



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 8. CALIFORNIA
APPRENTICESHIP COUNCIL**

CALIFORNIA CODE OF REGULATIONS,
TITLE 8
SECTIONS 205, 206, 207, 212, 212.2, 212.3

Notice is hereby given that the California Apprenticeship Council (“Council”) proposes to amend sections 205, 206, 207, 208, 210, 212, 212.1, 212.2, 212.3, the title of Subchapter 3, 281, and 282 of its regulations in Division 1, Chapter 2, of Title 8 of the California Code of Regulations. The Council proposes to adopt these amendments pursuant to its rulemaking authority under Labor Code Section 3071, for the purpose of implementing, interpreting, and making more specific the requirements of Labor Code sections 3073.1, 3075, 3075.5, 3075.6 and 3075.7 of the Labor Code, as amended or added by Stats. 2011, Chapter 696 (SB 56) and by Stats. 2018, Chapter 704 (AB 235). Consistent with these statutory changes, these proposals will revise evaluation requirements and procedures for apprenticeship programs in general and set forth more specific requirements for programs in the building and construction trades industry, including with respect to the approval of new and expanded programs and the electronic transmission of information to the Division of Apprenticeship Standards (“DAS”), as required by SB 56.¹ The Council is also amending some of these regulations and the title of Subchapter 3 for the purpose of changing the term “journeyman” and its plural “journeymen” to “journeyworker” and “journeyworkers.”

¹ The Council previously commenced a rulemaking to implement the requirements of SB 56 in 2013 but failed to complete action within the time limits required by the Government Code. This rulemaking is a restart of the earlier rulemaking that could not be concluded on time, but also includes some additional revisions to conform to recent statutory amendments adopted in 2018 as part of AB 235.

PUBLIC HEARING

The Council will hold a public hearing on these proposals as follows:

August 29, 2019 at 10:00 a.m. until all comments have been received.

Elihu Harris Oakland State Building, Room 1
1515 Clay Street
Oakland, CA 94612

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposals. The Council 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 person or authorized representative may submit written comments relevant to the proposals by mail or delivery to Eric Rood, CAC Secretary and Chief, DAS, 1515 Clay Street, Suite 301, Oakland, CA 94612 or by email to CACsuggest@dir.ca.gov. To be considered, written comments must be received by the Council no later than 5:00 p.m. on August 29, 2019.

AUTHORITY AND REFERENCE

Authority: Labor Code Section 3071.

Reference: Labor Code Sections 3073.1, 3075, 3075.5, 3075.6, 3075.7, and 3080.5 of the Labor Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The Council and DAS oversee and regulate apprenticeship programs in the State of California. The Council’s responsibilities include adopting regulatory standards governing the approval and operation of programs, consistent with statutory requirements. The DAS’s responsibilities include approving and auditing programs, in accordance with these standards and requirements, to give workers the skills and training needed to obtain well-paying jobs and provide employers with a highly skilled and experienced workforce.

In 2011, the Legislature adopted SB 56 to do the following: (1) eliminate a requirement for random audits of all apprenticeship programs within a five-year period, and replace it with a general requirement to audit/evaluate² programs; and (2) establish more specific requirements for apprenticeship programs in the building and construction trades industry. These new, more spe-

² As discussed below, more recent legislation substituted the term “evaluation” for “audit” in Labor Code Section 3073.1.

cific requirements include (a) evaluating a program within one year following the approval of its creation or expansion; (b) evaluating a program that has been the subject of meritorious complaints or whose successful completion rate drops below 50%; (c) requiring applications for approval of a new or expanded program to provide more detailed information about the scope and operation of the program and recruitment of new apprentices; (d) requiring the Chief of DAS to provide a detailed explanation when denying an application, and give those applicants an opportunity to correct deficiencies and resubmit their application for approval; (e) requiring programs to provide apprentices with a semi-annual statement showing their progress toward graduation; and (f) requiring programs to submit data to DAS monthly in an electronic format.

The 2018 legislation known as AB 235 bifurcated California’s regulatory oversight of apprenticeship programs, with building and construction trades and firefighter programs staying under the jurisdiction of the Council, and other programs placed under the jurisdiction of the Chief of DAS and a new Interagency Advisory Committee on Apprenticeship. The DAS’s role with respect to all programs will remain the same, except that the Chief DAS’s decisions will be final with respect to programs that are no longer under the Council’s jurisdiction. Past actions of the Council and most of the existing regulatory structure will continue to apply to programs under the Chief DAS’s and Interagency Advisory Committee’s jurisdiction pending the adoption of new requirements. (Labor Code Section 3073, subdivisions (b) and (c).)

These proposals are designed primarily to implement, interpret, and make more specific the requirements of SB 56. The broad objectives of the legislation and these more specific regulatory changes are to streamline and improve the formal program evaluation process, provide DAS with more factual information in the application and approval process, keep apprentices in building and construction trades better informed, and make program information easier to submit and easier to access. The proposed changes should improve the efficiency and effectiveness of the approval and audit/evaluation processes.

These proposals make additional more technical revisions to maintain consistency with more recent statutory amendments adopted as part of AB 235. Specifically, these proposals substitute the word “evaluation” for the word “audit” to conform to the change in terminology in Labor Code Section 3073.1. These proposals also revise certain notice, posting, and appeal requirements for applications and evaluations, to conform with newly adopted amendments to Labor Code Section 3075. The Council and Chief DAS do *not* intend to address the AB 235 bifurcation in a comprehensive fashion in this rule-

making, but may do so later in one or more separate rulemakings.

Finally, the Council is making nonsubstantive terminology changes, by adding the word “trades” to “building and construction . . . industry” in order to stay consistent with statutory language, and by updating the terms “journeyman” and its plural “journeymen” to “journeyworker” and “journeyworkers” respectively.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting an evaluation of other regulations in this area, the Council has concluded that these are the only regulations concerning apprenticeship oversight, reporting and evaluations. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Specific Proposals

Section 205 sets forth regulatory definitions for the chapter on Apprenticeship in Title 8. The Council proposes to amend the definition of “Journeyman” in subsection (a) so that it also applies to the terms “journeyperson” and “journeyworker.” Additional language is being added to indicate that the terms are interchangeable and that the Council’s preferred designations at this time are “journeyworker” and its plural “journeyworkers.”

In subsection (i), the Council is correcting an erroneous cross-reference (from the non-existent subsections 212(c)(6) to 212(b)(7).) In subsection (m), the Council proposes to insert “trades” after “building and construction” and also to correct the statutory reference from Labor Code Section 3098 to Section 3080.5, consistent with a reorganization of statutory text by AB 235.

The Council also proposes to add a new subsection (o) to this section, to define what constitutes an “acceptable electronic format” for purposes of the new statutory electronic submission requirements.

Section 206 governs the Approval and Registration of Apprenticeship Agreements between programs and individual apprentices. The Council proposes to amend Section 206 in two places to add a requirement for agreements to be transmitted to DAS in an acceptable electronic format and for signed originals to be retained by the program for a specified time period. The Council also proposes to delete a requirement to file copies of approved agreements with the Council.

Section 207 governs the Termination of individual Apprenticeship Agreements. The Council proposes to add a subsection (c) requiring programs in the building and construction trades industry to include specified in-

formation in a request for cancellation and to submit the request to DAS in an acceptable electronic format.

Sections 208 and 210 govern Wages, Benefits, and Compensation for Apprentices and Working Conditions respectively. The Council proposes to make non-substantive changes to sections only, adding the word “trades” after “building and construction” in subsections (a), (b), and (c) of section 208, and changing “journeymen” to “journeyworkers” in paragraphs (1), (2), and (5) of subsection (c) of section 208, as well as in section 210.

Section 212 governs the Content of Apprenticeship Program Standards. In subsection (a)(6), the Council proposes to change “journeymen” to “journeyworkers.”

Subsection (b)(7) of this regulation requires an apprenticeship program’s standards to include a procedure for recording and maintaining specified records concerning apprenticeship. The Council proposes to add the apprentice’s “current address” and make another nonsubstantive grammatical change to this subsection. The Council also proposes to add a new subsection (c) to set forth additional recordkeeping and transmission requirements for programs in the building and construction trades industry. These requirements cover both the information that must be transmitted semiannually to apprentices and the information that must be transmitted monthly to DAS in an acceptable electronic format.

Section 212.1 concerns the reciprocal approval of apprenticeship programs. The Council proposes to add “trades” after “building and construction” and also add Labor Code Section 3073 in the reference note.

Section 212.2 governs Eligibility and Procedure for DAS Approval of an Apprenticeship Program. Subsection (a) requires applicants to provide evidence that their standards will meet five generalized standards with respect to facilities, job-site training, classroom instruction, supervision, and the program’s ability and commitment to carry out its responsibilities under all applicable laws and regulations. The Council proposes to change “journeyman” to “journeyworker” in paragraph (2) of this subsection. Substantively, the Council proposes to add a new paragraph (6) to this subsection with a more specific set of requirements for programs in the building and construction trades industry. These requirements include a plan setting forth projected participation levels by apprentices and employers, financial information covering the program’s budget and funding, a plan for obtaining sufficient employer participation following approval, evidence of adequate classroom facilities (which includes a DAS inspection requirement), and an apprentice recruitment plan that includes outreach to women and minorities.

The Council also proposes to delete the existing language of subsection (g) regarding the sharing of application information with existing programs, and replace it with a requirement for DAS to post copies of the application and proposed standards on the DAS website, together with information on how interested persons may comment on the application or standards. The items will need to remain posted for at least 30 days, and proposed amendments to subsection (h) would extend to persons who submit comments or request notice the right to be notified of any hearing on the application. Proposed amendments to subsection (i) would delete existing service requirements and replace them with a requirement to provide the Chief DAS’s decision to the program sponsor and post that decision on the DAS website.

In addition, the Council proposes to delete the existing language in subsection (j) and replace it with a detailed set of procedures for programs in the building and construction trades industry when an application is denied. These procedures would require DAS to provide a detailed explanation of deficiencies in the application together with recommendations on how to fix those deficiencies in order to obtain approval. Applicants will also have the option to appeal the denial to the Council or instead resubmit the application within a specified time frame. If resubmission results in a second denial, DAS will again need to provide a detailed explanation, and the applicant will have a right to appeal that second denial (but not resubmit).

The Council proposes to revise and expand subsection (k) regarding finality of the Chief DAS’s decision and the right of appeal to the Council. The existing language will be designated as paragraph (1) and revised to limit its application to building and construction trades and firefighter programs, to make the appeal deadline 30 days from when the Chief’s decision is posted online, and to extend appeal rights to any interested person who commented on the application. A new paragraph (2) will govern finality and appeal rights for programs that are not under the Council’s jurisdiction and specifically provide a right of appeal when there is a dispute over whether the program should be within the Council’s jurisdiction. This right of appeal would exist either if the issue had been raised previously but not resolved between the Chief and the Council or if the DAS failed to comply with application posting requirements.

Finally, the Council proposes to amend subsection (n) to specify that website posting is the only form of notice and service required for applications and decisions, and also to authorize the Chief to make exceptions to the formal filing and service rules in section 229 of the regulations for other documents, notices, and appeals.

