



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it by the Political Reform Act (the Act)¹ by Section 83112 of the Government Code proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 19, 2019**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Sacramento, CA 95811, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m. on December 17, 2019.**

BACKGROUND/OVERVIEW

In 2018, after researching challenges faces by the Commission, and several rounds of interviews and deliberations, the Commission’s Ad Hoc Committee on Governance found that “the Commission’s governance challenges are persistent;” “the Commission has struggled with integrating the full commission, including part-time commissioners, into its oversight and management;” and the “governance practices, ever since these were adopted in writing by the full Commission, have not been consistently observed over time.”

Addressing these concerns, at the recommendation of the Ad Hoc Committee, the Commission adopted a series of regulations establishing governance principles for the Commission. Adopted in June 2018, Regulations 18308 through 18308.3 establish:

- The scope of authority for the Commission, Commission Chair, and Executive Director.

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All further statutory references are to the Government Code. The regulations of the Fair Political Practices Commission are contained in sections 18110 through 18997 of Title 2 of the California Code of Regulations (hereafter Regulation).

- The delegation and allocation of duties to and between the Commission Chair and Executive Director.
- Standing advisory committees.

REGULATORY ACTION

Amend or Repeal 2 Cal. Code Reg. Sections 18308 through 18308.3.

The Commission will broadly examine the scope and effectiveness of the provisions adopted in June 2018. With the additional insight of more than a year of experience operating under the current governance principals, the Commission may consider any issues still pertaining to the governance of the Commission, as well as any successes and deficiencies in the current regulations. The Commission may act to amend or repeal Regulations 18308 through 18308.3.

Adopt 2 Cal. Code Reg. Sections 18308.4.

The Commission will examine its review and approval of the Commission’s budget, including but not limited to the adoption of a regulation establishing the Commission’s policy and procedures for the adoption of the Commission’s budget and budget change process.

SCOPE

The Commission may adopt the language noticed herein, choose new language to implement its decisions concerning the issues identified above or any related issues, or act to repeal current Regulations 18308 through 18308.3.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Political Reform Act.

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 83108, 83111 and 83117.

CONTACT

Any inquiries should be made to Dave Bainbridge, General Counsel, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE AGENCY:

Department of Education
Air Resources Board

A written comment period has been established commencing on November 15, 2019 and closing on December 30, 2019. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than December 30, 2019. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street,

Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

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

**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **December 19, 2019**, at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **December 17, 2019**.

BACKGROUND/OVERVIEW

Governing Statutes. The Act’s conflict-of-interest provisions ensure that public officials perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. Section 87100 prohibits an official from using his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. Under Section 87103, an official has a financial interest in a decision within the meaning of Section 87100 if it is “reasonably foreseeable” that the decision will have a “material financial effect” on the official’s personal finances or those of immediate family.

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

Existing Regulation. Regulation 18702.5(a) provides that a “personal financial effect” means a governmental decision’s reasonably foreseeable financial effect on a public official’s personal finances or those of immediate family. That subdivision also sets forth the materiality standard applicable to such an effect, and provides the effect is material if the official or his or her immediate family “will receive a measurable financial benefit or loss from the decision.”

Regulation 18702.5(b) provides that a “personal financial effect” does not include certain specified financial effects of governmental decisions on an official’s personal finances or those of immediate family. Regulation 18702.5(c) provides that if the decision at issue affects the official’s financial interest in a business or real property, materiality is determined pursuant to Regulation 18702.1, applicable to a decision’s effect on an official’s business interest, or Regulation 18702.2, applicable to a decision’s effect on an official’s real property interest, respectively.

REGULATORY ACTION

Repeal and Adopt 2 Cal. Code Regs. Section 18702.5 — Materiality Standard: Financial Interests in a Personal Financial Effect.

Repeal and Adoption of Regulation 18702.5. The Commission may consider all provisions of existing Regulation 18702.5, the repeal of existing Regulation 18702.5, and the adoption of a proposed new Regulation 18702.5. At a minimum, Commission staff anticipates proposing the following:

- The update of Regulation 18702.5’s materiality standard applicable to a personal financial effect for improved clarity and guidance to make that standard an objective, bright-line standard, met when a decision would have a personal financial effect worth \$500 or more rather than when “the official or the official’s immediate family member will receive a measurable financial benefit or loss from the decision.”
- The recasting of Regulation 18702.5(b)’s exceptions for improved clarity and guidance, so that they are exceptions to when personal financial effect is material rather than when such an effect is a personal financial effect.
- The express reestablishment of an exception to subdivision (a)’s materiality standard for a decision which affects only the salary, per diem, or reimbursement for expenses the official or an immediate family member receives from a federal, state, or local government agency, except in specified circumstances.
- The reframing of Regulation 18702.5(c), which provides that materiality is determined pursuant to

Regulation 18702.1 when the decision at issue affects the official's business interest, or pursuant to Regulation 18702.2 when the decision affects the official's real property interest, for improved clarity and guidance.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state entity or program.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE

Sections 87100, 87102.5, 87102.6, 87102.8, and 87103.

CONTACT

Any inquiries should be made to Matthew F. Christy, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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BACKGROUND/OVERVIEW

Governing Statutes. The Act's conflict-of-interest provisions ensure that public officials perform their duties in an impartial manner, free from bias caused by their own financial interests or the financial interests of persons who have supported them. Section 87100 prohibits a public official from using his official position to influence a governmental decision in which he knows or has reason to know he has a financial interest. Under Section 87103(c), a public official has a financial interest in a decision within the meaning of Section 87100 if it is "reasonably foreseeable" that the decision will have a "material financial effect" on the certain enumerated interests including "[a]ny donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating [five hundred dollars (\$500)] or more in value provided to, received by, or promised to the public official within 12 months prior to the time when the decision is made."

Existing Regulation. Regulation 18702.4 provides the materiality standards for interests in sources of gifts. When the source of a gift is a nonprofit organization, Regulation 18702.4(c) provides that the financial effect of a governmental decision on that nonprofit is material if the organization "will receive a measurable financial benefit or loss, or the official knows or has reason to know that the nonprofit has an interest in real property that will be financially affected under the standards applied to a financial interest in Regulation 18702.2 . . ."

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18702.4 — Materiality Standard: Financial Interest in Source of Gift

Amendments to Regulation 18702.4. The Commission may consider amendment to all provisions of cur-

¹ The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

rent Regulation 18702.4, including, but not limited to, the appropriate materiality standards for economic interests in sources of gifts. At a minimum, Commission staff anticipates proposing the amendment of subdivision (c), pertaining to nonprofit sources of gifts, such that a financial effect on a nonprofit source of income would be considered material if “[t]he source is a nonprofit organization that will be financially affected under the materiality standards applied to a nonprofit source of income interest in Regulation 18702.3 . . .”

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state entity or program.

AUTHORITY

Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE

Sections 87100, 87102.5, 87102.6, 87102.8 and 87103.

CONTACT

Any inquiries should be made to Kevin Cornwall, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

TITLE 4. CALIFORNIA HORSE RACING BOARD

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

PROPOSED REGULATORY ACTION

The Board proposes to add Rule 1868, Authorized Medication During Workouts. The proposed regulation would place restrictions on the use of local anesthetics, narcotic analgesics, and non-steroidal anti-inflammatory drugs (NSAIDs) for horses completing timed workouts. The proposed regulation provides that no person shall administer a local anesthetic or narcotic analgesic to any horse within 24 hours of a timed workout, and that not more than one approved NSAID may be detected in an official test sample taken from a horse after it completes a timed workout. The regulation sets levels for NSAIDs in official test samples taken from horses after a timed workout and provides that if a test sample contains authorized NSAIDs more than allowed levels, the Official Veterinarian shall work with the veterinarian who administered or prescribed the substance to establish a dosage amount or time of administration that will comply with the limits of Rule 1868. The proposed regulation provides that if a test sample is taken from a horse after a timed workout, the penalty provisions of Article 15 shall apply in the same manner as to a scheduled race. Rule 1868 provides a definition of “timed workout.”

