesses**

The Executive Officer has determined, pursuant to California Code of Regulations, title 1, section 4 that the proposed regulatory action would affect approximately 4,750 small businesses, with an average cost per facility to comply with the reporting requirements of approximately \$154 to \$1,527 per year, depending on the complexity of the facility and the currently established reporting requirements. The definition of “small businesses” is based on the description of “small business” as established in California Government Code Section 11346.3(b)(4)(B),<sup>4</sup> which requires that the business is independently owned and operated, not dominant in its field of operation, and has fewer than 100 employees. The cost of this regulation will have a minor financial impact on individual small businesses to collect and report data needed to comply with the regulation. However, the regulation is not expected to have a significant material financial impact, because the required data and reporting will typically include information that is currently being collected (and often reported) by facility operators such as throughputs, fuel use, material use, or sales data.

**Alternatives Statement (Gov. Code, § 11346.5, subd. (a)(13)):**

Before taking final action on the proposed regulatory action, 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The proposed new regulation does not have a significant adverse fiscal or economic impact.

Staff considered several alternatives to the proposed regulation, including not establishing the regulation (taking no action), evaluation of several alternatives related to altering the reporting applicability criteria, the adoption of performance standards, and alternatives for small business applicability. The specific alternatives are described in Chapter VIII of the ISOR. These alternatives were evaluated, but dismissed as not being as effective or more effective than the proposed regulation

<sup>4</sup> California Government Code, Section 11346.3, approved by Governor September 14, 2016.

in carrying out the purposes of the AB 617 reporting requirements.

### ENVIRONMENTAL ANALYSIS

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that it is exempt pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed action may have a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter V of the ISOR.

### SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerk of the Board at (916) 322-5594 or by facsimile at (916) 322-3928 as soon as possible, but no later than 10 business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al (916) 322-5594 o envíe un fax a (916) 322-3928 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Re-transmisión de Mensajes de California.

### AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative John Swanson, Manager, at (916) 323-3076, or (designated back-up contact) Patrick Gaffney, Staff Air Pollution Specialist at (916) 322-7303, both in the Criteria Pollutant & Air Toxics Reporting Section.

### AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is titled, "Staff Report: Initial Statement of Reasons — Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants."

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on October 23, 2018, on CARB's website listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, (916) 445-9564. Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

### HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Government Code, title 2, division 3, part 1, chapter 3.5 (commencing with section 11340).

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text, as modified, is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

FINAL STATEMENT OF REASONS AVAILABILITY

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on CARB’s website listed below.

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB’s website for this rulemaking at <http://www.arb.ca.gov/regact/2018/ctr2018/ctr2018.htm>.

**TITLE 18. BOARD OF EQUALIZATION**

**The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 302, *The Board’s Function and Jurisdiction*, Section 305, *Application*, Section 305.1, *Exchange of Information*, Section 305.2, *Prehearing Conference*, and Section 323, *Postponements and Continuances***

NOTICE IS HEREBY GIVEN that the State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606, proposes to adopt amendments to California Code of Regulations, title 18, sections (Property Tax Rule or Rules) 302, *The Board’s Function and Jurisdiction*; 305, *Application*; 305.1, *Exchange of Information*; 305.2, *Prehearing Conference*; and 323, *Postponements and Continuances* (the Proposed Amendments). These rules implement, interpret, and make specific Division 1, Part 3, Chapter 1 of the Revenue and Taxation Code (RTC) by prescribing practices and procedures governing county boards of equalization and assessment appeals boards (together, appeals boards) when hearing and deciding local property tax disputes. The Proposed Amendments make the following changes to those practices and procedures:

Rule 302 — adds new subdivision (a)(1) to explicitly state the requirement of an appeals board to ensure that applicants are afforded due process and given the opportunity for a timely and meaningful hearing.

Rule 305 — amended to specify that an agent’s authorization is valid only for the years indicated in the agent’s authorization, and may not cover more than four consecutive calendar years in the future; amended to state that if an application is filed online, an agent authorization should be filed in paper form as soon as possible if it cannot also

be filed online; amended to state that no application shall be rejected because an agent authorization is not signed in the same calendar year as the application is filed, but that retroactive authorizations are not allowed.

Rule 305.1 — amended the title and headings and removed rule statutory references to clarify that this rule pertains to exchanges of information, which are governed by Revenue and Taxation Code section 1606, and not requests for information governed by sections 408, 441, and 451.

Rule 305.2 — amended to state that an application may not be denied at a prehearing conference or prehearing proceeding.

Rule 323 — amended to require reasonable cause or both parties’ agreement to postpone or continue hearings for longer than 90 days, and requires the reason for the longer delay to be stated on the record.

PUBLIC HEARING

The Board will conduct a meeting at 450 N Street, Sacramento, California, on December 12, 2018. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board’s website at [www.boe.ca.gov](http://www.boe.ca.gov) at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 9:30 a.m. or as soon thereafter as the matter may be heard at the Board’s December 12, 2018 hearing. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the Proposed Amendments to California Code of Regulations, title 18, sections 302, 305, 305.1, 305.2 and 323.

AUTHORITY

Government Code section 15606, subdivision (c)

REFERENCE

Rule 302: RTC sections 531.1, 1603, 1604, and 1605.5.

Rule 305: RTC sections 51, 166, 170, 408.1, 469, 619, 1603, 1603.5, 1604, 1605, 1636, 5097, and 5097.02

Rule 305.1: RTC section 1606

Rule 305.2: California Constitution, article XIII, section 16, RTC section 1601 et seq.

Rule 323: RTC sections 1605.6 and 1606

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Current Law

In California, the county assessor is charged with assessing all property subject to general property taxation. (Rev. & Tax. Code, §§ 128 & 401; see also *Blackwell Homes v. County of Santa Clara* (1991) 226 Cal.App.3d 1009, 1013.) After an assessment is made, a taxpayer may challenge the assessment by filing an application for a reduction in an assessment (application) with the county board of equalization. (Rev. & Tax. Code, § 1603; see also *Sunrise Retirement Villa v. Dear* (1997) 58 Cal.App.4th 948, 958.)

Section 16 of article XIII of the California Constitution mandates that appeals boards “equalize” the value of all property on a local assessment roll by adjusting individual assessments. The Legislature has enacted RTC sections 1601 through 1645.5, and, under the authority of Government Code section 15606, subdivision (c), the Board has adopted Regulations 301 through 326 to govern the administration of appeals boards.

The process governing appeals boards must not infringe on an applicant’s constitutional due process rights. A fundamental premise underlying appeals board hearings is that the constitutional right to an equalization hearing comprehends a decision in the light of the evidence before any determination becomes final. (*Universal Consol. Oil Co. v. Byram (Univ. Consol. Oil)* (1944) 25 Cal.2d 353, 360.) All parties must be fully apprised of the evidence to be considered, and must be given opportunity to cross-examine witnesses, to inspect documents, and to offer evidence in explanation or rebuttal. (*Interstate Commerce Commission v. Louisville & N. R. Co.* (1913) 227 U.S. 88, 93.) Therefore, “[c]ompliance with the constitutional requirement for an equalization hearing is not met unless the substance [and] the form of the hearing is granted to the complaining taxpayer.” (*Univ. Consol. Oil, supra*, at p. 361; see also *AAM*, p. 80.) However, due process, “unlike some legal rules, is not a technical conception with a fixed content unrelated to time, place and circumstances [citations omitted]” (*Mathews v. Eldridge* (1976) 424 US 319, 334), and states are afforded great flexibility in satisfying the requirements of due process in the field of taxation (*Batt v. City and County of San Francisco* (2007) 155 Cal.App.4th 65).

Effect, Objective, and Benefits of the Proposed Amendments

The Proposed Amendments would clarify the following regarding local assessment appeals hearings:

1. That the functions of the appeals board include the duty to ensure all applicants are afforded due process and given the opportunity for a timely and

meaningful hearing. (Proposed Amendment to Rule 302, subdivision (a)(1).)

2. That an agent’s authorization is valid only for the years indicated in the agent’s authorization, and may not cover more than four consecutive calendar years in the future. (Proposed Amendment to Rule 305, subdivision (a)(1)(B).)
3. That if an application is filed online, an agent authorization should be filed in paper form as soon as possible if it cannot also be filed online. (Proposed Amendment to Rule 302, subdivision (a)(2).)
4. That no application shall be rejected because an agent authorization is not signed in the same calendar year as the application is filed, but that retroactive authorizations are not allowed. (Proposed Amendment to Rule 302, subdivision (a)(6).)
5. That Rule 305.1 pertains only to exchanges of information, which are governed by Revenue and Taxation Code section 1606, and not requests for information governed by sections 408, 441, and 451.
6. That an application may not be denied at a prehearing conference or prehearing proceeding. (Proposed Amendment to Rule 305.2, subdivision (b).)
7. That reasonable cause or both parties’ agreement is required to postpone or continue hearings for longer than 90 days, and requires the reason for the longer delay to be stated on the record. (Proposed Amendment to Rule 323, subdivision (c).)

These clarifications are reasonably necessary for the efficient and fair operation of local assessment appeals hearings.