Section 212.3 governs Apprenticeship Program Self-Evaluation and Monitoring, with subsections (c) and following covering program audits. The Council proposes to delete the word “audit” wherever it appears in this regulation and replace it with the word “evaluation”, and the Council also is proposing several specific changes. The existing language of subsection (d), requiring a random audit every five years, will be deleted and replaced with new language specifying that a program may be selected for evaluation at any time to ensure compliance with five overarching standards (compliance with the program’s own standards, adequate classroom instruction, on-the-job training by journeymen, all work processes covered, and graduates completing necessary requirements). The Council also proposes to adopt a new subsection (e) specifying criteria for priority evaluations, to include: (1) a finding of program deficiency; (2) an automatic requirement for evaluation of a new or expanded building and construction trades industry program within one year following approval; (3) two or more meritorious complaints concerning recruitment or training in the past five years; (4) a building and construction trades industry program’s completion rate falling below 50% of the average completion rate for other programs in the same trade (with more detailed provisions on calculating this information, excluding agreements cancelled in the first year, and accounting for delayed completions due to extenuating circumstances); and (5) a finding that a program in the building and construction trades industry purposefully misstated information.

Existing subsection (e) will be redesignated as subsection (f), and the requirement to specify in a notice whether the audit/evaluation is random or non-random will be deleted. Existing subsection (f) will be redesignated as subsection (g), and a requirement added for DAS to attempt to contact at least 30% of program dropouts in the preceding five years to determine their reasons for leaving. The language at the end of this subsection is being revised, and all the language in the existing subsection (g) is being deleted and moved to a later subsection.

Subsection (h) is being revised to focus on final report requirements and the consequences of noncompliance with recommendations or failing to correct deficiencies. The Council proposes to reorganize into a new subsection (i) requirements for the posting and presentation to the Council of evaluation reports. This new subsection would also include a prohibition (currently in subsection (g)) on including any personal identification or other confidential information about individual apprentices in a report. Finally, the Chief’s obligation to report to the Council, at its quarterly meetings, on the status of each pending and recently completed evaluation, has been reorganized into a new subsection (j).

Subchapter 3 and Sections 281 and 282 govern journey-level on-the-job training programs. The Council proposes to change “Journeyman” to “Journeyworker” in the title of Subchapter 3, and in the text of section 281. The Council also proposes to change “journeyman” to “journeyworker” and “journeymen” to “journeyworkers” in several locations in Section 282.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Council has made the following initial determinations with respect to these proposals and invites further comment on these specific impacts:

- Costs or savings for state agencies: **None.**
- Local Mandate: **None.**
- 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 the Government Code: **None.**
- Other nondiscretionary costs or savings imposed upon local agencies: **None.**
- Costs or savings in federal funding to the state: **None.**
- Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: **None.**
- Significant effect on housing costs: **None.**
- Cost impacts on representative private person or business/effect on small business: **None.** The Council is not aware of any cost impacts that a representative private person or business or small business would necessarily incur in reasonable compliance with these proposals. The cost impacts of these proposals are limited to the sponsors of approved apprenticeship programs in the building and construction trades industry (totaling 276 as of October 1, 2018) and prospective applicants for approval of apprenticeship programs in that industry.³ Program sponsors are primarily joint labor-management committees established pursuant to 29 U.S.C. Section 175a, but also include unions, industry associations, and individual employers. These proposals clarify, without altering, evaluation and reporting requirements, including electronic reporting by programs in the building and construction trades industry as mandated by SB 56.

³ According to DAS records, there were 812 sponsors of DAS-approved apprenticeship programs in all industries as of October 1, 2018. The overall number of approved programs is greater because some sponsors operate more than one program.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The Council has made initial determinations that these proposals: (1) will not create or eliminate any jobs; (2) will not create new businesses or eliminate existing businesses within the State of California; (3) will not affect the expansion of businesses currently doing business within the State of California; and (4) will not impact the regulation of health and welfare of California residents and worker safety. The Council anticipates that these proposals will have the benefits noted in the following paragraph.

BENEFITS OF THE PROPOSED ACTION

The regulations implement statutory changes that will make the transmittal of information to DAS more efficient and allow participants in apprenticeship programs easier access to information about their programs and progress. The regulations also implement legislative changes to the new and expanded program approval processes by specifying some of the requirements for approval. Requiring an applicant to set forth specific budget and planning metrics will enable easier assessment of the proposed training program. The proposed changes to the evaluation (formerly audit) process will allow a fairer and more efficient allocation of agency resources and will help programs identify areas for improvement. The website posting requirements in these proposals will make the application and evaluation processes more transparent for interested parties and the public. Streamlining these processes will improve the overall quality of training, for the benefit of apprentices, employers, and the public.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Council must determine that no reasonable alternative considered by the Council or that otherwise has been identified and brought to the Council's attention that (1) would be more effective in carrying out the purpose for which the action is proposed; (2) would be equally effective as the proposed action and less burdensome to affected private persons; or (3) would be more cost-effective to affected private persons and equally effective in implementing the underlying statutes. The Council invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Deneen Phillips
California Apprenticeship Council
1515 Clay Street, Suite 301
Oakland, CA 94612
Telephone: (510) 879-3966

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, or other information upon which the rulemaking is based to Ms. Phillips at the above address.

The backup contact person for these inquiries is:

Glen Forman, Deputy Chief
Division of Apprenticeship Standards
1515 Clay Street, Suite 301
Oakland, CA 94612
Telephone: (510) 879-3965

AVAILABILITY OF INFORMATION
PERTAINING TO THE PROPOSALS

The Council will have this Notice, the Initial Statement of Reasons, the text of the proposals, as well as the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at the above address.

Website: Principal rulemaking documents, including the text, this notice, and the Initial Statement of Reasons may also be accessed through the Department of Industrial Relations' website at www.dir.ca.gov/Rulemaking/DIRProposed.html.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Any such modifications will also be posted on the Department of Industrial Relations' website listed above.

Requests for copies of any modified regulations may be sent to the attention of the contact person(s) listed above. The Council 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 AND
THE RULEMAKING FILE**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Council at the address indicated above, or accessed on the Department of Industrial Relations’ website listed above.

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

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

**PUBLIC COMMENTS
Due by August 26, 2019**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to Robert “RC” Smith, or by letter to:

Commission on POST
Attn: Robert “R.C.” Smith
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630
RC.Smith@post.ca.gov

AUTHORITY AND REFERENCE

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

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

Commission Regulation 1052 requires that presenters of POST–certified courses involving the manipulative skills training implement a formal written safety policy. Presenters are referred to the *POST Guidelines for Student Safety in Certified Courses 2007*, incorporated in the regulation by reference, for clarification and requirements.

The *POST Guidelines for Student Safety in Certified Courses* were originally published in 1992 and last revised in 2007. POST staff recently completed a comprehensive update and revision of these guidelines, producing the *POST Guidelines for Student Safety in Certified Courses 2019*. This revised edition is the collective effort of fourteen POST Consultants who worked to integrate feedback obtained from a POST survey regarding the safety guidelines (with a total of 129 respondents) as well as the on–going input POST receives from presenters and instructors on a regular basis. A draft of this document was then submitted to various course presenters, including the membership of the California Academy Directors Association, for their review and comment.

The guidelines have been revised to include:

- A restructured format that is more “user friendly”
- The elimination of duplicative information from chapter to chapter
- Updated statutory and regulatory references
- An added chapter on Unmanned Aerial Vehicles training
- An “Assessing Instructor–to–Student Ratios” guide
- Sample safety policies for Arrest & Control, Firearms, and Driver Training courses

The proposed changes in Regulation 1052 will replace all reference to the *POST Guidelines for Student Safety in Certified Courses 2007* with *POST Guidelines for Student Safety in Certified Courses 2019*. This will ensure that presenters of POST–certified courses involving manipulative skills training are referring to the current version of the *POST Guidelines for Student Safety in Certified Courses* when preparing their formal written safety policy.

The Commission has determined that this proposed regulation change is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Commission has concluded that these are the only regulations that concern the Guidelines for Student Safety in Certified Courses 2019.

ANTICIPATED BENEFITS

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

ADOPTION OF PROPOSED REGULATIONS

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

ESTIMATE OF ECONOMIC IMPACT

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

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

Local Mandate: None.

Costs to any Local Agency or School District Affecting Government Code §§ 17500–17630 requires reimbursement: None.

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

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

RESULTS OF ECONOMIC
IMPACT ASSESSMENT
per Government Code § 11346.3(b)

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

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Robert “RC” Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630 at (916) 227–4864. General questions regarding the regulatory process may be directed to Heidi Hernandez at (916) 227–4261.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based

upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the [POST Website](#).

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

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

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

**TITLE 15. DEPARTMENT OF
CORRECTIONS AND REHABILITATION**

**CERTIFICATION OF
PUBLIC SAFETY COMPLIANCE
[Per California Constitution, Article I, Section 32]**

This rulemaking action amends existing regulations concerning credit earning which was promulgated after the passage of The Public Safety and Rehabilitation Act of 2016 (hereafter referred to as Proposition 57 or the Act). Proposition 57 provided that the “Department of Corrections and Rehabilitation adopt regulations in furtherance of [the Act], and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.” (Cal. Const., art. 1, § 32(b).)

Accordingly, in my role as the Secretary of the Department, I have been granted broad rulemaking authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the Act (notwithstanding other provisions of law) and I hereby invoke that constitutional grant of authority in support of this rulemaking action.

The proposed regulations will advance the existing 60-day release restriction for inmates who meet specified criteria; allow the Division of Juvenile Justice to consider all of the credit earning potential of each inmate housed in one of their facilities when calculating whether a transfer to adult prison is required by statute; increase the award of credit for inmates who complete 52 hours of programming under the Rehabilitative Achievement Credit Program from 7 days to 10 days; and increase the award of credit for inmates who earn a High School Diploma or High School Equivalent dur-

ing their current terms of incarceration from 90 days to 180 days.

The Department proposes amendments to the Supplemental Reforms to Credit Earning regulations with the goal to make prisons and communities safer by encouraging and motivating inmates to participate in rehabilitative programs and service opportunities that create skills and employability to lead improved inmate behavior and a safer prison environment for inmates and Department staff.

I, Ralph M. Diaz, Secretary of the Department, do certify that these regulations protect and enhance public safety for all Californians in compliance with the court’s order and Section 32 of Article I of the California Constitution.

/Original signed by/

RALPH M. DIAZ
Secretary
Department of Corrections and Rehabilitation

Date: 07/01/2019

**California Code of Regulations
Title 15, Crime Prevention and Corrections**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), proposes to amend Sections 3043, 3043.3, 3043.4 and 3043.5 in Title 15, Division 3, Chapter 1, regarding Supplemental Reforms to Credit Earning.

PUBLIC HEARING

Date and Time:

August 30, 2019 — 10:00 a.m.