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, January 23, 2020** or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes **on December 30, 2019**. The Board must receive all comments at that time; however, writ-

ten comments may still be submitted at the public hearing. Submit comments to:

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

AUTHORITY AND REFERENCE

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

Business and Professions Code sections 19440, 19562, and 19580, authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific section 19580, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

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

The CHRB currently conducts a post-race testing program intended to prevent and detect the unauthorized use of certain medications and drug substances during horse races. The purpose of the program is twofold: to guard the health and welfare of horse and rider, and to ensure the integrity of horse racing in this State to protect participating licensees and the wagering public. To date, however, the industry has gone without similar protections when horses complete timed workouts at licensed racing facilities¹. The proposed addi-

tion of Rule 1868 is intended to address this issue by establishing restrictions on the use of local anesthetics, narcotic analgesics, and non-steroidal anti-inflammatory drug substances (NSAID) for horses engaging in timed workouts.

A primary purpose of the Board's drug testing program is to prevent horses from being administered medications and other substances that could increase the likelihood of them becoming injured during a race. These same risks exist, however, during timed workouts. In a timed workout, a horse will run at full speed or near full speed, meaning the same concerns about certain medications increasing the chance of injury during a race are equally applicable. One such medication is NSAIDs, which are typically used to treat musculoskeletal and inflammatory processes in horses but can also mask a horse's pain when used in excess. Such use potentially allows horses to train and race while injured and before they are fully healed. Masking a horse's condition with medications has the potential to obscure lameness and cause additional injuries to occur. Using pain-masking medications before a horse is fully healed can place a horse at a higher risk for breakdown, which can cause injury to horse and rider. Local anesthetics and narcotic analgesics can have similar masking-effects by deadening or reducing pain from an injury. The ability to detect signs of inflammation and/or lameness is critical for trainers, jockeys and other licensees to detect injuries, and prevent injured horses from training.

Another purpose of the CHRB's post-race testing program is to ensure that the horse's performance is not enhanced, hindered, or altered using unauthorized medications and other substances. Such efforts can give horses an unfair advantage or disadvantage in a race, which not only may impact the jockeys riding in the race, but other trainers and owners with competing horses. The use of unauthorized medications and other substances also defrauds the wagering public. Similar fraud can also result when the timed workout performance of a horse is enhanced, hindered, or altered. Many handicappers rely on the past performance of horses to determine what they predict the order of finish will be in a race. Past performances often include the results of timed workouts, which means when these workouts are altered by the overuse of pain-masking medications the wagering public is deceived regarding the true condition of the horse and its natural skill and ability over time.

Subsection 1868(a) provides that no person shall administer a local anesthetic or narcotic analgesic to any horse within 24 hours of a timed workout, nor shall any horse participating in a timed workout carry in its body any local anesthetic or narcotic analgesic. Local anesthetics are substances that induce insensitivity to pain;

¹ The exception is that a horse required to complete a timed workout for removal from the Veterinarian's List is subject to the same medication restrictions as a horse participating in a race, pursuant to CHRB Rule 1866(e).

narcotic analgesics are drugs used to treat pain. It is necessary to prohibit the use of such substances in horses participating in timed workouts to prevent injury in horses with pre-existing conditions that may be running before they are fully healed, to protect the health of horse and rider, and to ensure the results of the timed workout is not altered. The 24-hour period is consistent with the provisions of Board Rule 1844, Authorized Medication, which provides that no drug substance, other than an authorized bleeder medication, shall be administered to a horse within 24 hours of the race in which it is entered. After 24 hours of administration, the local anesthetic or narcotic analgesic should no longer be active.

Subsection 1868(b) provides that not more than one approved NSAID may be detected in an official test sample taken from a horse after it completes a timed workout. This provision is consistent with Board Rule 1844, Authorized Medication, which provides that not more than one approved NSAID may be administered to a horse that is entered to race. Subsection 1868(b) is necessary to prevent concurrent and excessive administrations of NSAIDs. While NSAIDs can improve healing and recovery from injury, they can also inhibit the effects of the natural healing process, including swelling and associated pain that would prevent a horse from sustaining further injury. Using more than one NSAID, or “stacking” NSAIDs, can pose a threat to equine health and welfare. Using two or more NSAIDs at a time can put the horse at increased risk of complications, including colic, protein loss, diarrhea, gastric ulcers, colitis and kidney damage. Some complications, such as gastric ulcerations are performance limiting, while others can be life-threatening. Regular administration of NSAIDs to horses in active training can mask the signs of musculoskeletal injury, making it difficult for trainers to accurately assess the soundness of a horse during and following exercise.

Subsections 1868(b)(1) through (b)(3) provide a listing of approved NSAIDs, and the levels of the substances that may be present in an official test sample taken from a horse after it completes a timed workout. The approved NSAIDs, phenylbutazone, flunixin and ketoprofen are consistent with the NSAIDs allowed under Board Rule 1844. The levels that may be present in an official test sample, however, differ from those in Rule 1844, which allow for a 24-hour administration. Rule 1868 provides for allowed levels of NSAIDs consistent with a 48-hour administration. The allowed levels under Rule 1868 are in line with protocols instituted in 2019 by The Stronach Group (TSG) at Golden Gate Fields and Santa Anita Park Race Track. The TSG conditions are the result of an agreement between TSG and the Thoroughbred Owners of California, which is intended to monitor the horse population and enhance

racing safety. Under the TSG protocols, all horses that perform a workout are subject to TSG administered post-work blood testing. The 48-hour administration is also consistent with the Association of Racing Commissioners International (ARCI) Model Rules of Racing.

Subsection 1868(b)(4) states metabolites or analogues of approved NSAIDs may be present in test samples collected after a timed workout. This provision is consistent with Rule 1844(c)(4), which provides that metabolites or analogues of approved NSAIDs may be present in an official post-race test sample. A metabolite results when a drug is metabolized by the body into a modified form and continues to produce effects on the body. Usually these effects are like those of the parent drug but weaker. An analog is a compound having a structure like that of another compound but differing from it in respect to a certain component.

Subsection 1868(c) provides that if a blood test sample collected from a horse after it completes a timed workout contains an authorized NSAID in excess of the limit for that drug under Rule 1868, the official veterinarian shall work with the veterinarian who administered or prescribed the NSAID to establish a dosage amount or time of administration that will comply with the limits under the rule. The intent of Rule 1868 is primarily to ensure that California’s race horses train and work without excess levels of medication in their systems. Current testing of horses performing timed workouts has demonstrated that most horsemen and private veterinarians comply with the Board’s medication regulations. Subsection 1868(c) provides an opportunity for the official veterinarian to work with horsemen and private veterinarians to correct NSAID overages. If, however, the official veterinarian determines no dosage amount or change in time of administration will result in a test sample level within the limits of Rule 1868, withdrawal of authorization for use of any one NSAID may occur.

Subsection 1868(d) provides that if a blood and/or urine test sample is taken from a horse after a timed workout, the penalty provisions of Article 15 shall apply in the same manner as to a scheduled race. The CHRB currently provides a post-race testing program intended to prevent and detect the unauthorized use of certain medications and drug substances during horse races. The program is intended to guard the health and welfare of horse and rider, to ensure the integrity of horse racing in this State, and to protect participating licensees and the wagering public. The industry, however, has gone without similar protections when horses complete timed workouts at licensed racing facilities. Subsection 1868(d) will address the issue by allowing the Board to apply the penalty provisions of Article 15. The subsection is consistent with Rule 1866, which ap-

plies the provisions of Article 15 to horses performing workouts to be removed from the Veterinarian's List.

Subsection 1868(e) provides a definition of "timed workout" for purposes of clarity.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Rule 1868 promotes the safety and welfare of all horses participating in timed workouts, as well as CHRB licensees who ride horse performing such workouts. The proposed amendment will also protect the wagering public. The regulation provides that local anesthetics or narcotic analgesics shall not be administered to any horse within 24 hours of a timed workout, and that not more than one approved NSAID may be detected in an official test sample taken from a horse after it completes a timed workout. The proposed addition of Rule 1868 will establish restrictions on the use of local anesthetics, narcotic analgesics, and NSAID for horses engaging in timed workouts. The proposed regulation will act to prevent horses from being administered medications and other substances that could increase the likelihood of them becoming injured during timed workouts. In a timed workout, a horse will run at or near full speed, meaning the same concerns about certain medications increasing the chance of injury to horse and rider during a race are equally applicable. When the timed workout performance of a horse is enhanced or hindered, the wagering public is defrauded. Many handicappers rely on the past performance of horses to determine what they predict the order of finish will be in a race. Past performances often include the results of timed workouts, which means when these workouts are altered by the overuse of pain-masking medications the wagering public is deceived regarding the true condition of the horse and its natural skill and ability. Rule 1868 will help to ensure that timed workouts accurately reflect the true condition and ability of the horse.