Between 2017 and 2018, discussions regarding assessment appeals hearings rules ensued between the California Alliance of Taxpayer Advocates (CATA),<sup>1</sup> the California Assessors’ Association (CAA), the California Association of Clerks and Election Officials (CACEO) and the Board, which included the commencement of an interested parties process. On July 10, 2018, via email, CATA petitioned the Board to adopt a number of amendments to the property tax rules. The rule petition was discussed at the July 24, 2018 Board meeting. At that meeting, the Board directed the Execu-

<sup>1</sup> CATA describes itself as a “non-profit trade association made up of tax consultants representing taxpayers before County Assessors, The Franchise Tax Board and The State Board of Equalization. CATA’s purpose is to protect the rights of state and local taxpayers by advancing the professional practice of state and local tax consulting through education, advocacy and high ethical standards.” (<<https://www.cataxadvocates.org/about>> [as of August 9, 2018].)

tive Director to instruct the Chief Counsel to draft a legal analysis on the proposed rule changes.

On August 8, 2018, CATA submitted a letter to the Board's Executive Director with virtually identical Proposed Amendments as in its July 10, 2018 correspondence. On August 21, 2018, the Board discussed this matter further at its hearing. Prior to and after the July 24, 2018, and August 21, 2018 Board hearings, proponents and opponents to the petition submitted comments specifying reasons for support or opposition.<sup>2</sup>

On September 7, 2018, the Board received an additional letter from CATA modifying their proposals after discussions with the CAA and the CACEO. Board staff subsequently prepared a Chief Counsel Memorandum<sup>3</sup> and submitted it to the Board Members for consideration at the Board's September 25, 2018, meeting. At the conclusion of its September 25, 2018, meeting the Board approved the Proposed Amendments and the Board Members voted to propose the adoption of the Proposed Amendments, authorizing the publication of the Notice of Regulatory Action. The Board determined that the Proposed Amendments are reasonably necessary to have the effect and accomplish the objectives discussed above.

The Board anticipates that the Proposed Amendments will increase openness and transparency in government and benefit the public, local boards of equalization and assessment appeals boards, county assessors, and the owners of property potentially subject to assessment appeals hearings.

The Board has performed an evaluation of whether the Proposed Amendments are inconsistent or incompatible with existing state regulations. The Board has determined that the Proposed Amendments are not inconsistent or incompatible with existing state regulations because there are no other Property Tax Rules that prescribe the provisions that would be adopted by the Proposed Amendments. In addition, there are no comparable federal regulations or statutes to the Proposed Amendments.

#### NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the Proposed Amendments will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement under part 7 (com-

mencing with section 17500) of division 4 of title 2 of the Government Code.

#### ONE-TIME COST TO THE BOARD, BUT NO OTHER COST OR SAVINGS TO ANY STATE AGENCY, LOCAL AGENCY, OR SCHOOL DISTRICT

The Board has determined that the adoption of the Proposed Amendments will result in an absorbable \$500 one-time cost for the Board to update its website after the amendments are completed. The Board has determined that the adoption of the Proposed Amendments will result in no other direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, no other non-discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

#### NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the Proposed Amendments 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 adoption of the Proposed Amendments may affect small business.

#### NO COST IMPACTS TO 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.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board assessed the economic impact of the Proposed Amendments on California businesses and individuals and determined that the Proposed Amendments are not major regulations, as defined in Government Code section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Board has prepared the economic impact assessment (EIA) required by Government Code section 11346.3, subdivi-

<sup>2</sup> All comments are posted at: <<http://www.boe.ca.gov/meetings/public-comments2018.htm>> [as of September 28, 2018].

<sup>3</sup> Available at: <<http://www.boe.ca.gov/meetings/pdf/2018/092518-G1-Rules302-et-al-memo.pdf>> [as of September 28, 2018].

sion (b)(1), for the Proposed Amendments and included it in the initial statement of reasons. In the EIA, the Board has determined that the adoption of the Proposed Amendments will neither create nor eliminate jobs in the State of California nor create new businesses or eliminate existing businesses within the state nor expand businesses currently doing business in the State of California. Furthermore, as stated above under the INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW, Effect, Objective, and Benefits of the Proposed Amendments, the Board has determined that the adoption of the Proposed Amendments will benefit the health and welfare of California residents, worker safety, or the state's environment by safeguarding efficient and fair operation of local assessment appeals hearings.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

Adoption of the Proposed Amendments will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

The Board must determine that no reasonable alternative considered by it or that has been otherwise 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 than the proposed action.

CONTACT PERSONS

Questions regarding the substance of the Proposed Amendments should be directed to Henry Nanjo, Chief Counsel, by telephone at (916) 323-1094, by e-mail at [henry.nanjo@boe.ca.gov](mailto:henry.nanjo@boe.ca.gov), or by mail at State Board of Equalization, Attn: Henry Nanjo, MIC:121, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Ms. Rose Smith, Regulations Coordinator, by telephone at (916) 323-9656, by fax at (916) 324-3984, by e-mail at [Rose.Smith@boe.ca.gov](mailto:Rose.Smith@boe.ca.gov), or by mail at State Board of Equalization, Attn: Rose Smith, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080. Ms.

Smith is the designated backup contact person to Mr. Nanjo.

WRITTEN COMMENT PERIOD

The written comment period ends at 9:30 a.m. on December 12, 2018, or as soon thereafter as the Board begins the public hearing regarding the Proposed Amendments during the December 12, 2018, Board meeting. Written comments received by Ms. Rose Smith at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the Proposed Amendments. The Board will only consider written comments received by that time.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board has prepared an underline and strikethrough version of the Proposed Amendments illustrating the express terms of the Proposed Amendments and an initial statement of reasons for the adoption of the Proposed Amendments, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the Proposed Amendments are based are available to the public upon request. The rulemaking file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the Proposed Amendments and the initial statement of reasons are also available on the Board's website at [www.boe.ca.gov](http://www.boe.ca.gov).

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GOVERNMENT CODE SECTION 11346.8

The Board may adopt the Proposed Amendments with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the resulting regulation, with the change clearly indicated, available to the public for at least 15 days prior to adoption. The text of the resulting regulation will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the re-

sulting regulation will also be available to the public from Ms. Smith. The Board will consider written comments on the resulting regulation that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT  
OF REASONS**

If the Board adopts the Proposed Amendments, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's website at [www.boe.ca.gov](http://www.boe.ca.gov).

**TITLE MPP. DEPARTMENT OF  
SOCIAL SERVICES**

ORD #1217-24

**NOTICE OF PROPOSED CHANGES IN  
REGULATIONS OF THE CALIFORNIA  
DEPARTMENT OF SOCIAL SERVICES**

**ITEM #2 90-Day Transition Plan, Youth Policy**

The California Department of Social Services (hereafter the Department) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on December 12, 2018, at the following address:

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

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

Statements or arguments relating to the proposals may also be submitted in writing, by e-mail, or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on December 12, 2018.

Following the public hearing, the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modi-

fications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations \(http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information\)](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public hearing, copies of the Final Statement of Reasons will also be available at the following address:

**CONTACT:**

California Department of Social Services  
Office of Regulations Development  
744 P Street, MS 8-4-192  
Sacramento, CA 95814  
Tel: (916) 657-2856, Fax: (916) 654-3286  
Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

**CHAPTERS  
31-200**

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Existing regulations governing the Transitional Independent Living Plan (TILP) require that transition planning services be provided to youth and nonminor dependents in the foster care system. To comply with Public Law (P.L.) 110-351, the Federal Fostering Connections to Success and Increasing Adoptions Act, Senate Bill (SB) 597 (Chapter 339, Statutes of 2009) added an additional transition planning requirement (Welfare and Institutions Code (WIC) section 16501.1(f)(16)(B), now re-numbered as 16501.1(g)(16)(B)): a transition plan that is developed within 90 days of the youth's planned exit from foster care at age 18 or older.

Assembly Bill (AB) 212 (Chapter 459, Statutes of 2011) mandated that the 90-day transition plan include information about advanced health care directive forms



(WIC section 16501.1(f)(16)(B), now re-numbered as 16501.1(g)(16)(B)).

AB 1067 (Chapter 851, Statutes of 2016) mandated that the information in the 90-day transition plan regarding health insurance include verification that the eligible youth or nonminor dependent is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the assigned social worker or probation officer to ensure that the youth or nonminor dependent is successfully transitioned into the Medi-Cal program for former foster youth upon exit from foster care.

The objective of these regulations is to be in compliance with the following legislation:

- SB 597 (Chapter 339, Statutes of 2009), which requires social workers/probation officers to develop with youth a plan for their transition to independence within 90 days of their planned exit from foster care.
- AB 212 (Chapter 459, Statutes of 2011) which requires that the 90-day Transition Plan include information on establishing a power of attorney for health care decisions and advance health care directive forms.
- AB 1067 (Chapter 851, Statutes of 2016) which added a requirement that the information on health care insurance in the 90-day Transition Plan includes verification of current Medi-Cal enrollment and a description of the steps taken/to be taken to ensure the youth is successfully enrolled in the Medi-Cal program for former foster youth upon exit from foster care.

**Benefits:**

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: the proposed regulations will provide a benefit to the health and welfare of California residents but only for foster youth emancipating from the foster care system. The regulations will provide these foster youths with a transition plan for independence to help them succeed in living independently; provides information to foster youth regarding the important option of having someone else make health care decisions for them in the event they are unable to and how to accomplish this through an advance health care directive; and ensures that foster youth exiting the foster care system have health insurance until age 26. Worker safety is not affected by this regulatory action. The state’s environment is not affected by this regulatory action.