Place:

Department of Corrections and Rehabilitation
Conference Room 100N
1515 S Street — North Building
Sacramento, CA 95811

Purpose:

To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins July 12, 2019 and closes on August 30, 2019 at **5:00 p.m.** Any person may submit written comments by mail addressed to the pri-

mary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

Anthony Carter
 Telephone: (916) 445-2220
 Regulation and Policy
 Management Branch
 P.O. Box 942883
 Sacramento, CA 94283-0001

Back-Up

Y. Sun
 Telephone: (916) 445-2269
 Regulation and Policy
 Management Branch
 P.O. Box 942883
 Sacramento, CA 94283-0001

Program Contact

C. LeSieur
 Telephone: (916) 324-0794
 Division of Adult Institutions

AUTHORITY AND REFERENCE

Subdivision (b) of Section 32 of Article 1 of the California Constitution authorizes the Secretary to prescribe and amend regulations for the administration of credit earning programs.

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

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

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

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

PC Section 5055 provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR.

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

PC Section 5058.3 authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the Department require adoption, amendment, or repeal of a regulation on an emergency basis.

Reference: Cal. Const., art. 1, sec. 32(a); Penal Code sections 667, 667.5, 1170.2, 2930, 2933.05, 3041, and 3051.

INFORMATIVE DIGEST/POLICY STATEMENT
 OVERVIEW

The proposed rulemaking action amends existing regulations concerning credit earning which were promulgated after the passage of The Public Safety and Rehabilitation Act of 2016 (Proposition 57). Revisions to the credit earning regulations will provide inmates with additional incentives to take responsibility for their own rehabilitation by encouraging them to participate in educational and rehabilitative programs, which will better prepare them for their eventual return to society.

This action will:

1. Advance the existing 60-day release restriction for inmates who meet specified criteria.
2. Allow the Division of Juvenile Justice to consider all of the credit earning potential of each inmate housed in one of their facilities when calculating whether a transfer to adult prison is required by statute.
3. Increase the award of credit for inmates who complete 52 hours of programming under the Rehabilitative Achievement Credit Program from 7 days to 10 days.
4. Increase the award of credit for inmates who earn a High School Diploma or High School Equivalent during their current terms of incarceration from 90 days to 180 days.

DOCUMENTS INCORPORATED BY
REFERENCE

Not applicable.

SPECIFIC BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The Department anticipates that these proposed regulations will benefit our criminal justice system and communities by continuing to create incentives and opportunities for inmates to take responsibility for their conduct and encouraging inmates to pursue educational and rehabilitative opportunities which will help better prepare them to find employment upon release, thus reducing recidivism. In addition, these incentives will improve inmate behavior and reduce violence in prisons; making conditions safer for inmates and Department staff.

EVALUATION OF
CONSISTENCY/COMPATIBILITY WITH
EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern this specific area of credit earning.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations may have a positive impact on the Health and Welfare of California residents, worker safety, and the State's environment by protecting and enhancing public safety by encouraging and motivating inmate rehabilitation, and reducing prison overcrowding.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out

the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the Department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TITLE 16. BOARD OF ACCOUNTANCY

NOTICE IS HEREBY GIVEN that the California Board of Accountancy (CBA) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally

or in writing relevant to the action proposed at a hearing to be held at California State Polytechnic University, Pomona, Kellogg West Conference Center and Hotel, 3801 W Temple Avenue, Pomona, CA 91768 at 3:00 p.m. on Thursday, September 26, 2019. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the CBA at its office by August 26, 2019 or must be received by the CBA at the hearing. The CBA, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 5010 and 5076 of the Business and Professions Code (BPC), and to implement, interpret or make specific Sections 5031.5, 5076 and 5100 of said Code, the CBA is considering changes to Section 45 of Division 1 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

BPC section 5076(c) authorizes the CBA to adopt regulations as necessary to implement, interpret, and make specific the peer review requirements.

Peer review is a systematic review of a firm’s accounting and auditing services performed by a CPA peer reviewer who is unaffiliated with the firm being reviewed to ensure work performed conforms to professional standards. Existing law at BPC section 5076(a) requires a “firm” licensed by the CBA to have a peer review report of its accounting and auditing practice accepted by a CBA-recognized peer review program no less frequently than every three years in order to maintain licensure. In BPC section 5035.1, a “firm” is defined to include a CBA-licensed corporation, partnership, or sole proprietorship.

Current regulation, 16 CCR section 45, requires, at the time of renewal, a licensee to report to the CBA specific peer review information as required on the Peer Review Reporting Form (Form PR-1).

The CBA proposes to amend the text of 16 CCR section 45 and Form PR-1 to simplify the reporting process and make it clearer that a licensee is required to report accounting and auditing services performed and

peer review compliance if the licensee is considered a “firm” as defined in BPC section 5035.1 (i.e., providing services as a sole proprietorship, corporation or partnership). Under the proposed amendment, individual Certified Public Accountants/Public Accountants (CPAs/PAs) working for an accountancy corporation or a partnership licensee and those renewing in an “inactive” or “retired” status would not be required to separately report compliance with peer review at the time of renewal, and only licensees who meet the definition of “firms” as defined in BPC section 5035.1 would be required to report such compliance.

In addition, current Form PR-1 includes questions initially needed to capture statistical information the CBA was mandated to report to the Legislature and Governor by January 1, 2015 pursuant to BPC 5076(m). As the reporting period is complete, the CBA proposes deleting those questions from Form PR-1 that were only needed for the CBA’s report.

Specifically, this proposal would do the following:

Section 45(a)

The proposed amendment would strike the word “licensee” from this section and replace it with “firm.” It would clarify that, at the time of renewal, only a firm, as defined in Section 5035.1, shall report to the CBA specific peer review information as required on Form PR-1 (Rev. 6/19), which would be incorporated by reference.

Section 45(b)

The proposed amendment eliminates this subdivision because licensees currently report peer review compliance on a biennial basis at the time of renewal, and as such, is no longer needed. This subsection was used to allow licensees to report peer review information in phases according to a schedule prior to January 1, 2014.

Section 45(c)

The proposed amendment renumbers this provision to 45(b) and changes the form revision date to be consistent with the changes proposed in this rulemaking. It also would add “or firm’s” to clarify who is subject to disciplinary action as provided in this section. This ensures consistency with the requirement that firms are the responsible party, who will be subject to disciplinary action if the firm makes any false, fraudulent, or misleading statements as a part of, or in support of its peer review reporting.

Form PR-1

This proposal would also revise Form PR-1 (Rev. 11/17) and replace it with Form PR-1 (Rev. 6/19), which contains the following changes:

- (1) Question 1 and Form Title: The word “licensee” is being struck to clarify that only firms are subject to this reporting requirement.

- (2) New Question 2: The proposed amendment will add a separate line for the licensee to insert his or her name.
- (3) Question 6: This question will be renumbered to Question 7. The question currently asks whether a licensee is operating as an accounting firm and asks the licensee to check a box (yes/no) to identify whether they are considered an accounting firm. The question would be revised under this proposal to ask the licensee to identify the type of accounting firm (Sole Proprietorship, General Partnership, Limited Liability Partnership, or Corporation). Since the form will only need to be completed by those licensees operating as an accounting “firm,” the question needs to be amended to help identify the firms that are required to comply with the peer review reporting requirement. In addition, a sentence would be added, in parentheses, to help explain that a sole proprietorship is simply an individual who works independently. This will help firms determine which box to check on the form.
- (4) Questions 7, 11a, 11b, 12, 13, and 14: This proposal would delete these questions from the form. These questions were intended to gather information from licensees for the purpose of preparing the CBA’s January 1, 2015 report to the Legislature (e.g., firm size, identity of peer review administrator, highest level of accounting and auditing service performed, cost of peer review, and time spent preparing for the review) required by BPC 5076(m). Since the report has been completed, this information is no longer needed.
- (5) New Question 11: A new question regarding whether the peer review was administered by a Board-recognized peer review provider is being added. The question is necessary to confirm compliance with the requirement in BPC 5076 that a peer review be accepted by a Board-recognized peer review program provider.
- (6) Question 15: This question will be renumbered to Question 12.
- (7) Amendment to Personal Information and Collection Access Notice (Information Practices Act (IPA) Notice — Civil Code section 1798.17): The current IPA notice broadly cites to statutory provisions relating to qualifications for CPA licensure. This proposal would correct and revise those

citations to more specifically refer to the authority to collect personal information under the peer review program as set forth in BPC section 5076 and 16 CCR section 45.

B. Policy Statement Overview/Anticipated Benefits of Proposal

This regulatory proposal would clarify that only licensees who operate as “firms” would need to report specific peer review information. Amending the regulation will benefit firms by providing clarity regarding who is required to report peer review information to the CBA. Providing clear guidance regarding who is subject to this requirement may reduce deficiencies at the time of renewal and ensure a more timely renewal. The proposed amendment would also uphold the CBA’s mission to protect consumers by ensuring that firms, including sole proprietorships, are in compliance with the peer review requirement.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

INCORPORATION BY REFERENCE

Peer Review Reporting Form PR–1 (Rev. 6/19)

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

None.

Nondiscretionary Costs/Savings to Local Agencies:

None.

Local Mandate:

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement:

None.

Business Impact:

The CBA has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting

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

This proposal impacts Certified Public Accounting (CPA) firms, of which the CBA in FY 2015–16 renewed 1,791 corporations, 671 partnerships, and an unknown number of CPA licensees who work as sole proprietors. The CBA does not track how many of its licensees are working as sole proprietors or small businesses.

The proposal would change who will be required to report peer review information to the CBA. Instead of having all licensees report whether they are subject to peer review, the proposed amendment would require only those licensees operating as a “firm” (as a sole proprietorship, accountancy corporation or accountancy partnership) to report specified peer review information on the licensee’s renewal date, once every two years. Although firms who are subject to peer review must complete the peer review process once every three years, pursuant to BPC section 5076, the reporting of this information to the CBA occurs at license renewal, which occurs every two years. This means that fewer CPAs will have reporting requirements and therefore less opportunity for deficient renewal applications, resulting in some cost savings (postage and time) for CPA licensees who are retired, inactive or who do not provide accounting services as a sole proprietorship.

For those firms still subject to this requirement, however, the entire reporting process should continue to take no more than 5 minutes to complete. Since there should be no additional time or cost anticipated as a result of these changes, the cost impact to licensees is considered zero or negligible. In addition, expenses associated with submitting the form continue to include mailing; these expenses are minimal and should not have a significant fiscal impact on these firms.

The proposal would impose the following reporting, recordkeeping, or other compliance requirements:

- It requires all firms report specific peer review information on Form PR–1 (Rev. 6/19) at the time of renewal.

The following studies/relevant data were relied upon in determining that the proposed action would not have a significant statewide adverse economic impact on businesses:

None.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

The CBA has determined that the proposed regulations would affect small businesses. Previously, all licensees were required to report specific peer review information; this proposal would limit this reporting to licensed firms which are already required to report this information under current law.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The CBA has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The CBA has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

This proposal would allow the CBA to better protect consumers by clarifying the peer review reporting requirements, which will reduce confusion and improve reporting, allowing the CBA to better monitor compliance with the peer review requirement.

This regulatory proposal does not affect worker safety because it has nothing to do with worker safety.

This regulatory proposal does not affect the state's environment because it has nothing to do with the environment.