CONSISTENCY EVALUATION

During the process of developing the proposed regulation, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

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

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed addition of Rule 1868 will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none.

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

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulation will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The proposed addition of Rule 1868 promotes the health and welfare of equine athletes, the health and welfare of exercise riders and jockeys, and will protect the wagering public. The proposed regulation will act to prevent horses from being administered medications and other substances that could increase the likelihood of them becoming injured during timed workouts. When a horse works under the influence of medications that mask its condition, the likelihood of a breakdown and injury to horse and rider increases. Additionally, when the performance of a horse is enhanced, or hindered, the wagering public is defrauded. Many horse racing fans use the past performance of horses to determine what they predict the order of finish will be in a race. When timed workouts are altered by the use of pain-masking medications the wagering public is deceived regarding the true condition of the horse and its ability. Rule 1868 will help to ensure that timed workouts accurately reflect the true condition and ability of the horse. The proposed addition of Rule 1868 will not benefit California's environment.

Effect on small businesses: none. The proposal to add Rule 1868 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

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

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

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

Amanda Drummond, Manager
 Policy and Regulations
 Telephone: (916) 263-6033

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF STATEMENT OF REASONS

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

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

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 section 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 DECEMBER 30, 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) 227-6932 or by letter to:

Commission on POST
 Attn: Cheryl Smith
 860 Stillwater Road, Suite 100
 West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code section 13503 (authority of Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 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**

Penal Code section 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the incorporated by reference document, Training and Testing Specifications for Peace Officer Basic Courses (revised 4/1/2020), to include principled policing, implicit and explicit bias, de-escalation, strategic communication, and additional content to First Aid. Additionally, the incorporation by reference statements in POST Regulations sections 1005, 1007, and 1008 will be revised to reflect the updated revised date for the Training and Testing Specifications for Peace Officer Basic Courses.

The benefit anticipated by the proposed amendments to the regulations will be to update the training specifications for Peace Officer Basic Courses, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

During the process of developing these regulations and amendments, POST 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.

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test the updated curriculum. The proposed effective date is April 1, 2020.

DOCUMENT INCORPORATED BY REFERENCE

Training and Testing Specifications for Peace Officer Basic Courses, revised 4/1/2020.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice or 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 section 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 business, including the ability of California businesses 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.

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

RESULTS OF ECONOMIC
IMPACT ASSESSMENT PER
GOVERNMENT CODE SECTION 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 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.

COST IMPACT ON REPRESENTATIVE PRIVATE
PERSONS OR BUSINESSES

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

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 Cheryl Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-0544. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802, or by FAX at (916) 227-5271.

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(s) 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(s) named above.

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

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the Department), proposes to amend sections 3492 and 3493 of Title 15, Division 3, Subchapter 5.5, Article 1, and amend sections 2449.3, 2449.4, 2449.5, 2449.6, and 2449.7, and repeal section 2449.2, of Title 15, Division 2, Chapter 3, Article 15, regarding Supplemental Reforms to Parole Consideration for Determinately-Sentenced Nonviolent Offenders.

PUBLIC HEARING

Date and Time:

January 7, 2020 — 2:00 p.m. to 3:00 p.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 **November 15, 2019** and closes on **January 7, 2020 at 5:00 p.m.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by e-mail to rpb@cscr.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

Josh Jugum
 Telephone: (916) 445-2266
 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

AUTHORITY AND REFERENCE

In California, adopting, amending, or repealing a regulation requires an express grant of authority in law. As stated in Government Code section 11349, subdivision (b), “ ‘Authority’ means the provision of law which permits or obligates the agency to adopt, amend, or repeal a regulation.”

Ordinarily, the authority to adopt, amend, or repeal regulations in Division 3 of Title 15 (“Adult Institutions, Programs and Parole”) is found in Penal Code section 5058, subdivision (a): “The [Secretary] may prescribe and amend rules and regulations for the administration of the prisons . . .” The authority to do the same in Division 2 of Title 15 (“Board of Parole Hearings”) is found in Penal Code section 3052, which states, “The Board of Parole Hearings shall have the power to establish and enforce rules and regulations under which inmates committed to state prisons may be allowed to go upon parole outside the prison buildings and enclosures when eligible for parole.”

With the passage of Proposition 57, The Public Safety and Rehabilitation Act of 2016 (“the Act”), Article 1 of the California Constitution was amended to include section 32, subdivision (b), which states, “The Department of Corrections and Rehabilitation shall adopt regulations in furtherance of these provisions, and the Secretary of the Department of Corrections and Rehabilitation shall certify that these regulations protect and enhance public safety.” Accordingly, the Secretary has been granted broad authority under the California Constitution to adopt, amend, or repeal regulations in furtherance of the goals of the Act and hereby invokes that provision of law in support of this rulemaking action and affirmatively certifies that these regulations do protect and enhance public safety. Moreover, as noted

above, the court in *In re McGhee* ordered the Department to repeal portions of section 3492 of Title 15 of the California Code of Regulations and to make any further conforming changes necessary to effectuate the court’s decision.

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.

INFORMATIVE DIGEST/POLICY
 STATEMENT OVERVIEW

Following the publication on April 19, 2019, of Notice of Change to Regulations 19-02, concerning supplemental reforms to parole consideration for indeterminate-sentenced inmates, the court found in the matter of *In re McGhee* (2019) 34 Cal.App.5th 902, that regulations previously promulgated by CDCR establishing the determinately-sentenced nonviolent parole process did not comport with the constitutional provision they sought to implement. Specifically, the court struck down the public safety screening process which allowed CDCR to screen out certain nonviolent offenders from referral to the Board for parole consideration under the Board’s determinately-sentenced nonviolent parole review.

Therefore, CDCR and the Board determined that amendments to these regulations are necessary to re-

move the public safety screening process and all other regulatory provisions related to CDCR’s screening of inmates for public safety reasons prior to referral to the Board. This rulemaking action will remove any process for CDCR to screen nonviolent offenders for public safety reasons prior to referral to the Board as well as the portion of the Board’s jurisdictional review process related to confirming agreement with CDCR’s public safety screening results for a referred nonviolent offender.

This action will:

- Repeal the public safety screening process prior to referring otherwise eligible inmates to the Board of Parole Hearings for parole consideration, consistent with the *In re McGhee* court ruling.
- Repeal the Board’s jurisdictional review process. This process has been made obsolete by the repeal of the public safety screening process.
- Establish a timeframe to ensure inmates who were determined to be ineligible under the now repealed public safety screening are reviewed again under the amended regulations.

Specific Benefits Anticipated By The Proposed Regulations

The establishment of the nonviolent offender parole consideration process will make prisons and communities safer by encouraging and motivating indeterminately-sentenced nonviolent offenders to participate in rehabilitative programs and service opportunities that create skills and, employability. The proposed regulations establish rigorous screening criteria for inmates and notification procedures for registered victims and prosecuting agencies. Establishing screening criteria benefits public safety by excluding inmates who are more likely to pose a risk to the public and provides nonviolent offenders with substantial motivation to avoid prison misconduct and focus on their rehabilitation. Establishing notification processes benefits public safety by ensuring that registered victims and prosecuting agencies, as well as other interested parties, have the opportunity to submit additional information regarding the nonviolent offender for the Board’s consideration. Under the proposed regulations, the Board will review all relevant and reliable evidence, including an inmate’s full criminal history, institutional behavior, rehabilitative efforts, and statements from interested parties to determine whether the inmate poses a current unreasonable risk to public safety. This process will enhance public safety by motivating eligible inmates to take responsibility for their own rehabilitation and work to prepare them to be productive members of the community upon their release.