The following documents were relied upon in proposing the regulatory action: SB 597 (Chapter 339, Statutes of 2009), AB 212 (Chapter 459, Statutes of 2011) and AB 1067 (Chapter 851, Statutes of 2016), All

County Letter (ACL) 09–87, ACL 10–45, Administration of Children, Youth and Families — Children’s Bureau — Program Instruction (ACYF–CB–PI) 10–11, Section C, P.L. 110–351, and P.L. 111–148.

**Consistency:**

The CDSS has found these regulation amendments neither inconsistent nor incompatible with existing regulations because research was done by the program to determine that these are non-duplicating and non-repetitive regulations, and that they do not negate or overlap other existing regulation or law. Further, these regulations comply with and are consistent with federal law. There are no existing regulations regarding 90-day transition plans.

**Incorporation by Reference:**

This regulatory action does not incorporate documents by reference.

**COST ESTIMATE**

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

**LOCAL MANDATE STATEMENT**

These regulations do not impose a new mandate upon local agencies, or any mandate on school districts. There are no “state-mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

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

The CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made because the proposed regulations are only applicable to county child welfare agencies and probation departments and are mandated by the State of California.

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

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

**SMALL BUSINESS IMPACT STATEMENT**

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state's environment are as follows: these regulations will require that case workers assist foster youth who are getting ready to exit the foster care system to develop a sustainable plan to live independently.

**STATEMENT OF EFFECT ON HOUSING COSTS**

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

**STATEMENT OF ALTERNATIVES CONSIDERED**

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

The CDSS must determine that no reasonable alternative 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 regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

**AUTHORITY AND REFERENCE CITATIONS**

Sections 10553, 10554 and 16501.1, Welfare and Institutions Code.

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

Contact Person:

Kenneth Jennings  
(916) 657-2586

Backup:

Sylvester Okeke  
(916) 657-2586

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**HABITAT RESTORATION AND ENHANCEMENT ACT  
CONSISTENCY DETERMINATION NO.  
1653-2018-028-001-R1**

**Project:** Miners Creek Beaver Dam Analogue Project

**Location:** Siskiyou County

**Applicant:** Scott River Watershed Council

**Background**

Project Location: The Miners Creek Beaver Dam Analogue Project (Project) is located near the town of Etna in the Scott Valley, on property owned by Ms. Rebecca Schenone, Assessor Parcel Number (APN) 023-171-330, and affects Miners Creek, tributary to French Creek. This tributary to French Creek supports populations of coho salmon (*Oncorhynchus kisutch*), Chinook salmon (*O. tshawytscha*), and steelhead (*O. mykiss*).

Project Description: The Scott River Watershed Council (Applicant) proposes to enhance or restore habitat within Miners Creek to provide a net conservation benefit for coho salmon and other salmonid species. The conservation benefits from the proposed Project will be realized through the construction of a series of two new Beaver Dam Analogue (BDA) structures upstream of an existing BDA structure, installation of one additional BDA in the Project footprint, and

revision of two existing BDA structures to improve fish passage options and water storage. This Project includes ongoing adaptive management provisions allowing maintenance of BDA structures as well as construction of up to 10 additional BDA structures. Adaptive management work and installation of additional BDA structures will be authorized through annual work plans approved by California Department of Fish and Wildlife (CDFW) and North Coast Regional Water Quality Control Board (Regional Water Board) staff. The design and construction of new BDA structures will vary from those previously installed at the Project location. The BDA structures will be convex in shape (pointing downstream) and will be aligned perpendicularly to the valley axis versus the stream axis. The convex shape is designed to encourage pool formation below the structure rather than to disperse flow across the valley floor. The convex-shaped BDA structures are designed to allow for sufficient post depth at the thalweg, and to help place scour where the posts are the deepest and most stable. The Applicant will complete this work in coordination with CDFW and the Regional Water Board.

Both CDFW and the Regional Water Board have worked closely with the Applicant in the development of this Project. Detailed Project plans, discussion of proposed work, species protection measures, site photos, and maps are on file with CDFW's Habitat Conservation Planning Branch.

**Project Size:** The total area of ground disturbance associated with the Project is approximately 4.65 acres, and 385 linear feet. The Applicant has included Project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs. tit. 14 § 15333).

**Project Associated Discharge:** Discharge of materials into Waters of the State, as defined by California Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: posts, willow, cobble and rock, local sediment, and straw.

**Project Timeframes:**

- Proposed Project start date: September 2018
- Expected date of completion: September 2023
- Seasonal work window: June 15 to October 31

**Water Quality Certification Background:** Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California by maintaining and expanding the critically needed summer and winter, slow-water, juvenile coho salmon rearing habitat created by the existing Miners Creek BDA structures, the Regional Water Board issued a Notice of

Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order), Waste Discharge Identification (WDID) No. 1A180133WNSI, Electronic Content Management Identification (ECM PIN) No. CW-850620 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. The NOA further describes protectionary measures for fish and wildlife resources including coho salmon, a threatened species pursuant to the California Endangered Species Act (CEA) (Fish & G. Code § 2050 et seq.). Additionally, the Applicant has provided a supplemental document that sets forth fish passage measures and monitoring to avoid and minimize impacts to salmonid species.

**Receiving Water:** Miners Creek, tributary to French Creek

**Filled or Excavated Area:**

- Permanent Impact — None
- Acreage Temporarily Impacted — 4.65 acres
- Length Temporarily Impacted — 385 linear feet

**Dredge Volume:** None

**Discharge Volume:** 1500 wooden posts; 125 cubic yards of willow material; 150 bales of straw or hay; 400 cubic yards of fine-grained material; 300 cubic yards of washed cobble/gravel

**Project Location:**

- Upstream: Latitude: 41.38423°N  
Longitude: 122.87065°W
- Downstream: Latitude: 41.38795°N  
Longitude: 122.87144°W

APN: 023-171-330

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

On September 18, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on September 18, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2018-0918-08) on September 28, 2018. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

### Determination

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

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

### Avoidance and Minimization Measures

The avoidance and minimization measures for this Project, as required by Fish and Game Code section 1653, subdivision (b)(4) are included in the NOI and contain the following categories: (1) Weather Monitoring and Erosion Control Staging; (2) Work Site Notification and Compliance; (3) Water Quality Management; (4) Habitat Protection; (5) Site Access and Staging; (6) Pre-Construction Bird and Nest Surveys; (7) Coho Salmon Protection Measures; (8) Petroleum, Chemical, and Other Pollutants; (9) Erosion and Sediment Control; and (10) Work Plan Coordination and Administrative Requirements. The specific avoidance and minimization requirements are found in section 2.0 in the NOI. In addition, a fish passage management and monitoring document has been developed to ensure volitional fish passage for the duration of the Project, and was submitted with the determination request.

### Monitoring and Reporting

Project monitoring will consist of pre- and post-Project groundwater level monitoring, water quality parameters, photographic monitoring from established points, and surveys for geomorphic change detection. The Applicant will complete groundwater monitoring and subsurface investigations through existing groundwater wells within the Project area. The Applicant will record water surface elevations continuously from April to October of each Project year via continuous data loggers. The Applicant will monitor each BDA via monitoring well with a continuous data logger in the BDA pool and downstream of the BDA (or complex of BDA structures).

The Applicant will conduct qualitative monitoring consisting of pre- and post-Project photo point monitoring at each BDA location throughout the life of the Project.

The Applicant will conduct beaver utilization monitoring consisting of pre-installation evaluation of evi-

dence of beaver utilization of area and twice annual monitoring for evidence of beaver utilization of BDA and BDA habitat. The Applicant will submit field notes to CDFW and the Regional Water Board when significant findings are identified. If beavers are identified as utilizing the structures, the applicant shall notify CDFW and the Regional Water Board.

The Applicant will conduct geomorphic change surveys consisting of a longitudinal profile of the channel extending 100 feet above the most upstream BDA and 100 feet below the most downstream BDA as well as a cross sectional profile at each BDA. The Applicant will complete these profiles prior to implementation of any BDA and repeat the profiles at two-year intervals until a Notice of Completion (NOC) is filed.

The Applicant will monitor fish passage including the placement of temperature sensors in the key side channel passage locations. The Applicant will place dissolved oxygen meters in the pond above BDA B-315. The Applicant will take flow measurements during critical changes in flow as the hydrograph moves towards base flow conditions. The Applicant will evaluate fish passage twice a week and keep a log of conditions to record any changes in stream conditions. The plan also includes a communication plan for CDFW notification and adaptive management section.

The Applicant will submit annual monitoring reports to the Regional Water Board and CDFW as required by the monitoring plan no later than April 1 for each year the monitoring plan is in place.

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires that a NOC be submitted by the Applicant no later than 30 days after the Project has been completed. A complete NOC includes at a minimum:

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

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the Project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the Order. The Applicant shall submit documents electronically to: [michael.r.harris@wildlife.ca.gov](mailto:michael.r.harris@wildlife.ca.gov).

**Project Authorization**

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

This HREA approval shall become effective on the date of signature. Project activities authorized by this approval may only commence on or after the effective date of this approval.