CONSIDERATION OF ALTERNATIVES

The CBA must determine that no reasonable alternative it considered to the regulation 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 that the proposal described in this Notice, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the CBA at 2450 Venture Oaks Way, Suite 300, Sacramento, CA 95833.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:

Aaron Bone

Address:

2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833

Telephone Number:

916-561-1782

Fax Number:

916-263-3674

E-Mail Address:

aaron.bone@cba.ca.gov

The backup contact person is:

Name:

Deanne Pearce

Address:

2450 Venture Oaks Way, Suite 300
Sacramento, CA 95833

Telephone Number:

916-561-1718

Fax Number:

916-263-3674

E-Mail Address:

deanne.pearce@cba.ca.gov

Website Access:

Materials regarding this proposal can be found at <http://www.dca.ca.gov/cba/about-cba/laws-and-rules.shtml>.

TITLE 20. CALIFORNIA ENERGY COMMISSION

Title 20. Public Utilities and Energy
Division 2. State Energy Resources
Conservation and Development Commission
Chapter 4. Energy Conservation
Article 6. Energy Conservation Assistance Act
California Energy Commission
Energy Conservation Assistance Act Regulations
Docket No. 18-OIR-02

INTRODUCTION

The California Energy Commission proposes to repeal the Energy Conservation Assistance Act (ECAA) regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

Energy Commission staff will hold a public hearing for the proposed regulations on the following date and time. Interested persons, or his or her authorized representative, may present oral and written statements, arguments, or contentions relevant to the proposed regulations at the hearing. The record for this hearing will be kept open until 12:00 p.m. (Pacific Time) or until every person present who indicates a desire to speak has had an opportunity to do so.

Thursday, August 29, 2019

10:00 a.m.–12:00 p.m. (Pacific Time)
California Energy Commission
1516 9th Street
Sacramento, CA 95814
First Floor, Imbrecht Hearing Room
(Wheelchair accessible)

Audio for the hearing will be broadcast over the internet. Details regarding the Energy Commission’s webcast can be found at www.energy.ca.gov/webcast.

If you have a disability and require assistance to participate in the hearing, please contact Yolanda Rushin at Yolanda.Rushin@energy.ca.gov, or (916) 654-4310, at least five days in advance.

WRITTEN COMMENT PERIOD

You may submit written comments to the Energy Commission for consideration on or prior to August 26, 2019. The Energy Commission appreciates receiving written comments at the earliest possible date.

Please submit comments using the Energy Commission’s e-commenting feature by going to the Energy Commission’s ECAA webpage at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=18-OIR-02>, Docket Number 18-OIR-02, then select the “Submit e-comment” link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user, click on “Agree & Submit Your Comment” to submit the comment to the California Energy Commission’s Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone number, email address, etc.) become part of the viewable public record. You are encouraged to use the electronic filing system described above to submit comments. All written comments submitted prior to the hearing must be submitted to the docket. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 18-OIR-02
1516 9th Street, MS-4
Sacramento, CA 95814
Telephone: (916) 654-5076
Or by email to docket@energy.ca.gov
Or fax them to the Docket Unit at (916) 654-4354

PUBLIC ADVISER

The Energy Commission's Acting Public Adviser Jennifer Martin-Gallardo, is available to assist any person who wishes to participate in this proceeding. For assistance from the Public Adviser's Office, please call (916) 654-4489 or toll-free in California at (800) 822-6228, or contact publicadviser@energy.ca.gov.

NEWS MEDIA INQUIRIES

News media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Section 25218(e) authorizes the Energy Commission to adopt rules or regulations, as necessary, to implement Public Resources Code Sections 25412, 25413, 25415(a), and 25419.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The ECAA program is a low-interest and no-interest loan program administered by the Energy Commission to provide loans to local governments and public schools to fund energy efficiency and renewable energy projects including, but not limited to, energy-efficient lighting, high-efficiency heating, ventilating and air conditioning (HVAC) systems, and most recently, solar photovoltaic installations. The simplicity of the program designs and Energy Commission staff's technical assistance have made ECAA loans in high demand by local governments and public schools.

The ECAA statute requires that the costs of the project, plus interest on state funds to be loaned, be recovered through energy cost savings during the repayment period of the loan. The repayment period cannot exceed the useful life of the equipment funded by the loan and the repayment period cannot exceed 20 years. The ECAA program is a revolving loan program, so is perpetual.

The ECAA program was established in 1979 pursuant to Public Resources Code Section 25410 et seq., and the ECAA regulations were adopted in 1983. Since 1979, the ECAA statute has been revised and updated numerous times as the ECAA program has evolved. Most recently, Senate Bill 110 (Committee on Budget and Fiscal Review, Chapter 55, Statutes of 2017) was signed into law and made further changes to the way the

ECAA program is implemented. However, the 1983 ECAA regulations have never been revised and have not kept up with changes in statute. The current regulations are out-of-date, no longer relevant, or unnecessary for the administration of the ECAA program.

Therefore, the Energy Commission is proposing to repeal the ECAA regulations and use statutory authority and guidance found in Public Resources Code Section 25410 et seq. to implement the ECAA program. The ECAA statute has been revised and updated numerous times and now contains the material aspects of the ECAA program. Repealing the ECAA regulations will not affect how the ECAA program is currently implemented and will not impact the time or resources needed to apply for an ECAA loan.

Difference from existing comparable federal regulation or statute

The Energy Commission has determined that there are no existing comparable federal regulations or statutes related to the ECAA regulations. These regulations are limited to a very specific state funding program.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The broad objective of this rulemaking is to repeal the ECAA regulations. The ECAA regulations have not been updated since their original adoption in 1983 and have not kept up with the changes in statute. As such, the current regulatory provisions are outdated, unnecessary, or no longer relevant. The ECAA statute has been revised and updated numerous times and now contains the material aspects of the ECAA program.

Repealing the ECAA regulations will not in any way affect how the ECAA program is currently implemented and will not impact the time or resources needed to apply for an ECAA loan.

The specific benefit of this rulemaking action is to eliminate outdated and irrelevant ECAA program requirements, which confuse program applicants. Given the numerous statutory amendments since the ECAA program was created, the ECAA statute now provides sufficient authority and guidance to administer the ECAA program without the need for additional regulations.

Determination of inconsistency or incompatibility with existing state regulations

The Energy Commission has conducted an evaluation for other regulations in this area and has concluded that the proposed repeal of the ECAA regulations is neither inconsistent nor incompatible with other existing state regulations. These are the only regulations that involve the disbursement of funds under ECAA.

**DOCUMENTS INCORPORATED
BY REFERENCE**

The Energy Commission does not propose to incorporate any documents by reference.

**MANDATED BY FEDERAL
LAW OR REGULATIONS**

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The Energy Commission has made the following initial determinations:

- Mandate on local agencies and school districts: None. Local agencies and school districts are eligible, but not required, to apply for ECAA funding.
- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None. Local agencies and school districts are eligible, but not required, to apply for ECAA funding.
- Cost or savings to any state agency: None. State agencies with certain facilities such as a school or hospital are eligible, but not required, to apply for ECAA funding.
- Non-discretionary cost or savings imposed upon local agencies: None. Local agencies such as cities and counties are eligible, but not required, to apply for ECAA funding.
- Cost or savings in federal funding to the state: None. Funding for the ECAA program does not involve any federal funds.

SIGNIFICANT EFFECT ON HOUSING COSTS

The proposed repeal of the ECAA regulations is not related to the permitting, building, repair, or other activity related to housing and therefore will have no effect on housing costs.

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

Businesses are not eligible to apply for ECAA funding and the proposed regulations do not impose any requirements upon businesses. Businesses may indirectly benefit from ECAA funding by contracting with local governments and public institutions to install energy efficiency and renewable energy projects funded by the program. However, because no changes to the underlying program are expected as a result of the proposed repeal, no impacts to businesses are expected.

Therefore, the Energy Commission has made an initial determination that the proposed regulations will not have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

The Energy Commission concludes that: (1) the proposal will not create jobs within California; (2) the proposal will not eliminate jobs within California; (3) the proposal will not create new businesses in California; (4) the proposal will not eliminate existing businesses within California; and (5) the proposal will not result in the expansion of businesses currently doing business within California. Because no changes are proposed to the underlying ECAA program, the proposed repeal would not have any economic impact on California.

Benefit of the Proposed Action: The benefit of the proposed action is to eliminate outdated and irrelevant ECAA program requirements, which confuse program applicants. Given the numerous statutory amendments since the ECAA program was originally created, the ECAA statute now provides sufficient authority and guidance to administer the ECAA program without the need for additional regulations.

Repealing the regulations will not impact the health and welfare of California residents, worker safety, or the state's environment.

**COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS**

The Energy Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Businesses are not eligible to apply for ECAA funding, the existing regulations do not im-

pose any requirements upon businesses, and the proposed repeal does not make any changes affecting businesses.

BUSINESS REPORT

No report is required.

SMALL BUSINESS

Small businesses are not eligible to apply for ECAA funding. Therefore, the proposed repeal of the ECAA regulations will not have an impact on small businesses. Small businesses may indirectly benefit from the ECAA funding by contracting with local governments and public institutions to install energy efficiency and renewable energy projects funded by the program. However, because no changes to the underlying program are expected as a result of the proposed repeal, no impacts to small businesses are expected.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Energy Commission 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; would be as effective and less burdensome to affected private persons than the proposed action; or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Energy Commission invites interested persons to present statements or arguments concerning alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Please direct inquiries concerning all aspects of the rulemaking process including requests for copies of the proposed text (express terms), the initial statement of reasons (ISOR), any modified version of the regulations, the substance of the proposed regulations, or any other information upon which the rulemaking is based to:

Corrine Fishman
Regulations Manager, Efficiency Division
1516 Ninth Street
Sacramento, CA 95814-5512
(916) 654-4976
corrine.fishman@energy.ca.gov

If Corrine Fishman is unavailable, you may contact Hally Cahssai at (916) 654-4652 or hally.cahssai@energy.ca.gov.

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The Energy Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, and the ISOR. Copies may be obtained by contacting Corrine Fishman at the address or phone number above or accessed through the Energy Commission's website at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=18-OIR-02>.

AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the Energy Commission considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the Energy Commission adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the Energy Commission's website at <https://efiling.energy.ca.gov/>

[Ecomment/Ecomment.aspx?docketnumber=18-OIR-02](https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=18-OIR-02) or contacting the contact person above.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

The Energy Commission maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the Energy Commission for this rulemaking, including this Notice of Proposed Action, the express terms, and the ISOR have been posted at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=18-OIR-02>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED
SPECIES ACT CONSISTENCY
DETERMINATION NO. 2089-2019-001-01**

Project: Hart Ranch Flow and Habitat Improvement Project

Location: Little Shasta River, Siskiyou County near Montague

Applicant: Hart Cattle, Inc.

Background

Hart Cattle Inc. (Hart) is voluntarily undertaking a broad plan and supporting several actions anticipated to reduce the Hart Ranch volume of surface water diversions and to improve aquatic and riparian habitat, both upstream and downstream of the Hart-Haight Diversion on the Little Shasta River, as described in part below. These actions are intended to provide a net conservation benefit to Southern Oregon and Northern California Coast Coho Salmon (*Oncorhynchus kisutch*).