**EVALUATION OF
CONSISTENCY/COMPATIBILITY
WITH EXISTING LAWS AND REGULATIONS**

The Department has determined the proposed regulations are not inconsistent or incompatible with existing State regulations. Pursuant to this determination and because the Act authorizes the Department to adopt regulations “notwithstanding anything in this article or any other provision of law” (Cal. Const., art. 1, section 32, subd. (a)), the proposed regulations are not inconsistent or incompatible with any existing laws or regulations.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Cost or savings to any state agency: Cost of \$643,000 in fiscal year 2020–21, and ongoing cost will be \$698,000.
- Cost or savings in federal funding to the state: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no 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 businesses, including the ability of California business-

es to compete with businesses in other states, because private businesses are not significantly affected by the management of correctional facilities or the Board of Parole Hearings, or by technical changes to an inmate's eligibility for parole consideration.

EFFECT ON SMALL BUSINESSES

The Department has made an initial determination that the proposed regulations will not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because the proposed regulations affect the internal management of the Department and the Board of Parole Hearings only, and place no requirements or restrictions on businesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The proposed regulations will create state jobs due to the additional parole reviews required by the Act. The Department and the Board have determined that additional staff is necessary to conduct the additional review on the merits. The Board is requesting 3.1 Administrative Law Judge and 0.5 Administrative Law Judge II positions starting August 1, 2019.

This rulemaking action will have no impact on existing businesses, the creation of new businesses, or the expansion of businesses currently doing business within the State of California.

The regulations enhance public safety by incentivizing determinately-sentenced nonviolent offenders to avoid prison misconduct and focus on their rehabilitation by participating in rehabilitative programs and service opportunities that create skills and employability to prepare themselves to be productive members of the community upon their release. This regulation also benefits public safety by ensuring that registered victims and prosecuting agencies, as well as other interested parties, have the opportunity to submit additional information regarding the nonviolent offender for the Board's consideration.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternatives considered, or that have otherwise been identified and brought to the attention of the Department and the Board would be more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally

effective in implementing and equally effective in implementing The Public Safety and Rehabilitation Act of 2016.

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. PHYSICIAN ASSISTANT BOARD

The Physician Assistant Board (board) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board will hold a public hearing starting at **10:00 a.m. on January 13, 2020**, in the Hearing Room locat-

ed at 2005 Evergreen Street, Suite 1150A, Sacramento, California 95815. The Hearing Room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his/her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 263-2671 or by e-mail to anita.winslow@mbc.ca.gov. The written comment period closes at **5:00 p.m. on January 13, 2020**. The Board will consider only comments received at the Board's office by that time. Submit comments to:

Anita Winslow, Regulatory Coordinator
Physician Assistant Board
2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

AUTHORITY AND REFERENCE

Business and Professions Code sections 141, 480, 481, 482, 490, 493, 2018, and 3510 authorize the Board to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific sections 141, 480, 481, 482, 488, 490, 493, 3527, 3530 and 3531 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Physician Assistant Board (board) licenses physician assistants, who are health care practitioners that provide medical services under the supervision of a licensed physician and surgeon (Business and Professions Code section 3502). Existing law (Business and Professions Code sections 480 and 490) presently authorizes the board to deny an application for licensure or discipline a physician assistant based on a conviction for a crime or act substantially related to the licensed business or profession. Business and Professions Code section 481 requires the board to develop criteria for determining whether a crime or act is substantially related to the qualifications, functions, or duties of the physician assistant profession. Business and Professions Code section 482 requires the board to develop criteria to evaluate an applicant's or licensee's rehabilitation

when considering the denial or discipline of a physician assistant license. Consistent with that authority, the board has adopted regulations that set forth its substantial relationship criteria and rehabilitation criteria for crimes or acts considered substantially related to qualifications, functions, or duties of a physician assistant licensee.

Effective July 1, 2020, under the provisions of Assembly Bill (AB) 2138 (Stats. 2018, ch. 995), the board's existing authority to deny an applicant a license based upon a substantially related criminal conviction will significantly change. This proposal seeks to update the board's current regulations consistent with this recently enacted legislation and to more accurately reflect the board's authority to consider denials, discipline or petitions for reinstatement or modification of penalty.

Effective July 1, 2020, Business and Professions Code section 481(b) will require the board's existing substantial relationship criteria regulations to include all of the following:

- the nature and gravity of the offense,
- the number of years elapsed since the date of the offense, and
- the nature and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed.

Further amendments to the board's regulations will be needed to address other changes to law enacted by AB 2138. These proposed amendments include the addition of references to "professional misconduct" as this will be considered a legal basis for denial under Business and Professions Code section 480. The proposed language will also add references to discipline under Business and Professions Code section 141 because substantially related acts that are the basis for discipline in another jurisdiction may be used to discipline a licensee under that section. In addition, the board proposes to add new rehabilitation criteria to help the board consider whether an applicant or licensee made a "showing of rehabilitation" as required by AB 2138 (Bus. and Prof. Code, sections 480, 482, as added by AB 2138, sections 4, 9). This proposal will also implement changes to how the board considers rehabilitation evidence when considering denials, discipline or a petition for reinstatement of a license or modification of a disciplinary penalty (e.g., petition for early termination of probation).

Anticipated Benefits of the Proposed Regulation:

The proposed amendments would place applicants and licensees on notice that the board is statutorily authorized to deny, suspend, or revoke a license on the basis of professional misconduct and discipline taken by another licensing board or jurisdiction. The proposal would also make relevant parties (e.g., the Deputy At-

torneys General, Administrative Law Judges, respondents, and respondent’s counsels) aware that when considering denial or discipline of applicants or licensees, the board uses the listed criteria to determine whether the crime, act, or professional misconduct is substantially related to the practice of medicine. AB 2138 was enacted to reduce licensing and employment barriers for people who are rehabilitated. These proposed amendments would further that goal by adopting criteria that would emphasize an applicant’s or licensee’s rehabilitative efforts and what would be needed to make a showing of rehabilitation. This may lead to fewer denials and an increase in the number of licensed physician assistants in the marketplace, therefore allowing for more health care providers to treat increasing numbers of California consumers.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- Statewide adverse economic impact directly affecting businesses and individuals: None.
- Significant effect on housing costs: None.

Business Impact:

This regulation will not have a significant statewide adverse economic impact directly affecting businesses. This initial determination is based on the following facts:

The board has approximately 12,690 licensees for the current fiscal year. During the 2016/2017 fiscal year the board issued 1,064 licenses and denied two (2), in fiscal

year 2017/2018 the board issued 1,096 licenses and denied two (2), and in the first half of fiscal year 2018/2019 the board has issued 794 licenses and denied one (1). Therefore, the board has denied 0.17 percent of all applicants.

Since the board has denied less than 1 percent of all applicants this proposal will not have an adverse economic impact. AB 2138 was enacted to reduce licensing and employment barriers for people who have been convicted of a crime or due to acts underlying the conviction, who have a certificate of rehabilitation, were granted clemency, made a showing of rehabilitation, or the conviction was dismissed or expunged. These amendments will further assist in that effort through adoption of standards designed to implement new substantial relationship and rehabilitation criteria. As a result, it is anticipated that there may be fewer denials or disciplinary actions based upon criminal convictions and therefore, no significant or statewide adverse economic impacts.

Effect on Small Business:

The board has determined that the proposed regulation would not affect small businesses because the proposal is not of sufficient magnitude to expand businesses. Historically, similar regulations adopted by the board resulted in less than one percent (1 percent) of all applicants being denied. Even assuming that the number of denials or discipline would decrease as a result of these amendments, the board believes that this data demonstrates that it would not be significant enough to expand businesses who hire physician assistants.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

This regulatory proposal will not create new business, eliminate existing businesses, or create or eliminate jobs, and will not affect the expansion of businesses currently doing business within the State of California because the proposal is not of sufficient magnitude to create, expand, or eliminate businesses. Historically, similar regulations adopted by the board resulted in less than one percent (1 percent) of all applicants being denied. Even assuming that the number of denials or discipline would decrease as a result of these amendments, the board believes that this data demonstrates that these amendments would not be significant enough to create, expand, or eliminate businesses who hire physician assistants.

This regulatory proposal will benefit the health and welfare of California residents because by implementing criteria that emphasize rehabilitative efforts, it will create an opportunity for employment for people who have been convicted of a crime and are able to make a showing of rehabilitation. This may lead to an increase

in physician assistants in the marketplace, therefore allowing for more health care providers to treat increasing numbers of California consumers.

This regulatory proposal will not affect worker safety because the proposal does not involve worker safety. The proposal will amend regulations to add substantial relationship criteria and rehabilitation criteria that emphasize an applicant's or licensee's rehabilitative efforts, which may result in having fewer license denials or disciplinary actions based on substantially related crimes, acts or professional misconduct.