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

**FISH AND GAME COMMISSION**

**NOTICE OF RECEIPT OF PETITION**

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2073.3 of the Fish and Game Code, the California Fish and Game Commission (Commission), on September 28, 2018, received a petition from Friends of the Eel River to list northern California summer steelhead (*Oncorhynchus mykiss irideus*) as endangered under the California Endangered Species Act.

Summer steelhead migrate further inland into smaller tributaries than winter fish. They spend summer months resting in pools with consistent cool temperatures as they mature, waiting for winter rains to spawn in December–February. Summer steelhead can tolerate water temperatures up to approximately 23°C (about 73°F) for short periods of time, but seek refuge in deep pools with cool seeps and springs. They prefer pools with boulders, large woody debris, and undercut banks that provide cover from predators and visual separation from other fishes.

Pursuant to Section 2073 of the Fish and Game Code, on October 8, 2018, the Commission transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5 of said code. The Commission will receive the petition at its December 12–13, 2018 meeting in Oceanside. It is anticipated that the Department’s evaluation and rec-

ommendation relating to the petition will be received by the Commission at its February 6–7, 2019 meeting in Redding.

Interested parties may contact Kevin Shaffer, Fisheries Branch Chief, at California Department of Fish and Wildlife, 830 S Street, Sacramento, CA 95811 or (916) 327–8841 or Kevin.Shaffer@wildlife.ca.gov, for information on the petition or to submit information to the Department relating to the petitioned species.

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

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

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

**PUBLIC MEETING**

On **December 13, 2018**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

**BUSINESS MEETING**

On **December 13, 2018**, at 10:00 a.m. in the Auditorium of the State Resources Building 1416 9th Street, Sacramento, California.

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

**DISABILITY ACCOMMODATION NOTICE**

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at

(916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

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

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES**

**CHEMICALS LISTED EFFECTIVE  
OCTOBER 26, 2018 AS KNOWN TO THE  
STATE OF CALIFORNIA TO CAUSE  
REPRODUCTIVE TOXICITY: NICKEL  
(SOLUBLE COMPOUNDS)**

Effective **October 26, 2018**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding *Nickel (soluble compounds)* to the list of chemicals known to the state to cause reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65<sup>1</sup>). At a public meeting on October 11, 2018, the Developmental and Reproductive Toxicant Identification Committee (DARTIC) in its official capacity as the “state’s qualified experts” (SQE) determined that soluble nickel

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq.

compounds were shown to cause reproductive toxicity based on the developmental and male reproductive endpoints. Regulations for the listing of chemicals by the DARTIC are set out in Title 27, California Code of Regulations, section 25305(b)(1).

A complete, updated chemical list is available on the OEHHA website at <https://oehha.ca.gov/proposition-65/proposition-65-list> and will be published elsewhere in this issue of the *California Regulatory Notice Register*.

In summary, as indicated in the table below, soluble nickel compounds are listed as known to the state to cause reproductive toxicity (developmental and male reproductive endpoints), effective October 26, 2018.

Chemical	CAS No.	Toxicological End-points	Listing Mechanism*	Effective Date
Nickel (soluble compounds)	—	Male Reproductive Toxicity Developmental Toxicity	SQE	October 26, 2018

\* Listing mechanism: SQE — “State’s Qualified Expert” mechanism (Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25305(b)(1)).

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER OR  
REPRODUCTIVE TOXICITY  
October 26, 2018**

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

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

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

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloroacetic acid	71133-14-7	July 29, 2016
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1-Bromopropane	106-94-5	August 5, 2016
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chloral	75-87-6	September 13, 2013
Chloral hydrate	302-17-0	September 13, 2013
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol <u>Delisted January 4, 2013</u>	56-75-7	October 1, 1989
Chloramphenicol sodium succinate	982-57-0	September 27, 2013
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989



<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
Chlorodibromomethane <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Clomiphene citrate	50-41-9	May 24, 2013
CMNP (pyrazachlor)	6814-58-0	August 21, 2015
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	—	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[ <i>cd</i> ]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed) <u>Delisted November 20, 2015</u>	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenzanthracenes	—	December 26, 2014
Dibenz[a,c]anthracene	215-58-7	December 26, 2014
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
Dibenz[a,j]anthracene	224-41-9	December 26, 2014
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
Dienestrol <u>Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisononyl phthalate (DINP)	—	December 20, 2013
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
N,N-Dimethylformamide	68-12-2	October 27, 2017
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
N,N-Dimethyl-p-toluidine	99-97-8	May 2, 2014
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Emissions from combustion of coal	—	August 7, 2013
Emissions from high-temperature unrefined rapeseed oil	—	January 3, 2014
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB <sub>1</sub>	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furfuryl alcohol	98-00-0	September 30, 2016
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methylpyridido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Glyphosate	1071-83-6	July 7, 2017
Goldenseal root powder	—	December 4, 2015
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	<del>October 1, 1989</del>
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malathion	121-75-5	May 20, 2016
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
Megestrol acetate	595-33-5	March 28, 2014
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
2-Mercaptobenzothiazole	149-30-4	October 27, 2017
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
$\alpha$ -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Mitoxantrone hydrochloride	70476-82-3	January 23, 2015
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
beta-Myrcene	123-35-3	March 27, 2015
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7;	October 1, 1989
	12125-56-3	
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi- <i>n</i> -butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
<i>p</i> -Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi- <i>n</i> -propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethyl- <i>n</i> -butylamine	7068-83-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -decylamine	75881-22-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -dodecylamine	55090-44-3	December 26, 2014
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitrosomethyl- <i>n</i> -heptylamine	16338-99-1	December 26, 2014
N-Nitrosomethyl- <i>n</i> -hexylamine	28538-70-7	December 26, 2014
N-Nitrosomethyl- <i>n</i> -nonylamine	75881-19-5	December 26, 2014
N-Nitrosomethyl- <i>n</i> -octylamine	34423-54-6	December 26, 2014
N-Nitrosomethyl- <i>n</i> -pentylamine	13256-07-0	December 26, 2014
N-Nitrosomethyl- <i>n</i> -propylamine	924-46-9	December 26, 2014
N-Nitrosomethyl- <i>n</i> -tetradecylamine	75881-20-8	December 26, 2014
N-Nitrosomethyl- <i>n</i> -undecylamine	68107-26-6	December 26, 2014
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
N-Nitrososarcosine	13256-22-9	January 1, 1988
<i>o</i> -Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Parathion	56-38-2	May 20, 2016
Pentachlorophenol	87-86-5	January 1, 1990
Pentabromodiphenyl ether mixture [DE-71 (technical grade)]	—	July 7, 2017
Pentachlorophenol and by-products of its synthesis (complex mixture)	—	October 21, 2016
Pentosan polysulfate sodium	—	April 18, 2014
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Pioglitazone	111025-46-8	April 18, 2014
Pirimicarb	23103-98-2	July 2, 2008
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001



<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
d1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pulegone	89-82-7	April 18, 2014
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Sedaxane	874967-67-6	July 1, 2016
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene	100-42-5	April 22, 2016
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Teriparatide	52232-67-4	August 14, 2015
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
Tetrabromobisphenol A	79-94-7	October 27, 2017
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo- <i>para</i> -dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,1,2-Tetrachloroethane	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
<i>p</i> -a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrachlorvinphos	22248-79-9	May 20, 2016
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> ( <i>Fusarium verticillioides</i> )	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
Triamterene	396-01-0	April 18, 2014
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroacetic acid	76-03-9	September 13, 2013
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Trimethyl phosphate	512-56-1	May 1, 1996
TRIM® VX	—	May 25, 2018
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinylidene chloride (1,1-Dichloroethylene)	75-35-4	December 29, 2017
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Abiraterone acetate	developmental, female, male	154229-18-2	April 8, 2016
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether <u>Delisted December 13, 2013</u>	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Atrazine	developmental, female	1912-24-9	July 15, 2016
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA)	female	80-05-7	May 11, 2015

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether <u>Delisted April 4, 2014</u>	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, female, male	63-25.2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorpyrifos	developmental	2921-88-2	December 15, 2017
Chlorsulfuron <u>Delisted June 6, 2014</u>	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocalne	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol <u>Delisted January 25, 2002</u>	male	108-93-0	November 6, 1998
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1999
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Des-ethyl atrazine (DEA)	developmental, female	6190-65-4	July 15, 2016
Des-isopropyl atrazine (DIA)	developmental, female	1007-28-9	July 15, 2016
2,4-Diamino-6-chloro-s-triazine (DACT)	developmental, female	3397-62-4	July 15, 2016
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diffunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
<u>Delisted April 4, 2014</u>			
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
<del>2,4 DP (dichloroprop)</del> <u>Delisted January 25, 2002</u>	developmental	120-36-5	April 27, 1999
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
<del>Ethyl tert-butyl ether</del> <u>Delisted December 13, 2013</u>	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol (ingested)	developmental	107-21-1	June 19, 2015
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
<del>2-Ethylhexanoic acid</del> <u>Delisted December 13, 2013</u>	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1990
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
HFlutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	developmental, male	684-16-2	August 1, 2008
LHexamethylphosphoramide	male	680-31-9	October 1, 1994