Because the Hart Ranch Flow and Habitat Improvement Project (Project) may result in take of a species designated as threatened under the federal Endangered Species Act (ESA), the National Marine Fisheries Service (NMFS) issued a safe harbor agreement (federal SHA) and a federal 10(a)(1)(A) enhancement of survival permit (Permit No. 21088) for the Project. The federal SHA describes the Project and requires the Applicant to comply with terms of the federal SHA and the federal 10(a)(1)(A) enhancement of survival permit and sets forth measures to avoid and minimize impacts

to Southern Oregon and Northern California Coast Coho Salmon.

The Enrolled Property is on Hart’s Valley Floor property (Enrolled Lands), which are described in Figure 1 and Appendix A of the federal SHA. Enrolled Lands include a total of 49 fields with an area of approximately 5,900 acres.

Little Shasta River Flow Enhancement

Hart is voluntarily providing enhanced stream flows to benefit stream habitat and promote Coho Salmon recovery in the Little Shasta River. Enhancing stream flows will reduce diversions of Hart’s water rights at the Hart-Haight diversion while sustainably managing aquatic and terrestrial species in an agricultural setting. These activities are summarized below and are fully described in the following documents:

- The Hart Ranch Flow Enhancement Project Final Initial Study/Mitigated Negative Declaration, California Department of Fish and Wildlife (CDFW), adopted March 2017.
- Safe Harbor Agreement for Voluntary Habitat Enhancement Activities Benefitting Southern Oregon and Northern California Coast Coho Salmon on Private Lands in the Shasta Valley, Siskiyou County, California, Hart Ranch and National Marine Fisheries Service, approved February 21, 2018.
- Hart Cattle Ranch Management Plan, Meridian Environmental, Inc., August 2016.

All of Hart’s decreed water rights from Little Shasta and Evans Spring (former tributary to Little Shasta River), will be modified to add instream flow as a beneficial use in the form of a permissive dedication using Water Code Section 1707. This modification will provide Hart with the increased flexibility and opportunity to leave water instream for fish and wildlife and ensure that the water is protected from downstream diverters. In most years Hart will dedicate 1.5 cfs to enhance Little Shasta River flows, and in the driest years 0.975 cfs will be dedicated to enhance Little Shasta River flows. A detailed description of instream flow dedications can be found in the federal SHA.

Habitat Improvements

Hart will install approximately 1.03 miles of riparian fencing on approximately 0.62 miles of the Little Shasta River to exclude cattle and create a 16-acre buffer of variable width (a minimum of 100 feet wide where possible) along the Little Shasta River where it crosses the Hart Ranch (downstream of the Hart-Haight irrigation diversion), provided that third party funding is provided for construction, installation, removal of existing fences and gates that are not effective at exclusion and replacement with new fences and gates effective for exclusion. Existing and obsolete fences and other debris

within the riparian zone will be removed and replaced by wildlife-friendly 4-wire fences and gates. Construction of the fence will occur well outside the ordinary high-water mark (OHWM); the only activity that will be conducted within the OHWM will be removal of two or three obsolete fence remnants and other debris. Up to 6.5 acres within this riparian buffer will be replanted according to a detailed riparian revegetation plan. The riparian revegetation plan will address the collection and propagation of locally adapted plants, selection of appropriate planting sites, site preparation, planting, watering regime, maintenance and monitoring methods, and schedule.

Habitat Protection

Hart will continue to maintain and protect approximately one linear mile of high-quality riparian habitat located upstream of the Hart-Haight Diversion on Hart's property. Use of pesticides and fertilizers will follow best management practices, label requirements, and anadromous stream buffers. Heifer cattle grazing near riparian areas will be highly monitored, not to exceed 24 days or a stubble height below four inches.

Diversion Improvements and Screening

Hart will allow a cooperating entity to modify the Hart-Haight irrigation diversion to improve adult and juvenile passage conditions based on best available science.

Best Management Practices for Pesticides and Fertilizers

Hart agrees to use pesticides and fertilizers in a manner that meets or exceeds best management practices recommended by NMFS.

Access for Fishery Managers

Hart has agreed to allow reasonable access to CDFW and NMFS for studies or to engage in monitoring or other activities related to the recovery of Coho Salmon.

Routine Management Activities

Hart will continue to manage Enrolled Lands as needed to support cattle ranching operations. Routine management activities required to operate the ranch include:

- Cattle grazing on Enrolled Lands.
- Diversion of Little Shasta River and Evans Spring water to irrigate 1,887+ acres of Enrolled Lands.
- Cutting and harvesting of grass forage or other crops for cattle feeding, personal use or sale to other parties.
- Flash grazing of riparian habitat in the Upstream of Hart-Haight portion of the property.
- Pumping of groundwater for irrigation and stock water purposes.

- Use and maintenance of several home sites on the Enrolled Lands.
- Use and maintenance of existing roads on the Enrolled Lands.
- All other necessary and desirable actions related to the operation of the Hart Ranch that do not directly impact stream habitat or flows in the Little Shasta River.

The Project is expected to result in a net conservation benefit to Coho Salmon over the 10-year duration of the federal SHA by enhancing Little Shasta River flows and improving riparian habitat while giving assurances to Hart that no additional future regulatory restrictions will be imposed as a result of their conservation actions.

On June 7, 2019, the Director of CDFW received a notice from Hart requesting a determination pursuant to Fish and Wildlife Code Section 2089.22 that the federal SHA and its related federal 10(a)(1)(A) enhancement of survival permit are consistent with CESA with respect to the Project (Cal. Reg. Notice Register 2019, 25-Z).

Determination

CDFW has determined that the federal SHA, including the federal 10(a)(1)(A) enhancement of survival permit, is consistent with CESA as to the Project and the anticipated incidental take of Coho Salmon because the conservation, avoidance and minimization measures contained in the federal SHA and its related federal 10(a)(1)(A) enhancement of survival permit meet the conditions set forth in Fish and Wildlife Code section 2089.6 for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of Coho Salmon will be incidental to an otherwise lawful activity; (2) implementation of the federal SHA is reasonably expected to provide a net conservation benefit to Coho Salmon; (3) the Project will not jeopardize the continued existence of Coho Salmon; (4) Hart has agreed, to the maximum extent practicable, to avoid or minimize any incidental take authorized by the SHA, including returning to baseline conditions; (5) CDFW has established or approved a monitoring program; (6) CDFW has determined that sufficient funding is ensured to complete baseline surveys on the property and that there is sufficient funding to carry out management actions and for monitoring for the duration of the SHA; and (7) implementation of the SHA is not in conflict with a CDFW-approved conservation or recovery program for Coho Salmon.

Avoidance and Minimization Measures

The avoidance and minimization measures in the SHA include, but are not limited to, the following:

- The juvenile screening system located at the Hart-Haight Irrigation Diversion will be maintained in good working order in coordination with CDFW. The screening system will be

checked weekly for debris and screen failure when flow is being diverted for ranch operations. In addition, NMFS will request that the Watermaster inform Permittee of any concerns with the screening system when checking diversion rates each month. Any problems identified in screen operations will be rectified and reported to CDFW.

- Riparian fencing will be maintained in good working order at all times. Fencing will be inspected prior to allowing cattle grazing in lands abutting the stream. The fence will be repaired as needed in a timely manner.
- Best management protocols for implementing riparian improvements will be developed and provided to NMFS and CDFW prior to any work being conducted within 50 ft of the stream channel.
- Cattle grazing in the upstream of Hart–Haight portion of the Enrolled Lands will be limited to short periods of time to “flash graze” lands adjacent to the riparian zone. Water access points for cattle will be limited to current locations.
- Pesticide and fertilizer use will be consistent with NMFS and EPA Reasonable and Prudent Alternatives.

Monitoring and Reporting Measures

- Hart will provide a report to NMFS and CDFW by December 31 of each year to document compliance with the terms of the SHA. The report will include the following:
- Brief description of all conservation and beneficial management activities implemented each year.
- Copy of Watermaster records showing flow diverted at the Hart–Haight diversion and releases to the downstream reach of the Little Shasta River below Hart–Haight irrigation diversion. Permittee will make a request of the Watermaster that this information be provided as frequently as possible and will transmit it to NMFS and CDFW when received.
- Record of daily stream temperatures on Hart–Haight property downstream of diversion. Data will include maximum, minimum and mean temperatures as recorded by hobo monitors deployed below (near) the diversion structure.
- Summary of any operational problems with the juvenile screening system located at the

Hart–Haight irrigation diversion. Any improvements or repairs undertaken during the year will be described.

- A summary of any Covered Species incidentally taken by Permittee in carrying out the activities authorized by the SHA.

To document additional habitat status and effectiveness of the conservation measures implemented, Permittee will allow NMFS and CDFW access to the property a minimum of two times each year. Permittee will also allow NMFS or its representative access to Enrolled Lands as needed to capture and relocate any affected Covered Species and to conduct spawning and juvenile Coho surveys as needed each year to document changes in Covered Species abundance on the Enrolled Lands.

Financial Assurances

In 2017, the California Wildlife Conservation Board awarded a \$2.2 million grant to California Trout (CalTrout) and CDFW’s Watershed Enhancement Grant program has awarded \$474,114 to CalTrout for Project implementation. In addition, U.S. Fish and Wildlife Service has awarded \$30,000 to date through its Partners for Fish and Wildlife Program. CalTrout has committed to maintaining portions of the Project for 25 years. Together, these funding sources will ensure that the actions in the SHA will be carried out.

Incidental Take Authorization

Pursuant to Fish and Game Code section 2089.22, if a federal SHA is approved pursuant to applicable provisions of federal law and that SHA includes species that are both federal and state listed, no further approval under the state SHA Program (Fish & G. Code, § 2089.2 et seq.) is required for incidental take of those species, provided Hart implements the Project and future land and water use and management practices as described in the approved federal SHA; Hart and CDFW follow specified procedures; and CDFW determines the federal SHA is consistent with applicable criteria. Additionally, Hart must adhere to all measures contained in the approved federal SHA and comply with other conditions described in the federal 10(a)(1)(A) enhancement of survival permit.

If there are any substantive changes to the federal SHA or if NMFS amends or replaces the federal 10(a)(1)(A) enhancement of survival permit, Hart shall be required to obtain a new consistency determination from CDFW. (See generally Fish & G. Code, §§ 2081.1, 2081, subs. (b) and (c).)

By:

/s/

Chad Dibble, Deputy Director
Ecosystem Conservation Division
California Department of Fish and Wildlife

Date: July 1, 2019

**DEPARTMENT OF
FISH AND WILDLIFE**

**HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION NO.
1653-2019-038-001-R1**

Project: Lower Bear Creek Instream Habitat Enhancement Project

Location: Humboldt County

Applicant: Sarah Beesley — Yurok Tribal Fisheries Program

Background

The Yurok Tribal Fisheries Program is proposing to enhance the stream habitat within the lower 1.0 mile of Bear Creek, tributary to the Lower Klamath River, California. Restoration consultant Rocco Fiori (Fiori Geo-Sciences — FGS) will be assisting in the planning and construction process. The project is intended to: (1) create and maintain complex mainstem and off-channel rearing and spawning habitat, and (2) create slow velocity habitats to increase habitat complexity and over-wintering conditions for native salmonids.