This regulatory proposal will not affect the State's environment because it does not involve environmental issues. The proposal will amend regulations to add substantial relationship criteria and rehabilitation criteria that emphasize an applicant's or licensee's rehabilitative efforts, which may result in having fewer license denials or disciplinary actions based on substantially related crimes, acts or professional misconduct.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Name:

Anita Winslow

Address:

2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

Telephone Number:

(916) 561-8782

Fax Number:

(916) 263-2671

E-Mail Address:

anita.winslow@mbc.ca.gov

The backup contact person is:

Name:

Lynn Forsyth

Address:

2005 Evergreen Street, Suite 1100
Sacramento, CA 95815-3893

Telephone Number:

(916) 561-8785

Fax Number:

(916) 263-2671

E-Mail Address:

lynn.forsyth@mbc.ca.gov

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

The board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, the initial statement of reasons, and other information which the rulemaking is based, including the Physician Assistant Board's August 10, 2018 meeting minutes, the Physician Assistant Board's November 5, 2018 meeting minutes, the Physician Assistant Board's January 28, 2019 meeting minutes, Assembly Bill 2138 (as amended in Assembly April 2, 2018), Assembly Bill 2138 (as amended in Senate June 20, 2018), Assembly Bill 2138 (chapter 995, Statutes of 2018), Senate Committee on Business, Professions and Economic Development Analysis dated June 18, 2018, and Assembly Floor Analysis dated August 24, 2018.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

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

**AVAILABILITY OF
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at: https://www.pac.ca.gov/about_us/lawsregs/regulations.shtml.

TITLE 18. FRANCHISE TAX BOARD

NOTICE IS HEREBY GIVEN that the Franchise Tax Board, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on November 15, 2019 and closing on December 30, 2019. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include:

As a result of changes in the Information Technology related positions, the position titles on many designated positions needed to be updated. There are also other technical changes.

Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than December 30, 2019, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than December 13, 2019.

The Franchise Tax Board has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under

Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Dennis Haase, Tax Counsel IV, (916)845-3187 and dennis.haase@ftb.ca.gov.

**TITLE 23. STATE WATER RESOURCES
CONTROL BOARD**

**DIVISION 3. STATE WATER RESOURCES
CONTROL BOARD AND REGIONAL WATER
QUALITY CONTROL BOARDS
CHAPTER 3.5. CONSERVATION AND THE
PREVENTION OF WASTE AND
UNREASONABLE USE
ARTICLE 2. REPORTING**

The State Water Resources Control Board (State Water Board) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Water Board proposes to establish California Code of Regulations, title 23, division 3, chapter 3.5 on Conservation and the Prevention of Waste and Unreasonable Use and within this chapter, article 2, on Reporting. This Article is proposed to provide for ongoing monthly reporting by urban water suppliers consistent with emergency regulation requirements in the California Code of Regulations, title 23, division 3, chapter 2, article 22.5, sections 865 and 866 that expired November 25, 2017, by operation of law. Since that date, many, but not all, urban water suppliers have voluntarily submitted monthly reports. The reporting that is proposed would be largely consistent with prior reporting requirements that have expired.

AUTHORITY AND REFERENCE

The State Water Board is implementing, interpreting and making specific:

Authority: Sections 275, 1058, 10609.28, Water Code.

References: Article X, Section 2, California Constitution; Section 51201, Government Code; Sections 102, 104, 105, 350, 1122, 1123, 1124, 1846, 1846.5, 10617, and 10632, Water Code.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board. Written comments must be received **on or before Monday, December 30, 2019**. The State Water Board will only consider written comments received by that time.

Please send comment letters to Ms. Jeanine Townsend, Clerk to the Board, by email at commentletters@waterboards.ca.gov, (916) 341-5620 (fax), or by mail or hand delivery addressed to:

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-2000 (by mail)
1001 I Street, 24th Floor
Sacramento, CA 95814 (by hand delivery)

Please also indicate in the subject line, **“Comment Letter — Proposed Urban Water Conservation Reporting Regulations.”** Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341-5600. Due to the limitations of the email system, emails larger than 15 megabytes are rejected and cannot be delivered or received by the State Water Board. We request that comments larger than 15 megabytes be submitted under separate emails. If you would like to request a copy of the public comment letters received by the Board for this item, send an email to commentletters@waterboards.ca.gov and identify that you are requesting copies of public comments for Proposed Urban Water Conservation Reporting.

To be added to the mailing list for this rulemaking and to receive notification of updates of this rulemaking, you may subscribe to the listserv for **“Water Conservation Regulations”** at: https://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.html (select “General Interests”, then select “Water Conservation Regulations”).

PUBLIC HEARING

A public hearing has not been scheduled for this proposed action. However, as provided in Government Code section 11346.8, any interested person, or his or

her duly authorized representative, may request a public hearing if the request is submitted in writing in the manner described below to the State Water Board no later than 15 days prior to the close of the written comment period. If a request for a public hearing is made, the State Water Board shall, to the extent practicable, provide notice of the time, date, and place of the hearing in accordance with Government Code section 11346.4 by mailing the notice to every person who has filed a request for notice with the State Water Board. In addition, as prescribed by Government Code section 11340.85, notice may be provided by means of electronic communication to those persons who have expressly indicated a willingness to receive notice by this means. Notices will be sent to those who subscribe to the “Water Conservation Regulations” listserv.

Any information about a public hearing, the date, time, and place, will be noticed on the webpage: https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The proposed regulation is exempt under California Code of Regulations, title 14, section 15306 (Class 6 exemption). The reporting to be required pursuant to the regulation does not raise a reasonable possibility of having a significant effect on the environment due to unusual circumstances.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of existing laws and regulations

The proposed regulations would establish in California Code of Regulations, title 23, division 3, a new Chapter 3.5 on Conservation and the Prevention of Waste and Unreasonable Use and within this Chapter a new Article 2 on Reporting. This Chapter is proposed to provide for ongoing monthly reporting by urban water suppliers. Currently, urban water suppliers submit voluntary monthly conservation reports that were required under an emergency regulation that expired November 25, 2017. The reporting requirements in the proposed regulation would keep key metrics from the expired requirements in California Code of Regulations, title 23, sections 865 and 866, while maintaining continuity in data as the state transitions to a water efficiency standards approach set forth in 2018 water conservation and efficiency legislation (SB 606 and AB 1668).

Specifically, each urban water supplier shall prepare and submit to the Board by the 21st of each month a monitoring report on forms provided by the Board. The

monitoring report shall include the following information:

- (1) The urban water supplier’s public water system identification number(s).
- (2) The urban water supplier’s volume of total potable water production, including water provided by a wholesaler, in the preceding calendar month;
- (3) The population served by the urban water supplier during the reporting period;
- (4) The percent residential use that occurred during the reporting period;
- (5) The water shortage response action level.

During certain period of water shortage or when the Governor declares a drought emergency, several additional pieces of information would be required in the monthly report:

- (1) Descriptive statistics on the supplier’s achievement of its water contingency plan response actions, and progress toward achieving a reduction in water consumption associated with the supplier’s existing water shortage response action level;
- (2) communication actions; and
- (3) compliance and enforcement actions.

Comparable Federal Laws and Regulation

The State Water Board has determined that there are no comparable federal laws or regulations related to the proposed regulation on monthly reporting by urban water suppliers.

Policy Overview, Objectives and Benefits of the Proposed Regulatory Action

Article 10, section 2, of the California Constitution states in part:

[B]ecause of the conditions prevailing in this State the general welfare requires that the water resources of the State be put to beneficial use to the fullest extent of which they are capable, and that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of such waters is to be exercised with a view to the reasonable and beneficial use thereof in the interest of the people and for the public welfare.

The proposed regulations would safeguard urban water supplies, minimize the potential for waste and unreasonable use of water as required by the California Constitution, and realize the directives of Executive Order B–37–16 and Executive Order B–40–17.

The State Board has made a determination that the proposed regulation would improve the protection of the public’s health and welfare by providing information on potable water production and conservation mea-

sures to the State Water Board, other state agencies, local governments, non–profit organizations, academia, water consumers, and others that will help ensure adequate supplies of potable water and encourage greater water conservation.