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
<i>n</i> -Hexane	male	110-54-3	December 15, 2017
2,5-Hexanedione	male	110-13-4	December 4, 2015
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male	—	July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl <i>n</i> -butyl ketone	developmental	591-78-6	December 4, 2015
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl isobutyl ketone (MIBK)	male	—	August 7, 2009
Methyl isocyanate (MIC)	developmental	108-10-1	March 28, 2014
Methyl isopropyl ketone	developmental, female	624-83-9	November 12, 2010
<u>Delisted April 4, 2014</u>	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
<i>N</i> -Methylpyrrolidone	developmental	872-50-4	June 15, 2001
$\alpha$ -Methyl styrene	female	98-83-9	July 29, 2011
<u>Delisted April 4, 2014</u>	developmental	—	—
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
<u>Nickel (soluble compounds)</u>	<u>developmental, male</u>	<u>—</u>	<u>October 26, 2018</u>
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone)/ Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide) <u>Delisted December 13, 2013</u>	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Pertuzumab	developmental	380610-27-5	January 27, 2017
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether <u>Delisted April 4, 2014</u>	male	122-60-1	August 7, 2009
Phenylphosphine	developmental male	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999



<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propazine	developmental, female	139-40-2	July 15, 2016
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Simazine	developmental, female	122-34-9	July 15, 2016
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30, 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Topiramate	developmental	97240-79-4	November 27, 2015
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
<u>Delisted December 13, 2013</u>			
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 1999
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Visomodegib	developmental, female, male	879085-55-9	January 27, 2017
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: October 26, 2018

**OAL REGULATORY  
DETERMINATION**

Margaret Molina at (916) 324-6044 or  
mmolina@oal.ca.gov.

**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**

**OFFICE OF ADMINISTRATIVE LAW**

**STATE OF CALIFORNIA  
OFFICE OF ADMINISTRATIVE LAW**

**DETERMINATION OF ALLEGED  
UNDERGROUND REGULATION**

**2018 OAL DETERMINATION NO. 3  
(OAL MATTER NO. CTU2018-0402-01)**

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

**REQUESTED BY: GEORGE HAMILTON  
CONCERNING: Correctional Offender Manage-  
ment Profiling for Alternative  
Sanctions Exclusionary Criteria  
and Process Memorandum, dat-  
ed August 19, 2015, Issued by the  
Department of Corrections  
and Rehabilitation.**

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact

**DETERMINATION ISSUED PURSUANT TO GOVERNMENT CODE SECTION 11340.5**

**FACTUAL BACKGROUND**

**SCOPE OF REVIEW**

A determination by the Office of Administrative Law (OAL) evaluates whether or not an action or enactment by a state agency complies with California administrative law governing how state agencies adopt regulations. Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment. Our review is limited to the sole issue of whether the challenged rule meets the definition of “regulation” as defined in Government Code section 11342.600 and is subject to the Administrative Procedure Act (APA). If a rule meets the definition of “regulation,” but was not adopted pursuant to the APA and should have been, it is an “underground regulation,” as defined in California Code of Regulations, title 1, section 250.<sup>1</sup> OAL has neither the legal authority nor the technical expertise to evaluate the underlying policy issues involved in the subject of this determination.

**CHALLENGED RULE**

The challenged rule is a memorandum issued by the Department of Corrections and Rehabilitation (Department), dated August 19, 2015, and titled “Correctional Offender Management Profiling for Alternative Sanctions Exclusionary Criteria and Process.” This memorandum is attached as Exhibit A and will be referred to as the “Memorandum.”

**DETERMINATION**

OAL determines that the Memorandum meets the definition of “regulation” that should have been adopted pursuant to the APA, but was not. It is, therefore, an underground regulation.

<sup>1</sup> As defined by title 1, section 250(a), an “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

On April 1, 2018, George Hamilton (Petitioner) submitted a petition to OAL challenging the Memorandum as an underground regulation.

OAL accepted the petition for consideration on June 1, 2018. The petition was published in the California Regulatory Notice Register (Notice Register) on June 15, 2018. Comments from the public were solicited until July 16, 2018. No comments were received. The Department declined to submit a response to the petition which would have been due by July 30, 2018.

The Memorandum was signed by Millicent Tidwell, the Director of the Division of Rehabilitative Programs, and Kelly Harrington, the Director of the Division of Adult Institutions. It was addressed to Associate Directors of the Division of Adult Institutions, Wardens, Classification Staff Representatives, Classification and Parole Representatives, and Correctional Counselor IIIs.

As stated in the Memorandum, “[o]n July 7, 2011, [the Department] and the California Correctional Peace Officers Association negotiated the administration of the COMPAS Core Assessment for the new [California Code of Regulations], Title 15, §3375.6. . . .” This regulation, section 3375.6, states in relevant part:

3375.6.(a) A validated needs assessment tool . . . will identify criminogenic needs which are most predictive of criminal behavior. The tool identifies a needs value that demonstrates the level of need from high to low and shall be utilized to assist in placing the inmate in a rehabilitative program. Currently the automated needs assessment tool that is being utilized is the Correctional Offender Management Profiling For Alternative Sanctions (COMPAS) . . . .

- (1) An automated needs assessment tool shall be administered during the reception center process for all inmates.
- (2) . . . .
- (3) An automated needs assessment tool shall be administered during the initial or annual review process for inmates who do not have a completed automated needs assessment tool . . . .

In the Memorandum, the Department excludes the following inmates from completing the COMPAS Core Assessment:

- Offenders in Mental Health Services Delivery System at the following levels of care:
  - Enhanced Outpatient
  - Mental Health Crisis Beds
  - Intermediate Care Treatment Facility
  - Acute Psychiatric Program

- Or any higher level of care
- Offenders classified as *Condemned*
- Offenders sentenced to a term of *Life without the Possibility of Parole*.

### UNDERGROUND REGULATIONS

Government Code section 11340.5, subdivision (a), provides that:

(a) No state agency shall issue, utilize, enforce, or attempt to enforce any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, which is a regulation as defined in [Government Code] Section 11342.600, unless the guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule has been adopted as a regulation and filed with the Secretary of State pursuant to [the APA].

When an agency issues, utilizes, enforces, or attempts to enforce a rule in violation of Government Code section 11340.5 it creates an underground regulation as defined in title 1, California Code of Regulations, section 250.

OAL may issue a determination as to whether or not an agency has issued, utilized, enforced, or attempted to enforce a rule that meets the definition of “regulation” as defined in Government Code section 11342.600 and should have been adopted pursuant to the APA (Gov. Code sec. 11340(b)). An OAL determination is not enforceable against the agency through any formal administrative means, but it is entitled to “due deference” in any subsequent litigation of the issue pursuant to *Grier v. Kizer* (1990) 219 Cal.App.3d 422 [268 Cal.Rptr. 244].

### ANALYSIS

OAL’s authority to issue a determination extends only to the limited question of whether the challenged rule is a “regulation” subject to the APA. This analysis will determine (1) whether the challenged rule is a “regulation” within the meaning of Government Code section 11342.600, and (2) whether the challenged rule falls within any recognized exemption from APA requirements.

A regulation is defined in Government Code section 11342.600 as:

... every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law

enforced or administered by it, or to govern its procedure.

In *Tidewater Marine Western, Inc. v. Victoria Bradshaw* (1996) 14 Cal.4th 557, 571 [59 Cal.Rptr.2d 186], the California Supreme Court found that:

A regulation subject to the Administrative Procedure Act (APA) (Gov. Code, §11340 et seq.) has two principal identifying characteristics. First, the agency must intend its rule to apply generally, rather than in a specific case. The rule need not, however, apply universally; a rule applies generally so long as it declares how a certain class of cases will be decided. Second, the rule must implement, interpret, or make specific the law enforced or administered by the agency, or govern the agency’s procedure (Gov. Code, §11342, subd. (g)).<sup>2</sup>

As stated in *Tidewater*, the first element used to identify a “regulation” is whether the rule applies generally. As *Tidewater* points out, a rule need not apply to all persons in the state of California. It is sufficient if the rule applies to a clearly defined class of persons or situations.<sup>3</sup>

The challenged Memorandum affects current and future inmates. The inmates who fall into one of the categories of excluded offenders listed in the Memorandum are excluded from completing the COMPAS Core Assessment. Therefore, the Memorandum applies to a clearly defined class of persons.

The second element used to identify a “regulation” as stated in *Tidewater* is that the rule must implement, interpret or make specific the law enforced or administered by the agency, or govern the agency’s procedure.

Penal Code section 5054, states in part:

Commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline and employment of persons confined therein are vested in the Secretary of the Department of Corrections and Rehabilitation.

Penal Code section 5058(a) states:

The director may prescribe and amend rules and regulations for the administration of the prisons and for the administration of the parole of persons sentenced under Section 1170 except those persons who meet the criteria set forth in Section 2962. The rules and regulations shall be promulgated and filed pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code [the

<sup>2</sup> Section 11342(g) was re-numbered in 2000 to section 11342.600 without substantive change.

<sup>3</sup> See also *Roth v. Department of Veterans Affairs*, (1980) 110 Cal.App.3d 14, 19; 167 Cal.Rptr. 552, 557.

APA], except as otherwise provided in this section and Sections 5058.1 to 5058.3, inclusive. All rules and regulations shall, to the extent practical, be stated in language that is easily understood by the general public.

The Memorandum specifies categories of offenders who are excluded from completing the COMPAS Core Assessment. Without the assessment, the inmate is excluded from the benefits of qualifying for possible placement in a rehabilitative program pursuant to section 3375.6, title 15, of the California Code of Regulations. Thus, the Memorandum establishes administration criteria for management of the prisons. The Memorandum thereby implements, interprets, and makes specific Penal Code sections 5054 and 5058.