Project Location: The Lower Bear Creek Instream Habitat Enhancement Project (Project) is located in the lower 1.0 mile of Bear Creek, a tributary to the Lower Klamath River in Humboldt County, California. Bear Creek is a third order watershed draining 9.18 sq. miles of forested hillslopes. Bear Creek enters the north side of the Klamath River approximately 18.2 river miles upstream of the Pacific Ocean. The project site will be accessed from the town of Klamath, California, at a property owned by Western rivers Forestry, Assessor Parcel Numbers (APNs) 533-111-013 and 533-112-005. Bear Creek supports populations Pacific lamprey (*Entosphenus tridentatus*), coastal cutthroat trout (*Oncorhynchus clarkii clarkii*), Coho salmon (*Oncorhynchus kisutch*), and Chinook salmon (*Oncorhynchus tshawytscha*).

Project Description: Sarah Beesley with the Yurok Tribal Fisheries Program (Applicant) proposes to enhance or restore habitat within Bear Creek to provide a net conservation benefit for Chinook salmon, Coho salmon, steelhead, coastal cutthroat trout, and Pacific lamprey. The Applicant is proposing to install approximately 20 constructed wood jams within the lower 1.0 mile of Bear Creek. Project objectives include increasing the amount of large wood in the fluvial corridor to facilitate the formation of complex mainstem and off-channel habitat for rearing and spawning native salmon and support a diverse community of aquatic organisms.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.58 acres and 496 linear feet. 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 Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) Native Vegetation: approximately 200 key logs, and 250 trees and/or cuttings.

Project Timeframes:

Start date: July 2019

Completion date: October 2021

Work window: July 11–October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish habitat values within lower Bear Creek, the Regional Water Quality Control Board (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. 18190052WNHU, Electronic Content Management Identification (ECM PIN) No. CW-858291 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to Chinook salmon, Coho salmon, steelhead, coastal cutthroat trout, Pacific lamprey, northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus*), Foothill Yellow-Legged Frog (*Rana boylei*), and other native aquatic species.

Receiving Water: Lower Bear Creek, Klamath River Hydrologic Unit 105.11

Filled or Excavated Area:

Permanent area impacted: none
 Temporary Area Impacted: 0.32 acres creek bed and bank
 Length temporarily impacted: 496 linear feet
 Length permanently impacted: none

Dredge Volume: None.

Discharge Volume: Approximately 200 key logs (Avg. 1.5 DBH), and 250 trees and/or cuttings.

Project Location: Latitude 41.396 N. and Longitude -123.918 W., (NAD 83); APNs: 533-111-013; 533-112-005.

Pursuant to Fish and Game Code section 1653 subdivision (f), CDFW filed an initial notice with the Office of Administrative Law on June 4, 2019, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2019-0604-06) on June 14, 2019. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets 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’s 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 Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Post-construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Project Description and Minimization Measures*.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Monitoring & Reporting Plan: Lower Bear Creek Instream Habitat Enhancement Project*.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) 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;
- Waste Discharge Identification (WDID) No. 18190052WNHU, Electronic Content Management Identification (ECM PIN) No. CW-858291; and
- 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 General Order. Applicant shall submit documents electronically to: seth.ricker@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 sections 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, 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.

If there are any substantive changes to the Project or if the 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).)

By:

/s/
 Chad Dibble, Deputy Director
 Ecosystem Conservation Division
 California Department of Fish and Wildlife

Date: July 1, 2019

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
 HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
 PROTECTION AGENCY
 SAFE DRINKING WATER AND TOXIC
 ENFORCEMENT ACT OF 1986
 (PROPOSITION 65)**

**NOTICE OF INTENT TO LIST CHEMICALS
 BY THE LABOR CODE MECHANISM:**

- 2-CHLORONITROBENZENE;**
- 1,4-DICHLORO-2-NITROBENZENE;**
- 2,4-DICHLORO-1-NITROBENZENE;**
- 2-AMINO-4-CHLOROPHENOL;**
- para*-NITROANISOLE;**
- N,N*-DIMETHYLACETAMIDE**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the following chemicals as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). This action is being proposed pursuant to the “Labor Code” listing mechanism². OEHHA has determined that 2-Amino-4-chlorophenol (CAS No. 95-85-2), 2-Chloronitrobenzene (CAS No. 88-73-3), 1,4-Dichloro-2-nitrobenzene (CAS No. 89-61-2), 2,4-Dichloro-1-nitrobenzene (CAS No. 611-06-3), *N,N*-Dimethylacetamide (CAS No. 127-69-5), and *para*-Nitroanisole (CAS No. 100-17-4) meet the criteria for listing as known to cause cancer by this mechanism.

Background on listing by the Labor Code mechanism: Health and Safety Code section 25249.8(a) incorporates California Labor Code section 6382(b)(1)

into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. OEHHA has adopted regulations concerning these listings in Title 27, Cal. Code of Regs., section 25904. As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether a chemical’s listing is required by Proposition 65.

OEHHA’s determination: 2-Amino-4-chlorophenol, 2-Chloronitrobenzene, 1,4-Dichloro-2-nitrobenzene, 2,4-Dichloro-1-nitrobenzene, *N,N*-Dimethylacetamide, and *para*-Nitroanisole meet the requirements for listing as known to the state to cause cancer for purposes of Proposition 65.

IARC published on its website a list entitled “Agents Classified by the IARC Monographs, Volumes 1–123” (IARC, 2018). IARC concludes that there is sufficient evidence of carcinogenicity in animals for 2-Amino-4-chlorophenol, 2-Chloronitrobenzene, 1,4-Dichloro-2-nitrobenzene, 2,4-Dichloro-1-nitrobenzene, *N,N*-Dimethylacetamide, and *para*-Nitroanisole, and classified these chemicals as Group 2B (“possibly carcinogenic to humans”) (IARC Monograph Vol 123 Group, 2018).

Opportunity for comment: OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a), Labor Code section 6382(b)(1) and Title 27, Cal. Code of Regs., section 25904(b). Because this is a ministerial listing, comments should be limited to whether IARC has identified the specific chemical or substance as a known or potential human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when it identified these chemicals and will not respond to such comments if they are submitted (Title 27, Cal. Code of Regs., section 25904(c)).

Written comments must be received by Monday, August 12, 2019 to be considered. Comments may be submitted electronically (preferred) through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Mailing Address:

Julian Leichty
 Office of Environmental Health Hazard Assessment
 P.O. Box 4010, MS-12B
 Sacramento, California 95812-4010

¹ Health and Safety Code section 25249.5 *et seq.*

² Health and Safety Code section 25249.8(a) and Title 27, Cal. Code of Regs., section 25904.

Fax:

(916) 323-2265

Street Address:

1001 I Street
Sacramento, California 95814

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

If you have any questions, please contact Mr. Julian Leichty at julian.leichty@oehha.ca.gov or at (916) 445-6900.

References

IARC Monograph Vol. 123 Group. (2018). Carcinogenicity of some nitrobenzenes and other industrial chemicals. *The Lancet Oncology*, 19(12):e681-e682, DOI: [https://doi.org/10.1016/S1470-2045\(18\)30823-4](https://doi.org/10.1016/S1470-2045(18)30823-4).

IARC (2018). International Agency for Research on Cancer. World Health Organization. Agents Classified by the IARC Monographs, Volumes 1-123. Most recent list available at URL: <https://monographs.iarc.fr/list-of-classifications-volumes/>.

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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# 2019-0620-01

BOARD OF FORESTRY AND FIRE PROTECTION
Emergency Post-Fire Recovery for Lake Siskiyou,
Mendocino, Shasta, Trinity and Napa

This action readopts emergency regulations that provide an exemption from the plan, completion report, and stocking report requirements of the Z-berg-Nejedly Forest Practice Act of 1973 (Pub. Resources Code, § 4511 et seq.) to persons engaging in specified forest management activities in Lake, Siskiyou, Mendocino, Shasta, Trinity, and Napa Counties.

Title 14

AMEND: 1038.5

Filed 06/27/2019

Effective 06/27/2019

Agency Contact: Eric Hedge (916) 653-9633

File# 2019-0524-02

BUREAU OF REAL ESTATE APPRAISERS
Form Updates

In this regular resubmittal action the Bureau of Real Estate Appraisers proposes to amend eight forms and to repeal one form incorporated by reference in twelve regulations. The repealed form relates to the summary of appraisal experience. The amended forms concern logging appraisal experience, petitioning for course equivalency credit, consenting to service of process, application or issuance of license, course provider accreditation, course accreditation, appraisal management company registration. The Bureau proposes amending the forms to include required statutory language, update fee requirements, improve the clarity of questions and directions, and make other stylistic changes.

Title 10

AMEND: 3526, 3561, 3563, 3567, 3568, 3569,
3570, 3575, 3602, 3603, 3641, 3662

Filed 06/27/2019

Effective 10/01/2019

Agency Contact: Kyle Muteff (916) 341-6126

File# 2019-0610-02

DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Medical Care

This emergency action, by operational necessity pursuant to Penal Code section 5058.3, repeals, amends, and adopts regulations to update health care policies applicable to patients of the Department of Corrections and Rehabilitation.

Title 15

ADOPT: 3999.100, 3999.101, 3999.108, 3999.109, 3999.110, 3999.111, 3999.112, 3999.113, 3999.114, 3999.115, 3999.116, 3999.125, 3999.126, 3999.127, 3999.130, 3999.131, 3999.133, 3999.134, 3999.135, 3999.136, 3999.137, 3999.138, 3999.139, 3999.140, 3999.141, 3999.142, 3999.143, 3999.144, 3999.145, 3999.146, 3999.147, 3999.201, 3999.205, 3999.215, 3999.216, 3999.217, 3999.218, 3999.219, 3999.240, 3999.241, 3999.300, 3999.301, 3999.302, 3999.303, 3999.304, 3999.305, 3999.306, 3999.307, 3999.308, 3999.309, 3999.310, 3999.315, 3999.325, 3999.326, 3999.368, 3999.375, 3999.380, 3999.381, 3999.382, 3999.383, 3999.384, 3999.385, 3999.390, 3999.391, 3999.392, 3999.393, 3999.394, 3999.396, 3999.400, 3999.401, 3999.410, 3999.411, 3999.415, 3999.418, 3999.419, 3999.427, 3999.428, 3999.430, 3999.431
 AMEND: 3999.98, 3999.99, 3999.320
 REPEAL: 3352, 3352.1, 3355, 3355.2
 Filed 07/01/2019
 Effective 07/01/2019
 Agency Contact: Julie Inderkum (916) 691-0697

**File# 2019-0617-01
 DEPARTMENT OF EDUCATION
 LEAs Exempt from Licensing**

In this emergency rulemaking action the Department of Education proposes to adopt six sections related to health and safety requirements for the supervision of children, indoor space, outdoor space, restroom facilities, and drinking water for California State Preschool Programs exempt from the licensing requirements in Title 22 of the California Code of Regulations pursuant to Health and Safety Code section 1596.792(o).

Title 5

ADOPT: 18140, 18145, 18150, 18155, 18160, 18165
 Filed 06/27/2019
 Effective 07/01/2019
 Agency Contact: Hillary Wirick (916) 319-0860

**File# 2019-0610-03
 DEPARTMENT OF HEALTH CARE SERVICES
 Emergency Services Claims Disputes**

In this action without regulatory effect the Department of Health Care Services is correcting its address to reflect its current address.