More specifically, the proposed regulation would increase the transparency of urban water use and provide timely access to local data on potable water production and local water agency actions in California. Stakeholders could continue analyzing data to understand the recent drought, changes after drought, impacts of state and local policies and programs, associated costs of water deficiencies, and learn more about what actions may be helpful to avoid future water shortages. Additionally, the reporting requirements support ongoing water conservation, which extends current water suppliers and benefits the environment through reduction in energy use and greenhouse gas emissions. As such, California residents, worker safety, and the state’s environment all benefit.

Further benefits may include increased conservation and a shared sense of responsibility among urban water users and reduced potential for severe economic disruption due to future water shortages.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations

The State Water Board evaluated whether the proposed regulation is inconsistent or incompatible with existing regulations. The State Water Board found that the proposed regulation is not inconsistent or incompatible with existing state regulations on reporting. The State Water Board’s Drinking Water Program currently requires urban water suppliers to submit an Electronic Annual Report each April. This Report covers the prior calendar year and contains some metrics that are similar to the monthly conservation reporting under the proposed regulation. However, relying on Electronic Annual Reports for *monthly* water use and conservation data is not effective for ensuring the state and public have timely information on which to base real–time action. This is because the Electronic Annual Reports cover entire calendar years, which means that data for January, for example, is not available until the following year (more than 12 months later). The reported data goes through a submittal and review process by both the reporter and the state before it may be available, which adds additional time (4–6 months). A January report becomes available about 1.5 years later, whereas monthly reports pursuant to the proposed regulation will be available within two months of the reporting period.

Furthermore, the proposed regulation allows the State Water Board to decrease the frequency of monthly reporting requirements at such time as an equivalent or more comprehensive reporting system addresses the

need for time-sensitive data. This recognizes that improved reporting options may be available in the future. In time, and as required by Water Code section 10609.15, the State Water Board and the Department of Water Resources must streamline reporting and improve accessibility. The state could work with reporters to set up its data systems so that the supplier's monthly data is submitted once and shared within State Government to satisfy other reporting obligations. Such an approach would mean that urban water suppliers would not need to re-enter monthly data into an annual report and would thus make reporting easier for suppliers. The proposed regulation would allow such an approach, if that becomes desirable and achievable.

In the future, there will likely be additional reporting requirements as part of implementation of 2018 conservation legislation (SB 606 and AB 1668). The State Water Board will be adopting regulations to implement aspects of those bills by June 2022 and the proposed regulation may be adjusted to complement any new reporting requirements at that time.

MANDATED BY FEDERAL
LAW OR REGULATIONS
(Gov. Code, sections 11346.2, subd.(c))

The proposed regulatory action is not identical to previously adopted or amended federal regulations.

LOCAL MANDATE

This proposal does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with section 17500) of division 4 of the Government Code.

NON-MAJOR REGULATION: RESULTS OF THE
ECONOMIC IMPACT ANALYSIS

The State Water Board has determined that the proposed regulatory action will not have a significant effect on the creation or elimination of jobs within California. Nor will the proposed regulatory action have a significant effect on the creation of new businesses, the elimination of existing businesses, or the expansion of existing businesses doing business within California. However, additional conservation data can foster innovation among data analytic service companies and be used to develop more efficient water use practices or reporting processes.

Monthly urban water use reporting provides the State Water Board, other state agencies, local agencies, academia, non-profit organizations, and the public

with timely information on potable water production and the impacts of conservation measures. Having near "real-time" information is valuable for the State, stakeholders, and the public to understand and respond to things that can change quickly, including drought conditions, the impacts of state and local policies and programs, and what actions could effectively help avoid future water shortages and associated costs.

COST OR SAVINGS IMPOSED ON LOCAL
AGENCIES OR SCHOOL DISTRICTS

The State Water Board has determined that there is no cost or savings imposed on local agencies or school districts as a result of the proposed regulations, or other nondiscretionary costs or savings imposed on local agencies or school districts, with the exception of urban water agencies that are submitting reports. This proposed regulation will not have a significant, statewide adverse economic impact directly affecting these local agencies because the new regulations establish and continue the method of reporting for specified information that has been in place since June 2014 using the same electronic data submittal process. The reporting cost is estimated to be less than \$300 per month for each of the 349 urban water suppliers that report.

BUSINESS REPORTING REQUIREMENT

Assuming for purposes of this analysis that investor-owned and privately-owned mutual water companies that function as urban water suppliers are "businesses" for purposes of Government Code section 11346.3, there will be expenses for 61 businesses. The State Water Board finds that it is necessary for the health, safety, or welfare of the people of this state that the proposed regulation requires reports by these urban water suppliers. The reports would continue, essentially unchanged, from what was in place in response to drought emergency regulation and is currently voluntary.

BUSINESS IMPACT/SMALL BUSINESS

The State Water Board has determined and declares that the proposed regulation does not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Nor will the proposed regulatory action adversely affect small businesses in California because there are no small businesses submitting reports. Government Code chapter 3.5, article 2, section 11342.610 excludes water utilities from the definition of small business.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The State Water Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulations, with the exception of those urban water suppliers that are defined as businesses, i.e., investor-owned or privately owned mutual water companies that function as urban water suppliers. The reporting cost is estimated to be less than \$300 per month for each of these 61 urban water suppliers.

EFFECT ON HOUSING COSTS

The State Water Board has determined that the proposed regulatory action will have no effect on housing costs.

COST OR SAVINGS TO STATE AGENCIES

The State Water Board has determined that there are no costs or savings to state agencies as a result of the proposed regulations. Implementation of the proposed updated emergency regulation will not result in additional workload for the State Water Board.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

The State Water Board has determined that there is no cost or savings in federal funding to the state as a result of the proposed regulations.

ALTERNATIVES

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

Interested persons may present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a hearing, if a hearing is requested, on this matter.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND THE RULEMAKING FILE

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The statement includes the specific purpose for the regulations proposed for adoption and the rationale for the State Water Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulations are proposed. All the information upon which the proposed regulations are based is contained in the rulemaking file. The Initial Statement of Reasons, the express terms of the proposed regulation, and the rulemaking file are available from the contact person listed below or at the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the State Water Board may adopt the proposed regulation substantially as described in this notice. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the State Water Board adopts the regulations as modified. A copy of any modified regulations may be obtained by contacting Ms. Kathy Frevert, the primary contact person identified below. The State Water Board will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons (FSOR) may be obtained by contacting either of the persons listed below. A copy may also be accessed on the State Water Board website identified below.

CONTACT PERSONS

Requests of copies of the text of the proposed regulations, the statement of reasons, or other information upon which the rulemaking is based, or other inquiries should be addressed to the following:

Name:
Kathy Frevert
Address:
State Water Resources Control Board

Office of Research, Planning and Performance
 1001 "I" Street
 Sacramento, CA 95814

Telephone Number:
 (916) 322-5274

E-mail address:
 Kathy.Frevert@waterboards.ca.gov

The backup contact person is:

Name:
 Charlotte Ely

Address:
 State Water Resources Control Board
 Office of Research, Planning and Performance
 1001 "I" Street
 Sacramento, CA 95814

Telephone Number:
 (916) 319-8564

E-mail address:
 Charlotte.Ely@waterboards.ca.gov

A number of core documents relating to this proposed action may also be found on the State Water Board's website at the following address:
https://www.waterboards.ca.gov/water_issues/programs/conservation_portal/regs/.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
 FISH AND WILDLIFE**

**CESA CONSISTENCY DETERMINATION
 REQUEST FOR
 Walker Creek Bridge Replacement
 2080-2019-009-02
 Glenn County**

The California Department of Fish and Wildlife (CDFW) received a notice on November 1, 2019 that the Glenn County Public Works Agency proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the replacement of a deficient low water crossing with a new two-lane, multi-span, continuous concrete slab bridge. Proposed activities will include, but are not limited to, vegetation clearing, channel grading, water diversion, demolition with a hydraulic ram, pile-driving, concrete casting, and construction of the new bridge and approach slabs. The

proposed project will occur on County Road 35 at Walker Creek, approximately 0.25 miles east of Interstate 5 and 4.5 miles south of the city of Artois in Glenn County.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (Service Ref. No. 08ESMF00-2018-F-2324-1) in a memorandum to the California Department of Transportation on August 29, 2019, which considered the effects of the proposed project on state and federally threatened giant garter snake (*Thamnophis gigas*).