The Memorandum, therefore, meets the definition of “regulation” in Government Code section 11342.600.

The final issue to examine is whether the Memorandum falls within an express statutory exemption from the APA. Exemptions from the APA can be general exemptions that apply to all state rulemaking agencies. Exemptions may also be specific to a particular rulemaking agency or a specific program. Pursuant to Government Code section 11346, the procedural requirements established in the APA “shall not be superseded or modified by any subsequent legislation *except to the extent that the legislation shall do so expressly.*” (Emphasis added.)

The Department has not identified an express statutory exemption from the APA that would apply to the Memorandum, nor did OAL find such an exemption.

**PUBLIC COMMENTS**

OAL did not receive any public comments.

**AGENCY RESPONSE**

The Department declined to respond to the petition.

**CONCLUSION**

In accordance with the above analysis, OAL determines that rules contained in the Memorandum meet the definition of “regulation” that should have been adopted pursuant to the APA.

Date: October 15, 2018

/s/  
Debra M. Cornez  
Director

/s/  
Thanh Huynh  
Senior Attorney

**DISAPPROVAL DECISIONS**

**DEPARTMENT OF MANAGED HEALTH CARE**

**State of California  
Office of Administrative Law**

**In re:  
Department of Managed Health Care**

**Regulatory Action:**

**Title 28, California Code of Regulations**

**Adopt section: 1300.49**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2018–0824–01**

**OAL Matter Type: Regular (S)**

**SUMMARY OF REGULATORY ACTION**

The Department of Managed Health Care (Department) proposed the adoption of section 1300.49 of title 28 of the California Code of Regulations that would define a health care service plan to include an entity that takes on global risk (both institutional and professional risk) for services provided to health plan subscribers and enrollees. Section 1300.49 would also define relevant terms concerning financial risk and set requirements for a restricted health plan license as well as standards for obtaining an exemption from health plan licensing requirements.

**DECISION**

On August 24, 2018, the Department submitted the above-referenced regulatory action to the Office of Ad-

ministrative Law (OAL) for review. On October 8, 2018, OAL notified the Department of the disapproval of this regulatory action. The reason for the disapproval was failure to comply with the “clarity” standard of Government Code section 11349.1. The Department also failed to follow all required procedures under the California Administrative Procedure Act. This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

**CONCLUSION**

For the reasons set forth above, OAL disapproved this regulatory action. Pursuant to Government Code section 11349.4, subdivision (a), the Department may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval. A copy of this Decision will be emailed to the Department on the date indicated below.

Any changes made to the regulation text to address the clarity issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR, prior to resubmission of this regulatory action. The Department must resolve all other issues raised in this disapproval decision before resubmitting this regulatory action.

If you have any questions, please contact me at (916) 323-6805.

Date: October 15, 2018

Peggy J. Gibson  
Senior Attorney

For:  
Debra M. Cornez  
Director

Original: Shelley Rouillard, Director  
Copy: Jennifer Willis

**STATE WATER RESOURCES CONTROL BOARD**

**State of California  
Office of Administrative Law**

**In re:  
State Water Resources Control Board**

**Regulatory Action:**

**Title 22 California Code of Regulations**

**Adopt sections: 64417, 64418, 64418.1, 64418.2, 64418.3, 64418.4, 64418.5, 64418.6, 64418.7, 64418.8, 64419, 64420, 64420.1, 64420.2, 64420.3, 64420.4, 64420.5, 64420.6, 64420.7, 64420.8**

**DISAPPROVAL DECISION OF REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL File No. 2018-0823-02S**

**SUMMARY OF REGULATORY ACTION**

On August 23, 2018, the State Water Resources Control Board (Board) submitted its regulatory action to the Office of Administrative Law (OAL). Through its regulatory action, the Board proposed to adopt regulations governing public water system implementation of point-of-use (POU) and point-of-entry (POE) treatment devices in lieu of centralized treatment.

On October 5, 2018, OAL notified the Board that OAL disapproved the proposed regulations pursuant to the Administrative Procedure Act (APA). This Disapproval Decision of Regulatory Action explains the reasons for OAL’s disapproval.

**DECISION**

OAL disapproved the regulatory action on the following grounds: the proposed regulations fail to comply with the APA standards for (1) clarity, and (2) necessity. The Board must resolve all APA issues detailed herein before OAL can approve any resubmission.

**CONCLUSION**

For the reasons discussed above, the Board has failed to comply with the requirements of the APA. Thus, OAL disapproved this proposed regulatory action.

If the Board wishes to continue with this regulatory action, then it must resolve these issues through modified regulatory text and an addendum to the ISOR. It must make the modified text and ISOR addendum available to the public for comment for at least 15 calendar days before the Board adopts the modified regulations, having considered any new public comments submitted during this comment period. (Gov. Code, §§ 11346.8, subd. (a), 11347.1.)

The Board must then resubmit the action to OAL for review within 120 days of the Board’s receipt of this written opinion, which OAL e-mailed to the Board on the date indicated below. The resubmitted regulatory file must contain the following: (1) evidence or docu-

mentation that the Board reviewed and adopted the final modified regulation text after complying with all public availability requirements and considering any public comments received; (2) any comments made in relation to the modified text and ISOR addendum; and (3) a summary of and response to the comments in the Final Statement of Reasons. (Gov. Code, §§ 11346.8, subd. (c), 11346.9, subd. (a)(3), 11349.4, subd. (a).)

Date: October 12, 2018

Mark Storm  
Senior Attorney

FOR: DEBRA M. CORNEZ  
Director

Original: Eileen Sobeck, Executive Director  
Copy: Melissa Hall

<p><b>SUMMARY OF REGULATORY ACTIONS</b></p>
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**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# 2018-1003-01  
BOARD OF EDUCATION  
Conflict-of-Interest Code

This is a Conflict-of-Interest code filing 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 5  
AMEND: 18600  
Filed 10/17/2018  
Effective 11/16/2018  
Agency Contact: Donna Neville (916) 319-0827

File# 2018-0831-01  
BOARD OF FORESTRY AND FIRE PROTECTION  
Cumulative Impacts Assessment Checklist Technical Rule Addendum No. 2 and Appendix Amendments

This action amends the Technical Rule Addendum No. 2 and Appendix guidelines used by Registered Pro-

fessional Foresters to aid in the assessment of potential timber management plan impacts under the California Environmental Quality Act (CEQA), particularly with respect to greenhouse gas emissions and cumulative impacts resulting from timber harvesting.

Title 14  
AMEND: 895, 895.1, 912.9, 932.9, 952.9  
Filed 10/15/2018  
Effective 01/01/2019  
Agency Contact: Eric Hedge (916) 653-9633

File# 2018-1010-03  
BOARD OF FORESTRY AND FIRE PROTECTION  
Emergency Rulemaking to Facilitate Post Fire Recovery (Napa, Sonoma, Mendocino)

In this second emergency readopt rulemaking, the Board of Forestry and Fire Protection (the "Board") is providing an exemption from the plan preparation and submission requirements and from the completion report and stocking report requirements of the Z'berg-Nejedly Forest Practice Act of 1973 (Public Resources Code section 4511, et seq.) (the "Act") to persons engaging in specified forest management activities. This exemption includes cutting or removing dead or dying trees when the trees are within 300 feet of an Approved and Legally Permitted Structure that was damaged or destroyed by wildfire during the October 2017 Northern California wildfires in Mendocino, Napa, and Sonoma Counties.

Title 14  
AMEND: 1038  
Filed 10/16/2018  
Effective 10/24/2018  
Agency Contact: Eric Hedge (916) 653-9633

File# 2018-0907-05  
BOARD OF REGISTERED NURSING  
Fees Increase

In this regular rulemaking, the Board of Registered Nursing is revising fees charged for initial licensure and certification applications, temporary licenses, interim permits, license and certificate renewals, delinquent renewals, returned checks, and other services.

Title 16  
AMEND: 1417  
Filed 10/15/2018  
Effective 10/15/2018  
Agency Contact: Dean Fairbanks (916) 574-7684

File# 2018-0905-02  
DEPARTMENT OF CORRECTIONS AND REHABILITATION  
Inmate Work/Privilege Groups and Computation of Term and Credit

This timely Certificate of Compliance filing by the Department of Corrections and Rehabilitation makes permanent OAL File Nos. 2017-1212-02EON and 2018-0518-03EON. This action (1) clarifies procedures for assigning inmates to work groups, privilege groups and special assignments; (2) clarifies how hospitalizations and unassigned statuses impact assignments; (3) specifies credit earning eligibility of inmates placed in segregated housing; (4) implements processes for awarding Good Conduct Credit; and (5) adopts definitions and guidelines related to the computation of term and credits.

**Title 15**

ADOPT: 3371.1  
AMEND: 3043.7, 3044  
REPEAL: 3371.1  
Filed 10/17/2018  
Effective 10/17/2018  
Agency Contact: Laura Lomonaco (916) 445-2217

File# 2018-0924-03  
DEPARTMENT OF FORESTRY AND FIRE PROTECTION  
Amendment to CAL FIRE Conflict-of-Interest Code

This is a Conflict-of-Interest code filing 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: 890  
Filed 10/16/2018  
Effective 11/15/2018  
Agency Contact: Toby A. McCartt (916) 657-0561

File# 2018-0905-01  
DEPARTMENT OF MOTOR VEHICLES  
Appendix of Approved Identity Documents

This change without regulatory effect filing by the Department of Motor Vehicles adds the Republic of Fiji passport to the list of documents that have been deemed to provide satisfactory proof of an applicant's identity for purposes of subdivision (b) of section 16.04.