Title 22

AMEND: 53626
 Filed 06/27/2019
 Agency Contact:
 Erika Drayton-Jebali (916) 345-8404

**File# 2019-0617-04
 DEPARTMENT OF JUSTICE
 Identification Requirements for Firearms and Ammo Eligibility Checks**

In this emergency rulemaking, the Department of Justice (“DOJ”) is adopting additional documentation requirements for eligibility checks on any application or report for which an applicant is required to submit a driver license or identification card, or the number from a driver license or identification card, so that DOJ may determine the applicant’s eligibility to possess a firearm or ammunition under state or federal law.

Title 11

ADOPT: 4045.1
 AMEND: 4002, 4142, 5478
 Filed 06/27/2019
 Effective 07/01/2019
 Agency Contact: Jacqueline Dosch (916) 227-7614

**File# 2019-0620-02
 DEPARTMENT OF JUSTICE
 Major League Sports Raffle Program**

The Major League Sports Raffle Program (the “Program”) authorizes a major league sports raffle at a home game conducted by an eligible organization for the purpose of directly supporting specified beneficial or charitable purposes in California, or financially supporting another private, nonprofit, eligible organization that performs those purposes. This emergency readopt rulemaking by the Department of Justice (1) increases the non-refundable annual registration fee an eligible organization must pay to participate in the Program; (2) increases the non-refundable annual registration fee a person affiliated with an eligible organization must pay in order to conduct the manual draw; (3) increases the non-refundable annual registration fee a manufacturer or distributor of raffle-related products must pay prior to selling, renting, or distributing raffle-related products; and (4) proposes to amend compliance and reporting requirements.

Title 11

AMEND: 2084, 2086, 2088, 2089, 2090, 2092, 2095, 2107
 Filed 07/01/2019
 Effective 07/02/2019
 Agency Contact: Susanne George (916) 830-9032

File# 2019-0621-01
 DEPARTMENT OF JUSTICE
 Firearms: Identifying Info — Existing and New California Residents

This action readopts prior emergency regulations that allow new California residents to apply for a serial number with the Department of Justice for any firearm that does not have a unique serial number or other mark of identification in accordance with Penal Code section 29180.

Title 11
 AMEND: 5505, 5507, 5509, 5510, 5511, 5513, 5514, 5516, 5517
 Filed 07/01/2019
 Effective 07/01/2019
 Agency Contact: Kamran Ali (916) 227-5419

File# 2019-0618-01
 DEPARTMENT OF SOCIAL SERVICES
 CalWORKs Statewide Fingerprint Imaging System and New ID Process

This emergency readopt is submitted by the Department of Social Services as a file and print action to keep in effect regulations to reflect the repeal of the Statewide Fingerprint Imaging System (SFIS), and to implement the new identity verification process in the California Work Opportunity and Responsibility to Kids (CalWORKS) program. Pursuant to the uncodified provision of section 58 of Statutes 2017, chapter 24 (SB 89), this action is a deemed emergency and exempt from OAL review.

Title MPP
 AMEND: 40-105, 40-171, 80-301
 REPEAL: 40-026
 Filed 06/26/2019
 Effective 06/26/2019
 Agency Contact: Oliver Chu (916) 657-3588

File# 2019-0517-02
 FISH AND GAME COMMISSION
 Mammal Hunting Regulations 2019-2020 Season

In this regular rulemaking, the Fish and Game Commission (the "Commission") is amending regulations related to the hunting of Nelson Big Horn Sheep and Elk, as well as tag validation, countersigning, and transporting requirements. The changes related to hunting of Nelson Big Horn Sheep (1) adjust the number of tags available for the 2019 season; (2) establish the Newberry, Rodman, and Ord Hunt Zone; (3) reallocate the Kelso Peak/Old Dad Mountains Fund-Raising tags to the Cady Mountains; and (4) update a Department of Fish and Wildlife contact telephone number. The changes re-

lated to Elk hunting (1) establish the 2019 tag quotas, season dates, and tag distribution within each hunt; and (2) provide notice to hunters of the current Colusa County variance permitting the use of muzzleloaders. Lastly, the Commission is revising tag validation, countersigning, and transporting requirements to authorize firefighters employed on a full-time basis to countersign deer and elk tags.

Title 14
 AMEND: 362, 364, 364.1, 708.6
 Filed 07/01/2019
 Effective 07/01/2019
 Agency Contact: Jon Snellstrom (916) 654-9868

File# 2019-0517-03
 FISH AND GAME COMMISSION
 Archery Equipment and Crossbow Regulations

The California Fish and Game Commission is changing text that is difficult to enforce to a clearer requirement regarding archery equipment and crossbows. The new requirement will be that a bow draw weight must be at least 30 pounds and a crossbow draw weight must be at least 125 pounds. Additionally it is authorizing the possession of a lawfully concealed firearm during an archery-only season or under an archery-only tag while hunting any big game except deer as long as the weapon is not used in the take of an animal.

Title 14
 AMEND: 354
 Filed 06/26/2019
 Effective 07/01/2019
 Agency Contact: Jon Snellstrom (916) 654-9868

File# 2019-0618-03
 FISH AND GAME COMMISSION
 Special Order Regarding Take of Chinook Salmon

In this emergency rulemaking the Fish and Game Commission is opening the lower Klamath River and upper Trinity River for Upper Klamath-Trinity River Spring Chinook Salmon fishing.

Title 14
 AMEND: 7.50
 Filed 06/26/2019
 Effective 06/26/2019
 Agency Contact: Sherrie Fonbuena (916) 654-9866

File# 2019-0614-01
 GOVERNMENT OPERATIONS AGENCY
 Conflict-of-Interest

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

Title 2
AMEND: 59780
Filed 06/26/2019
Effective 07/26/2019
Agency Contact: Joy Lavin-Jones (916) 651-9039

File# 2019-0520-02
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Proposition 65 Article 6 Rental Vehicle Exposure
Warnings

This action adopts "safe-harbor"-tailored warnings for rental vehicle chemical exposures pursuant to Proposition 65 (Health and Safety Code Section 25249.5 et seq.)

Title 27
ADOPT: 25607.36, 25607.37
Filed 07/01/2019
Effective 10/01/2019
Agency Contact: Monet Vela (916) 323-2517

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN April 1, 2019 TO
June 30, 2019**

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

Title 2

04/10/19 AMEND: 599.752.1
04/15/19 ADOPT: 18998 AMEND: 18994
04/11/19 AMEND: 57200
06/24/19 AMEND: 11008, 11023, 11024
06/20/19 ADOPT: 18944.1 AMEND: 18946, 18946.1, 18942 REPEAL: 18944.1
06/26/19 AMEND: 59780

Title 3

04/15/19 AMEND: 3591.12
04/22/19 AMEND: 6502, 6540
05/01/19 AMEND: 3591.12
05/02/19 AMEND: 3591.12
04/25/19 ADOPT: 4900
06/10/19 AMEND: 6252, 6502, 6524
06/20/19 AMEND: 6000
06/10/19 ADOPT: 4940, 4941, 4942, 4943, 4944, 4945, 4946, 4950, 4950.1

Title 4

04/11/19 AMEND: 10032, 10036

04/04/19 AMEND: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12

04/12/19 ADOPT: 7000, 7001, 7002, 7003, 7003.1, 7004, 7004.1, 7005, 7006, 7006.1, 7007, 7007.1, 7008, 7008.1, 7009, 7010, 7011, 7012, 7013, 7013.1, 7013.2, 7014, 7015, 7016, 7017

05/20/19 ADOPT: 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7319.1, 7320, 7321, 7322, 7323, 7324, 7325, 7325.1, 7326, 7327, 7328, 7329

05/16/19 AMEND: 1866.1

05/09/19 ADOPT: 10093.1, 10093.2, 10093.3, 10093.4, 10093.5, 10093.6, 10093.7, 10093.8, 10093.9, 10093.10, 10093.11

06/24/19 ADOPT: 1859.1, 1869 AMEND: 1858, 1859, 1859.25, 1867

05/28/19 ADOPT: 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429

06/24/19 AMEND: 1467

06/11/19 ADOPT: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14

06/20/19 AMEND: 10177, 10178, 10179, 10181, 10182, 10188

Title 5

04/03/19 REPEAL: 1030.5, 1030.6, 1030.7, 1030.8, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1039.1, 1039.2, 1039.3

05/08/19 AMEND: 41906.6

04/03/19 AMEND: 58310

05/22/19 AMEND: 42930, 42931, 42932, 42933

05/13/19 AMEND: 19810

06/27/19 ADOPT: 18140, 18145, 18150, 18155, 18160, 18165

Title 8

04/22/19 AMEND: 4412

05/02/19 AMEND: 3204

04/11/19 AMEND: 9792.23.1, 9792.23.3, 9792.23.4, 9792.23.7, 9792.23.8

04/25/19 AMEND: 14300.35, 14300.41

05/06/19 AMEND: 344, 344.1, 344.2

Title 9

05/29/19 AMEND: 7400

Title 10

05/28/19 AMEND: 2498.5

05/28/19 AMEND: 2498.5

05/29/19 AMEND: 2698.52, 2698.57

05/06/19 ADOPT: 10000, 10001, 10002, 10003, 10004, 10005, 10006, 10007

06/07/19 ADOPT: 6850, 6852, 6854, 6856, 6858, 6860, 6862, 6864, 6866, 6868

05/22/19 AMEND: 3200

06/13/19 AMEND: 2697.9

06/27/19 AMEND: 3526, 3561, 3563, 3567, 3568, 3569, 3570, 3575, 3602, 3603, 3641, 3662

Title 11

04/22/19 ADOPT: 4032, 4032.5, 4033, 4034, 4035, 4038 AMEND: 4030, 4031, 4036, 4037, 4039, 4040, 4041 REPEAL: 4032, 4033, 4034, 4035

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04/24/19 AMEND: 1052(a), 1052(b)(1st par.), 1052(b)(1)–(4), 1052(b)(6), 1052(e), 1052(f), 1052(i), 1052(k), 1052(l)

04/24/19 AMEND: 1052

05/28/19 ADOPT: 4340 AMEND: 5474, 5513 REPEAL: 5473, 5512

05/29/19 ADOPT: 4220 AMEND: 4200, 4210, 4230, 4240 REPEAL: 4220

05/22/19 ADOPT: 31.27

06/13/19 ADOPT: 4350, 4351, 4352, 4353

06/24/19 ADOPT: 4300, 4301, 4302, 4303, 4304, 4305, 4306, 4307, 4308, 4309

06/27/19 ADOPT: 4045.1 AMEND: 4002, 4142, 5478

Title 12

05/23/19 AMEND: 515, 515.1, 515.2, 515.3, 515.4, 515.5

Title 13

05/06/19 AMEND: 2752, 2274, 2758

05/08/19 AMEND: 2180.1, 2181, 2182, 2183, 2185, 2186, 2187, 2190, 2191, 2192, 2193, 2194

04/22/19 AMEND: 423.00

05/21/19 AMEND: 599

05/30/19 ADOPT: 226.00, 226.02, 226.04, 226.06, 226.08, 226.10, 226.16, 226.18, 226.20, 226.22, 226.24, 226.26, 226.30, 226.32, 226.38, 226.40, 226.42, 226.44, 226.46, 226.48, 226.50, 226.52, 226.54