Pursuant to California Fish and Game Code section 2080.1, the Glenn County Public Works Agency is requesting a determination that the BO and its associated ITS are consistent with CESA for purposes of the proposed project. If CDFW determines the BO and its associated ITS are consistent with CESA for the proposed project, the Glenn County Public Works Agency will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**OFFICE OF ENVIRONMENTAL
 HEALTH HAZARD ASSESSMENT**

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

**ISSUANCE OF SAFE USE DETERMINATIONS
 AND INTERPRETIVE GUIDELINES FOR
 CHLOROTHALONIL RESIDUES IN CERTAIN
 FOODS RESULTING FROM PESTICIDAL
 USE OF THE CHEMICAL**

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986¹. OEHHA received a request for a Safe Use Determination (SUD) for exposures to chlorothalonil² residue in certain foods resulting from pesticidal use of the chemical. The request was made by Dentons US LLP and Technology Sciences Group Inc., on behalf of Syngenta Crop Protection, LLC pursuant to Title 27 of the California Code of Regulations, section 25204(b)(3).

In accordance with the process set forth in Section 25204(f), OEHHA held a written public comment peri-

¹ The Safe Drinking Water and Toxics Enforcement Act of 1986, commonly known as Proposition 65, is codified at Health and Safety Code section 25249.5 et seq.

² Chlorothalonil was listed under Proposition 65 as a chemical known to the state to cause cancer effective January 1, 1989.

od on this request from October 27, 2017 to December 18, 2017. One public comment was received.

As provided in Sections 25204(a) and (k), OEHHA is issuing the following SUDs to Syngenta Crop Protection, LLC for *chlorothalonil exposures resulting from consumption of residues in certain foods*, as specified below. In addition, for nine foods or food groups OEHHA is issuing Interpretive Guidelines (IGs)³ in response to this request. The Interpretive Guideline document is available on OEHHA's website, <http://www.oehha.ca.gov>.

Raw and Cooked Apricots: Consumption of chlorothalonil residues by the average consumer of raw and cooked apricots does not result in exposures that exceed the Proposition 65 No Significant Risk Level (NSRL) of 41 micrograms per day for the chemical, when the residue levels in fresh apricots are at recent historical levels measured for chlorothalonil in Department of Pesticide Regulation (DPR) surveys (*i.e.*, at or below 0.09 ppm) and up to the tolerance level of 0.5 parts per million.

Dried Apricots: Consumption of chlorothalonil residues by the average consumer of dried apricots does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh apricots are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.09 ppm) and up to the tolerance level of 0.5 parts per million.

Apricot Juice: Consumption of chlorothalonil residues by the average consumer of apricot juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh apricots are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.09 ppm) and up to residue levels of 0.29 parts per million.

Raw and Cooked Peeled Bananas: Consumption of chlorothalonil residues by the average consumer of raw and cooked peeled bananas does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peeled bananas are at recent historical levels measured for chlorothalonil in US Department of Agriculture (USDA) surveys (*i.e.*, at or below 0.008 ppm) and up to the tolerance level of 0.05 parts per million.

Peeled, Dried Bananas: Consumption of chlorothalonil residues by the average consumer of peeled, dried bananas does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peeled bananas are at recent historical levels measured for chlorothalonil in USDA surveys (*i.e.*, at or below

0.008 ppm) and up to the tolerance level of 0.05 parts per million.

Cooked Bitter Melon: Consumption of chlorothalonil residues by the average consumer of cooked bitter melon does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical when the residue levels in fresh bitter melon are at or below 0.79 parts per million.

Cooked Black Beans: Consumption of chlorothalonil residues by the average consumer of cooked black beans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh or canned black beans are at recent historical levels measured for chlorothalonil in USDA surveys (*i.e.*, at or below 0.02 ppm) and up to the tolerance level of 0.1 parts per million.

Raw and Cooked Blueberries: Consumption of chlorothalonil residues by the average consumer of raw and cooked blueberries does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh or frozen blueberries are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.75 ppm) and up to the tolerance level of 1.0 parts per million.

Cooked Broad Beans: Consumption of chlorothalonil residues by the average consumer of cooked broad beans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh broad beans are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.1 parts per million.

Raw and Cooked Broccoli: Consumption of chlorothalonil residues by the average consumer of raw and cooked broccoli does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh broccoli are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.22 ppm) and up to residue levels of 0.69 parts per million.

Cooked Chinese Broccoli: Consumption of chlorothalonil residues by the average consumer of cooked Chinese broccoli does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh Chinese broccoli are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.51 ppm) and up to residue levels of 0.81 parts per million.

Raw and Cooked Brussels Sprouts: Consumption of chlorothalonil residues by the average consumer of raw and cooked Brussels sprouts does not result in expo-

³ Title 27, California Code of Regulations, section 25203.

tures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh Brussels sprouts are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.15 ppm) and up to residue levels of 0.60 parts per million.

Raw and Cooked Cabbage: Consumption of chlorothalonil residues by the average consumer of raw and cooked cabbage does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cabbage are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.446 ppm) and up to the tolerance level of 5.0 parts per million.

Raw Cantaloupe: Consumption of chlorothalonil residues by the average consumer of raw cantaloupe does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cantaloupe are at or below 0.62 parts per million.

Raw Carrots: Consumption of chlorothalonil residues by the average consumer of raw carrots does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh carrots are at recent historical levels measured for chlorothalonil in DPR and USDA surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 1 parts per million.

Cooked Carrots: Consumption of chlorothalonil residues by the average consumer of cooked carrots does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh carrots are at recent historical levels measured for chlorothalonil in DPR and USDA surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 1 parts per million.

Carrot Juice: Consumption of chlorothalonil residues by the average consumer of carrot juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh carrots are at recent historical levels measured for chlorothalonil in DPR and USDA surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 1 parts per million.

Raw and Cooked Cauliflower: Consumption of chlorothalonil residues by the average consumer of raw and cooked cauliflower does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cauliflower are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.73 parts per million.

Raw and Cooked Celery: Consumption of chlorothalonil residues by the average consumer of raw

and cooked celery does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical when the residue levels in fresh celery are at or below 1.81 parts per million.

Celery Juice: Consumption of chlorothalonil residues by the average consumer of celery juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical when the residue levels in fresh celery are at or below 0.18 parts per million.

Cooked Chayote: Consumption of chlorothalonil residues by the average consumer of cooked chayote does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh chayote are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.08 ppm) and up to residue levels of 0.84 parts per million.

Raw Cherries: Consumption of chlorothalonil residues by the average consumer of raw cherries does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cherries are at recent historical levels measured for chlorothalonil in DPR and USDA surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.5 parts per million.

Cooked Cherries: Consumption of chlorothalonil residues by the average consumer of cooked cherries does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cherries are at recent historical levels measured for chlorothalonil in DPR and USDA surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.5 parts per million.

Raw and Cooked Corn: Consumption of chlorothalonil residues by the average consumer of raw and cooked corn does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh or frozen corn are at recent historical levels measured for chlorothalonil in DPR and USDA surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.83 parts per million.

Raw and Cooked Cranberries: Consumption of chlorothalonil residues by the average consumer of raw and cooked cranberries does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cranberries are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.60 ppm) and up to residue levels of 1.17 parts per million.

Dried Cranberries: Consumption of chlorothalonil residues by the average consumer of dried cranberries does not result in exposures that exceed the Proposition

65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cranberries are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.60 ppm) and up to residue levels of 3.54 parts per million.

Cranberry Juice: Consumption of chlorothalonil residues by the average consumer of cranberry juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cranberries are at or below 0.43 parts per million.

Raw and Cooked Cucumbers: Consumption of chlorothalonil residues by the average consumer of raw and cooked cucumbers does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh cucumbers are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.64 ppm) and up to residue levels of 1.22 parts per million.

Raw and Cooked Eggplant: Consumption of chlorothalonil residues by the average consumer of raw and cooked eggplant does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh eggplant are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.38 ppm) and up to residue levels of 0.97 parts per million.

Raw and Cooked Garlic: Consumption of chlorothalonil residues by the average consumer of raw and cooked garlic does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh garlic are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.5 parts per million.