**Title 13**

AMEND: Appendix (Article 2.0)  
Filed 10/10/2018  
Agency Contact: Randi Calkins (916) 657-8898

File# 2018-0830-03  
DEPARTMENT OF PUBLIC HEALTH  
CLPP \$12 Fee Increase (Section 100)

The Department of Public Health submitted this action without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to amend the

fee for the application of lead-related construction certifications from \$75.00 to \$87.00 in a regulation that establishes these fees and in a corresponding incorporated by reference application form. The change in these fees is authorized in Health and Safety Code section 105250.1, as amended in A.B. 1810 (Stats.2018, c. 34). Additional, non-regulatory amendments are also proposed for the subject regulation of this action.

**Title 17**

AMEND: 35095  
Filed 10/10/2018  
Agency Contact: Linda M. Cortez (916) 440-7807

File# 2018-0829-01  
OCCUPATIONAL SAFETY AND HEALTH (CAL-OSHA) DIVISION  
Portable Amusement Ride Fees

This action establishes the hourly rate for Division engineers to perform certain specified services for owners and operators of portable amusement rides. This action effectively makes permanent the identical language proposed as an emergency regulation in OAL no. 2017-0623-03EFP (later readopted in OAL nos. 2017-1215-03EFP and 2018-0309-01EFP), which lapsed and expired by operation of law on June 19, 2018.

**Title 8**

AMEND: 344.18  
Filed 10/10/2018  
Effective 10/10/2018  
Agency Contact:  
Christopher Grossgart (510) 286-7348

File# 2018-1005-04  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998; New Construction (NC) Application Processing

The State Allocation Board submitted this emergency readoption action to keep in effect emergency amendments to a regulation relating to the processing of new construction funding applications submitted by California school districts.

**Title 2**

AMEND: 1859.51(e)  
Filed 10/11/2018  
Effective 10/16/2018  
Agency Contact: Lisa Jones (916) 376-1753

File# 2018-1010-04  
VETERINARY MEDICAL BOARD  
Fee Schedule

This action readopts the prior emergency rulemaking that increased various types of examination and licensure fees for veterinarians, registered veterinary techni-



cians, and veterinary premises. (See OAL file nos. 2018-0221-03E, 2018-0726-03EE.)

**Title 16**  
 AMEND: 2070, 2071  
 Filed 10/16/2018  
 Effective 12/05/2018  
 Agency Contact:  
 Amanda Drummond (916) 515-5238

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN May 16, 2018 TO  
 October 17, 2018**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

05/21/18 AMEND: 44

**Title 2**

10/11/18 AMEND: 1859.51(e)  
 09/27/18 AMEND: 43000, 43001, 43002, 43003, 43004, 43005, 43006, 43007, 43008, 43009  
 09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1  
 09/26/18 AMEND: 59760  
 09/24/18 AMEND: 18700.2  
 09/20/18 AMEND: 559.885  
 09/20/18 ADOPT: 211.2 AMEND: 211  
 09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5  
 09/11/18 AMEND: 1859.77.3  
 08/02/18 ADOPT: 59830  
 08/01/18 AMEND: 58200  
 07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705  
 07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3  
 06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198  
 06/19/18 AMEND: 554.7  
 05/17/18 ADOPT: 11027.1 AMEND: 11028  
 05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158,

20159, 20160, 20161, 20162, 20163, 20164, 20165

**Title 3**

10/08/18 AMEND: 3591.12  
 10/02/18 AMEND: 3591.12  
 09/13/18 AMEND: 6502  
 09/12/18 AMEND: 3591.13  
 09/12/18 AMEND: 3591.12  
 09/06/18 AMEND: 3601  
 08/22/18 AMEND: 3591.2  
 08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015  
 08/10/18 AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53  
 08/02/18 AMEND: 3591.2  
 07/31/18 AMEND: 3  
 07/19/18 AMEND: 3591.2  
 06/28/18 AMEND: 3435(b)  
 06/21/18 AMEND: 3439(b)  
 06/21/18 AMEND: 3591.5  
 06/18/18 AMEND: 1280.11  
 06/04/18 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608  
 05/30/18 AMEND: 3439(b)  
 05/24/18 AMEND: 3439(b)  
 05/24/18 AMEND: 6502  
 05/18/18 AMEND: 3439(b)

**Title 4**

09/26/18 AMEND: 12205.1  
 09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259  
 09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071  
 09/17/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15  
 08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229

07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190  
 07/18/18 AMEND: 2050  
 07/09/18 AMEND: 10325, 10326  
 07/03/18 AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered), 10160 (amended and renumbered).  
 REPEAL: 10156, 10157  
 07/02/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100  
 05/30/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15  
 05/25/18 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540  
 REPEAL: 5259  
 05/17/18 AMEND: 12590

**Title 5**

10/17/18 AMEND: 18600  
 08/03/18 AMEND: 11517.6, 11518, 11518.15, 11518.20, 11518.25, 11518.30, 11518.35, 11518.40, 11518.45, 11518.50, 11518.70, 11518.75, 11519.5  
 07/23/18 AMEND: 40050.2, 40100.1, 40513, 40514, 41021  
 07/03/18 ADOPT: 71396, 71397, 71398, 71399  
 06/21/18 AMEND: 19810  
 06/07/18 AMEND: 19810  
 05/18/18 ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310

**Title 8**

10/10/18 AMEND: 344.18  
 10/08/18 ADOPT: 13850, 13851, 13853, 13855, 13856, 13857, 13858, 13859, 13860, 13861, 13862, 13863, 13864, 13865, 13866, 13867, 13868, 13870, 13871, 13872, 13873, 13874  
 05/30/18 AMEND: 1618.1  
 05/17/18 ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773

**Title 9**

10/04/18 AMEND: 4350  
 08/20/18 ADOPT: 4020, 4020.1  
 06/21/18 AMEND: 4350  
 05/17/18 AMEND: 3850, 3850.010

**Title 10**

09/25/18 AMEND: 2498.4.9  
 09/25/18 AMEND: 2498.5

09/25/18 AMEND: 2498.6  
 09/24/18 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622  
 09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538  
 08/31/18 ADOPT: 2218.80, 2218.81, 2218.82, 2218.83  
 06/13/18 AMEND: 2498.5  
 05/31/18 AMEND: 2715, 2728.5, 2752  
 05/22/18 AMEND: 2498.6

**Title 11**

09/26/18 AMEND: 44.2  
 08/23/18 AMEND: 1004, 1005, 1081  
 08/15/18 AMEND: 1005, 1015  
 08/02/18 AMEND: 4002  
 07/31/18 AMEND: 49.18  
 06/21/18 AMEND: 1005  
 06/18/18 AMEND: 1005, 1007, 1008, 1052  
 06/13/18 ADOPT: 51.32  
 06/05/18 AMEND: 1005, 1007, 1008  
 06/05/18 ADOPT: 49.18  
 05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522

**Title 12**

09/27/18 AMEND: 500 (renumbered to 501), 501 (renumbered to 505), 501.1 (renumbered to 501.3), 501.2 (renumbered to 505.2), 501.3 (renumbered to 505.1), 501.4 (renumbered to 505.11), 502 (renumbered to 505.3), 502.1 (renumbered to 505.6), 502.2 (renumbered to 505.12), 502.3 (renumbered to 505.4), 503 (renumbered to 501.2), 503.1 (renumbered to 505.7), 504 (renumbered to 505.8), 504.1 (renumbered to 505.9), 505 (renumbered to 510.1), 506 (renumbered to 500), 507 (renumbered to 510.9), 508 (renumbered to 510.10), 509 (renumbered to 520.2)

09/25/18 AMEND: 600  
 07/05/18 AMEND: 451, 452, 453, 454, 455

**Title 13**

10/10/18 AMEND: Appendix (Article 2.0)  
 09/24/18 AMEND: 2222  
 09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459,