05/21/19 ADOPT: 120.03, 125.21, 128.00, 128.01, 128.02 AMEND: 120.00, 124.92, 124.95, 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22, 127.00, 127.02, 127.04, 127.08, 127.10

06/07/19 ADOPT: 2622.5, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2639.5 AMEND: 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2629, 2630 [renumbered as 2629.5]

06/12/19 AMEND: 1956.8, 2035, 2036, 2040

05/15/19 AMEND: 1152.3.1, 1152.5, 1152.7

05/23/19 AMEND: 1153

05/23/19 AMEND: 17.00

06/25/19 ADOPT: 2021.2, 2021.3 AMEND: 2021, 2021.2 (renumbered to 2021.1) REPEAL: 2021.1

Title 14

04/23/19 ADOPT: 1401.1(a), 1401.1(b), 1401.1(c), 1401.2 AMEND: 1400.5, 1401, 1402, 1403, 1404, 1405, 1406, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1430, 1431, 1433, 1435, 1436, 1438, 1439, 1510, 1511, 1515, 1516, 1517, 1518, 1519, 1521

04/02/19 ADOPT: 2750, 2752, 2754, 2756, 2758, 2760, 2762, 2764, 2766, 2768, 2770, 2772, 2774, 2776, 2778

06/26/19 AMEND: 354

06/12/19 AMEND: 131

06/26/19 AMEND: 7.50

06/27/19 AMEND: 1038.5

Title 15

04/09/19 ADOPT: 3767 AMEND: 3075.2, 3620, 3761.1, 3763, 3764, 3768.3

04/03/19 ADOPT: 3329.5

04/09/19 ADOPT: 3999.26

04/15/19 AMEND: 3352.2(a)(1)(4) and (5) amended and renumbered as 3999.364; 3352.2(a)(2) and (3) deleted as duplicative of section 3999.98; 3352.2(b)(c)(d) amended and renumbered as 3999.365(a)(b)(c); 3352.3 amended and renumbered as 3999.366; 3354(a) amended and renumbered as 3999.132(a); 3354(b) amended and renumbered as 3999.426(a); 3354(c) amended and renumbered as 3999.207(a); 3354(d) amended and renumbered as 3999.402(a);

3354(e) amended and renumbered as 3999.429(a); 3360 amended and renumbered as 3999.330(a)(b)(c);3361(a) amended and renumbered as 3999.330(d); 3361(b) amended and renumbered as 3999.207(b); 3361(c) amended and renumbered as 3999.330(e); 3362 amended and renumbered as 3999.330(f); 3364 amended and renumbered as 3999.344; 3364.1(a)(1)–(5) and (8)–(11) amended and renumbered as 3999.345(a)(1)–(9); 3364.1(a)(6)–(7) amended and renumbered as 3999.98;3364.2 amended and renumbered as 3999.346; 3367 amended and renumbered as 3999.349; 3368 amended and renumbered as 3999.350; 3369 amended and renumbered as 3999.348; 3369.1 amended and is renumbered as 3999.342;3999.98 is amended; 3999.99 is amended and relocated; 3999.202 is amended; 3999.225 is amended; 3999.226 is amended; 3999.227 is amended; 3999.228 is amended; 3999.229 is amended; 3999.230 is amended; 3999.231 is amended; 3999.232 is amended; 3999.233 is amended; 3999.235 is amended; 3999.236 is amended; 3999.237 is amended; 3999.320 is amended; 3999.410 amended and renumbered as 3999.432;3999.411 amended and renumbered as 3999.425; 3999.440 amended and renumbered as 3999.417

05/02/19 AMEND: 4004 REPEAL: 4044, 4660, 4661, 4662, 4663, 4664, 4665, 4666, 4822, 4825, 4827, 4829, 4830, 4830.1, 4834, 4835, 4839, 4845, 4846, 4847, 4848, 4848.5, 4849, 4850, 4852, 4853, 4854

05/01/19 AMEND: 3090, 3375.2

05/20/19 AMEND: 3999.98, 3999.200

04/22/19 ADOPT: 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157

06/06/19 ADOPT: 2249.30, 2449.31, 2449.32, 2449.33, 2449.34, 3495, 3496, 3497 AMEND: 2449.1, 3490, 3491

06/17/19 AMEND: 3043, 3043.3, 3043.4, 3043.5

Title 16

04/12/19 ADOPT: 6000, 6001, 6002, 6003, 6004, 6005, 6006, 6007, 6008, 6009, 6010, 6011, 6012, 6013, 6014, 6015, 6016, 6017, 6018 AMEND: 6020

04/17/19 AMEND: 2070, 2071

04/24/19 AMEND: 1483

05/07/19 AMEND: 1997

06/04/19 AMEND: 3303, 3352, 3353, 3356

06/05/19 AMEND: 904

Title 17

04/22/19 AMEND: 54319, 54342

06/12/19 AMEND: 52000, 52086

06/06/19 AMEND: 6500.50, 6501.5, 6505, 6506, 6506.6

Title 18

05/20/19 ADOPT: 23038(b)–5 AMEND: 23038(b)–1, 23038(b)–2, 23038(b)–3

Title 19, 13

05/30/19 AMEND: 1990.00, 1990.01, 1990.02, 1990.03, 1990.04, 1990.07, 1990.08, 1990.12

Title 20

06/10/19 AMEND: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606, 1608

Title 21

05/31/19 AMEND: 1476

Title 22

04/17/19 ADOPT: 100270.200, 100270.201, 100270.202, 100270.203, 00270.204, 100270.205,100270.206, 100270.207, 100270.208, 100270.209, 100270.210, 100270.211,100270.212, 100270.213, 100270.214, 100270.215, 100270.216, 100270.217,100270.218, 100270.219, 100270.220, 100270.221, 100270.222, 100270.223,100270.224, 100270.225, 100270.226, 100270.227, 100270.228, 100270.229

04/19/19 ADOPT: 100270.101, 100270.102, 100270.103, 100270.104, 100270.105, 100270.106, 100270.107, 100270.108, 100270.109, 100270.110, 100270.111, 100270.112, 100270.113, 100270.114, 100270.115, 100270.116, 100270.117, 100270.118, 100270.119, 100270.120, 100270.121, 100270.122, 100270.123, 100270.124, 100270.125, 100270.126, 100270.127

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04/23/19 ADOPT: 100450.200, 100450.201, 100450.202, 100450.203, 100450.204, 100450.205, 100450.206, 100450.207, 100450.208, 100450.209, 100450.210, 100450.211, 100450.212, 100450.213, 100450.214, 100450.215, 100450.216, 100450.217, 100450.218, 100450.219, 100450.220, 100450.221, 100450.222, 100450.223, 100450.224

05/02/19 AMEND: 97215, 97218, 97219, 97232, 97244, 97253, 97255

05/06/19 ADOPT: 87764, 87765

04/03/19 AMEND: 66272.62

05/02/19 AMEND: 311-1

05/14/19 AMEND: 123000

06/17/19 AMEND: 101161

06/24/19 AMEND: 66272.62

06/27/19 AMEND: 53626

Title 22, MPP

04/03/19 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667

Title 23

04/08/19 AMEND: 2920

04/16/19 AMEND: 2925

04/19/19 ADOPT: 3979.11

04/29/19 ADOPT: Appendix B AMEND: 8

05/01/19 AMEND: 315, 316

05/21/19 ADOPT: 3919.19

05/30/19 AMEND: 5002(b)(2)

Title 25

05/21/19 ADOPT: 6932 REPEAL: 6932

Title 26

04/29/19 REPEAL: 16-979, 16-980, 16-981, 16-982, 16-983, 16-984

04/29/19 REPEAL: 14-1724.6, 14-1724.7, 14-1724.8, 14-1724.10, 14-1743, 14-1760, 14-1770, 14-1771, 14-1773, 14-1774, 14-1775, 14-1776, 14-1778, 14-1779

04/29/19 REPEAL: 17-7925, 17-12255, 17-30055, 17-30056, 17-30056.1, 17-30056.2, 17-30056.3, 17-30056.4, 17-30056.5, 17-30058, 17-30061, 17-30100, 17-30104, 17-30108, 17-30110, 17-30111, 17-30115, 17-30118, 17-30125, 17-30126, 17-30145, 17-30146, 17-30180, 17-30190, 17-30191, 17-30194, 17-30195, 17-30196, 17-30205, 17-30210, 17-30225, 17-30230, 17-30231, 17-30235, 17-30237, 17-30252, 17-30253, 17-30254, 17-30255, 17-30256, 17-30257, 17-30275, 17-30278.1, 17-30293, 17-30295, 17-30305, 17-30306, 17-30307, 17-30308, 17-30309, 17-30310, 17-30311, 17-30312, 17-30313, 17-30314, 17-30330, 17-30331, 17-30332, 17-30333, 17-30334, 17-30336, 17-30337, 17-30345.1, 17-30345.2, 17-30345.3, 17-30346, 17-30346.1, 17-30346.2, 17-30346.3, 17-30346.4, 17-30346.5, 17-30346.6, 17-30346.7, 17-30346.8, 17-30346.9, 17-30346.10, 17-30348.1, 17-30348.2, 17-30348.3, 17-30348.4, 17-30348.5, 17-30350, 17-30350.1, 17-30350.2, 17-30350.3, 17-30353, 17-30373, 17-30400, 17-30402, 17-30403, 17-30404, 17-30405, 17-30408, 17-30440, 17-30442, 17-30443, 17-30444, 17-30447, 17-30450, 17-30451, 17-30455.1, 17-30460, 17-30461, 17-30462, 17-30463, 17-30464, 17-30465, 17-30466, 17-30467, 17-30468, 17-30470, 17-30471, 17-30473, 17-30475, 17-30477, 17-30479, 17-30481, 17-30483, 17-30485, 17-30487, 17-30489, 17-30491, 17-30493, 17-30495, 17-30497, 17-30499, 22-60303, 22-60305, 22-60315, 22-60320.5, 22-60321, 22-60323, 22-60325, 22-60327, 22-60329, 22-60331, 22-60333, 22-60335, 22-60337, 22-60339, 22-60341, 22-60343, 22-60345, 22-60347, 22-60349, 22-60351, 22-60353, 22-60355, 22-64211, 22-64212, 22-64213, 22-64214, 22-64215, 22-64216, 22-64217, 22-64401, 22-64412, 22-64414, 22-64415, 22-64417, 22-64421, 22-64422, 22-64423, 22-64423.1, 22-64424, 22-64425, 22-64426, 22-64426.1, 22-64427, 22-64430, 22-64431, 22-64433, 22-64443, 22-64444, 22-64445, 22-64445.1, 22-64445.2, 22-64447, 22-64449.2, 22-64449.4, 22-64449.5, 22-64463, 22-64463.1, 22-64465, 22-64466, 22-64469, 22-64470, 22-64481, 22-64483, 22-64555, 22-64560, 22-64570,

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