	2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4	<b>Title 15</b>	
08/30/18	AMEND: 1213	10/17/18	ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1
08/30/18	AMEND: 1239	10/08/18	AMEND: 3352.2, 3352.3, 3354, 3355.1
08/16/18	ADOPT: 25.23 AMEND: 25.06, 25.08, 25.09, 25.10, 25.11, 25.14, 25.15, 25.16, 25.17, 25.18, 25.19, 25.20, 25.21, 25.22	10/03/18	ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
07/23/18	ADOPT: 223.00, 223.02, 223.04, 223.06, 223.08, 223.10, 223.12, 223.14, 223.16	10/03/18	ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334
07/16/18	AMEND: 1151.1, 1152.4, 1152.4.1		
06/12/18	ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264	09/13/18	AMEND: 1006, 1029, 1041, 1050, 1069, 1206
05/30/18	ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06	08/20/18	AMEND: 3294.5
<b>Title 14</b>		08/13/18	AMEND: 3000, 3190, 3213
10/16/18	AMEND: 890	08/06/18	ADOPT: 3999.98, 3999.99, 3999.320 AMEND: 3355, 3087 renumbered as 3999.225, 3087.1 renumbered as 3999.226, 3087.2 renumbered as 3999.227, 3087.3 renumbered as 3999.228, 3087.4 renumbered as 3999.229, 3087.5 renumbered as 3999.230, 3087.6 renumbered as 3999.231, 3087.7 renumbered as 3999.232, 3087.8 renumbered as 3999.233, 3087.9 renumbered as 3999.234, 3087.10 renumbered as 3999.235, 3087.11 renumbered as 3999.236, 3087.12 renumbered as 3999.237, 3350 renumbered as 3999.200(a), 3350.1 renumbered as 3999.200(b), (c), and (d), 3350.2 renumbered as 3999.200(f), (g), and (h), 3351 renumbered as 3999.210, 3353 renumbered as 3999.202, 3353.1 renumbered as 3999.203, 3354.2 renumbered as 3999.206, 3356 renumbered as 3999.410, 3357 renumbered as 3999.440, 3358 renumbered as 3999.375, 3359 renumbered as 3999.411, 3359.8 renumbered as 3999.200(e)
10/16/18	AMEND: 1038	08/01/18	AMEND: 3350, 3350.1
10/15/18	AMEND: 895, 895.1, 912.9, 932.9, 952.9	06/28/18	AMEND: 3043.3
09/17/18	ADOPT: 18660.44, 18660.45, 18660.46 AMEND: 18660.5, 18660.6, 18660.7, 18660.8, 18660.9, 18660.10, 18660.12, 18660.13, 18660.15, 18660.16, 18660.17, 18660.18, 18660.19, 18660.20, 18660.21, 18660.22, 18660.24, 18660.25, 18660.30, 18660.31, 18660.32, 18660.33, 18660.35, 18660.36, 18660.37, 18660.39, 18660.41 REPEAL: 18660.23		
09/06/18	AMEND: 1104.1		
08/13/18	AMEND: 7.50		
08/09/18	AMEND: 13055		
07/30/18	ADOPT: 798 AMEND: 791, 791.6, 791.7, 792, 793, 794, 795, 796, 797		
07/30/18	ADOPT: 820.02		
07/30/18	ADOPT: 817.04 AMEND: 790		
07/30/18	AMEND: 819, 819.01, 819.02, 819.03, 819.04, 819.05, 819.06, 819.07		
07/19/18	AMEND: 3805.1		
07/05/18	AMEND: 1038		
07/02/18	AMEND: 916.9, 936.9, 956.9		
06/28/18	ADOPT: 1726, 1726.1, 1726.2, 1726.3, 1726.3.1, 1726.4, 1726.4.1, 1726.4.2, 1726.4.3, 1726.5, 1726.6, 1726.6.1, 1726.7, 1726.8, 1726.9, 1726.10 REPEAL: 1724.9		
06/28/18	AMEND: 18660.25, 18660.34		
06/28/18	AMEND: 502		
06/25/18	AMEND: 7.50		
06/07/18	AMEND: 1760, 1774, 1774.1, 1774.2		
05/24/18	ADOPT: 3803.1, 3803.2, 3803.3 AMEND: 3802, 3803		
05/16/18	AMEND: 131		

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06/14/18 AMEND: 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, 3763 REPEAL: 3800, 3800.1, 3800.2, 3800.3  
06/13/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12  
06/07/18 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1

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10/16/18 AMEND: 2070, 2071  
10/15/18 AMEND: 1417  
10/08/18 ADOPT: 1423.1, 1423.2 AMEND: 1418, 1424, 1426, 1430  
09/17/18 AMEND: 1735.2  
09/13/18 ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355  
08/30/18 AMEND: 1399.573  
08/29/18 AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886  
08/08/18 REPEAL: 1399.531, 1399.532  
08/02/18 AMEND: 3340.17, 3340.41, 3340.45  
08/01/18 AMEND: 2070, 2071  
06/18/18 AMEND: 1735.2  
06/14/18 REPEAL: 1399.620, 1399.621, 1399.622, 1399.623  
06/07/18 AMEND: 321, 364  
06/04/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015, 5016, 5017, 5018, 5019, 5020, 5021, 5022, 5023, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5031, 5032, 5033, 5034, 5035, 5036, 5037, 5038, 5039, 5040, 5041, 5042, 5043, 5044, 5045, 5046, 5047, 5048, 5049, 5050, 5051, 5052, 5053, 5054, 5055, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307, 5308, 5309, 5310, 5311, 5312, 5313, 5314, 5315, 5400, 5401, 5402, 5403, 5404, 5405, 5406, 5407, 5408, 5409, 5410, 5411, 5412, 5413, 5414, 5415, 5416, 5417, 5418, 5419, 5420, 5421, 5422, 5423, 5424, 5425, 5426, 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5600, 5601, 5602, 5603, 5700, 5701, 5702, 5703, 5704, 5705, 5706, 5707, 5708, 5709, 5710, 5711, 5712, 5713, 5714, 5715, 5716, 5717, 5718, 5719, 5720, 5721, 5722, 5723, 5724, 5725, 5726, 5727, 5728, 5729, 5730, 5731, 5732,

5733, 5734, 5735, 5736, 5737, 5738, 5739, 5800, 5801, 5802, 5803, 5804, 5805, 5806, 5807, 5808, 5809, 5810, 5811, 5812, 5813, 5814

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10/10/18 AMEND: 35095  
10/09/18 ADOPT: 40127, 40132, 40190, 40191, 40192, 40194, 40196  
09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4  
09/24/18 AMEND: 60201, 60205, 60210  
09/05/18 ADOPT: 100650  
08/29/18 AMEND: 60065.18, 60075.17  
08/21/18 AMEND: 35083, 35087  
07/24/18 AMEND: 100000  
07/19/18 AMEND: 30305  
07/19/18 AMEND: 6508  
05/30/18 AMEND: 95835, 95911  
05/23/18 ADOPT: 51101, 51102, 51103, 51104, 51105, 51106

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09/18/18 ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5  
09/17/18 ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201,

	5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256		64668.05, 64668.10, 64668.20, 64668.30 AMEND: 60301.450
09/10/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832	07/25/18	REPEAL: 98300, 98301, 98302, 98303, 98304, 98305, 98306, 98310, 98311, 98312, 98313, 98314, 98320, 98321, 98322, 98323, 98324, 98325, 98326, 98340, 98341, 98342, 98343, 98344, 98345, 98346, 98347, 98348, 98349, 98360, 98361, 98362, 98363, 98364, 98365, 98366, 98370, 98380, 98381, 98382, 98400, 98410, 98411, 98412, 98413
		07/05/18	AMEND: 66272.62
08/28/18	AMEND: 2460, 2461, 2462	06/29/18	ADOPT: 72329.2
08/20/18	AMEND: 301	06/20/18	AMEND: 97174, 97177.25
08/20/18	AMEND: 469	06/20/18	ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211
07/02/18	AMEND: 283		
06/18/18	AMEND: 51		
<b>Title 20</b>			
09/26/18	AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608, 1609		
07/19/18	AMEND: 1602, 1604, 1605.3, 1606, 1607		
05/29/18	ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505		
<b>Title 22</b>			
09/04/18	ADOPT: 68400.5, 69020, 69021, 69022		
09/04/18	AMEND: 51490.1	<b>Title 22, MPP</b>	
08/20/18	ADOPT: 66262.83, 66262.84 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix REPEAL: 66262.50, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.60, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89	08/24/18	ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631
08/16/18	AMEND: 5200	08/22/18	ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667
08/07/18	ADOPT: 60301.120, 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330,	07/12/18	AMEND: 87211
		<b>Title 23</b>	
		09/24/18	ADOPT: 3979.10
		09/20/18	AMEND: 315, 316
		08/27/18	ADOPT: 2637.1, 2637.2, 2640.1, 2716, Appendix VII, VIII, IX, X, XI, XII, XIII AMEND: 2611, 2620, 2621, 2631, 2634, 2635, 2636, 2637, 2638, 2640, 2643, 2644, 2644.1, 2646.1, 2647, 2648, 2649, 2660, 2661, 2663, 2665, 2666, 2672, 2711, 2712, 2715, Appendix III, VI REPEAL: 2645, 2646
		08/22/18	AMEND: 3920
		07/12/18	ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18
		07/02/18	ADOPT: 3979.9

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06/28/18 ADOPT: 3929.16  
06/19/18 ADOPT: 3939.54  
06/11/18 AMEND: 2924  
05/24/18 AMEND: 3946, 3949.13, 3949.14

**Title 25**

06/04/18 ADOPT: 6932 REPEAL: 6932

**Title 27**

08/30/18 REPEAL: 25601, 25602, 25603,  
25603.1, 25603.2, 25603.3, 25604,  
25604.1, 25604.2, 25605, 25605.1,  
25605.2.

08/02/18 ADOPT: 25501.1  
07/17/18 AMEND: 25805  
06/14/18 AMEND: 15100, 15110, 15120, 15130,  
15150, 15160, 15170, 15180, 15185,  
15186, 15186.1, 15187, 15188, 15190,  
15200, 15210, 15240, 15241, 15242,  
15250, 15260, 15280, 15290, 15320,  
15330, Appendix A, Appendix B,  
Appendix C

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09/26/18 AMEND: 31-206, 31-525