Cooked Green Beans: Consumption of chlorothalonil residues by the average consumer of cooked green beans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh green beans are at or below the tolerance level of 5 parts per million.

Raw and Cooked Green Onions: Consumption of chlorothalonil residues by the average consumer of raw and cooked green onion does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh green onion are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.26 ppm) and up to residue levels of 3.57 parts per million.

Raw Honeydew Melon: Consumption of chlorothalonil residues by the average consumer of raw honeydew melon does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh honeydew melon are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.74 parts per million.

Prepared Horseradish: Consumption of chlorothalonil residues by the average consumer of prepared horseradish does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh horseradish are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.04 ppm) and up to the tolerance level of 4.0 parts per million.

Cooked Kidney Beans: Consumption of chlorothalonil residues by the average consumer of cooked kidney beans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh or canned kidney beans are at recent historical levels measured for chlorothalonil in USDA surveys (*i.e.*, at or below 0.0194 ppm) and up to the tolerance level of 0.1 parts per million.

Raw Kohlrabi: Consumption of chlorothalonil residues by the average consumer of raw kohlrabi does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh kohlrabi are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.2 ppm) and up to residue levels of 1.30 parts per million.

Cooked Kohlrabi: Consumption of chlorothalonil residues by the average consumer of cooked kohlrabi does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh kohlrabi are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.2 ppm) and up to residue levels of 0.26 parts per million.

Cooked Lima Beans: Consumption of chlorothalonil residues by the average consumer of cooked lima beans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh lima beans are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.03 ppm) and up to the tolerance level of 0.1 parts per million.

Raw Lychees: Consumption of chlorothalonil residues by the average consumer of raw lychees does not result in exposures that exceed the Proposition 65

NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh lychees are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.68 parts per million.

Raw and Cooked Mangos: Consumption of chlorothalonil residues by the average consumer of raw and cooked mangos does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh mangos are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.53 parts per million.

Dried Mangos: Consumption of chlorothalonil residues by the average consumer of dried mangos does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh mangos are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 1.0 parts per million.

Mango Juice: Consumption of chlorothalonil residues by the average consumer of mango juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh mangos are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.21 parts per million.

Cooked Mung Beans: Consumption of chlorothalonil residues by the average consumer of cooked mung beans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh mung beans are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.03 ppm) and up to the tolerance level of 0.1 parts per million.

Raw and Cooked Mushrooms: Consumption of chlorothalonil residues by the average consumer of raw and cooked mushrooms does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh mushrooms are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.45 ppm) and up to the tolerance level of 1.0 parts per million.

Raw Nectarines: Consumption of chlorothalonil residues by the average consumer of raw nectarines does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh nectarines are at recent historical levels measured for chlorothalonil in USDA

and DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.5 parts per million.

Cooked Okra: Consumption of chlorothalonil residues by the average consumer of cooked okra does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh okra are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.72 parts per million.

Raw and Cooked Onions: Consumption of chlorothalonil residues by the average consumer of raw and cooked onions does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh onions are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.22 ppm) and up to the tolerance level of 0.5 parts per million.

Raw and Cooked Papaya: Consumption of chlorothalonil residues by the average consumer of raw and cooked papaya does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh papaya are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.5 ppm) and up to residue levels of 0.62 parts per million.

Dried Papaya: Consumption of chlorothalonil residues by the average consumer of dried papaya does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh papaya are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.5 ppm) and up to residue levels of 0.88 parts per million.

Papaya Juice: Consumption of chlorothalonil residues by the average consumer of papaya juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh papaya are at or below 0.16 parts per million.

Cooked Parsnips: Consumption of chlorothalonil residues by the average consumer of cooked parsnips does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh parsnips are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 1 parts per million.

Raw Passion Fruit: Consumption of chlorothalonil residues by the average consumer of raw passion fruit does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical,

when the residue levels in fresh passion fruit are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.03 ppm) and up to residue levels of 1.14 parts per million.

Passion Fruit Juice: Consumption of chlorothalonil residues by the average consumer of passion fruit juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh passion fruit are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.03 ppm) and up to residue levels of 0.32 parts per million.

Raw Peaches: Consumption of chlorothalonil residues by the average consumer of raw peaches does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peaches are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.088 ppm) and up to residue levels of 0.49 parts per million.

Canned Peaches: Consumption of chlorothalonil residues by the average consumer of canned peaches does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peaches are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.088 ppm) and up to the tolerance level of 0.5 parts per million.

Dried Peaches: Consumption of chlorothalonil residues by the average consumer of dried peaches does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peaches are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.088 ppm) and up to residue levels of 0.22 parts per million.

Peach Juice: Consumption of chlorothalonil residues by the average consumer of peach juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peaches are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.088 ppm) and up to residue levels of 0.33 parts per million.

Raw, Boiled, and Roasted Peanuts: Consumption of chlorothalonil residues by the average consumer of raw, boiled, and roasted peanuts does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in peanuts are at recent historical levels measured for chlorothalonil in the DPR survey (*i.e.*, at or below 0.04 ppm) and up to the tolerance level of 0.3 parts per million.

Peanut Butter: Consumption of chlorothalonil residues by the average consumer of peanut butter does

not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in peanuts and peanut butter are at recent historical levels measured for chlorothalonil in the DPR and USDA surveys (*i.e.*, at or below 0.04 ppm) and up to the tolerance level of 0.3 ppm in peanuts.

Peanut Oil: Consumption of chlorothalonil residues by the average consumer of peanut oil does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in peanuts are at recent historical levels measured for chlorothalonil in the DPR survey (*i.e.*, at or below 0.04 ppm) and up to the tolerance level of 0.3 parts per million.

Raw and Cooked Sweet Peppers (including Bell Peppers): Consumption of chlorothalonil residues by the average consumer of raw and cooked sweet peppers does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peppers are at or below 1.60 parts per million.

Raw and Cooked Hot Peppers: Consumption of chlorothalonil residues by the average consumer of raw and cooked hot peppers does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh peppers are at recent historical levels measured for chlorothalonil in the DPR surveys (*i.e.*, at or below 2.68 ppm) and up to residue levels of 2.90 parts per million.

Raw Persimmons: Consumption of chlorothalonil residues by the average consumer of raw persimmons does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh persimmons are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.32 parts per million.

Cooked Pinto Beans: Consumption of chlorothalonil residues by the average consumer of cooked pinto beans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh or canned pinto beans are at recent historical levels measured for chlorothalonil in USDA surveys (*i.e.*, at or below 0.0194 ppm) and up to the tolerance level of 0.1 parts per million.

Raw and Cooked Plums: Consumption of chlorothalonil residues by the average consumer of raw and cooked plums does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh plums are at recent historical levels measured for chlorothalonil in the USDA and DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.2 parts per million.

Dried Plums (Prunes): Consumption of chlorothalonil residues by the average consumer of dried plums does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh and dried plums are at recent historical levels measured for chlorothalonil in the USDA and DPR surveys (*i.e.*, at or below 0.05 and 0.02 ppm, respectively) and up to the tolerance level of 0.2 ppm for fresh plums.

Prune Juice: Consumption of chlorothalonil residues by the average consumer of prune juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh and dried plums are at recent historical levels measured for chlorothalonil in the USDA and DPR surveys (*i.e.*, at or below 0.05 and 0.02 ppm, respectively) and up to the tolerance level of 0.2 ppm for fresh plums.

Cooked Potatoes: Consumption of chlorothalonil residues by the average consumer of cooked potatoes does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh or frozen potatoes are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.1 parts per million.

Cooked Pumpkin: Consumption of chlorothalonil residues by the average consumer of cooked pumpkin does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh pumpkin are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.04 ppm) and up to residue levels of 0.71 parts per million.

Raw and Cooked Rhubarb: Consumption of chlorothalonil residues by the average consumer of raw and cooked rhubarb does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh rhubarb are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.68 parts per million.

Immature, Cooked Soybeans (Edamame): Consumption of chlorothalonil residues by the average consumer of immature, cooked soybeans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh soybeans are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.02 ppm) and up to the tolerance level of 0.2 parts per million.

Mature, Cooked Soybeans: Consumption of chlorothalonil residues by the average consumer of mature, cooked soybeans does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per

day for the chemical, when the residue levels in fresh soybeans are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.02 ppm) and up to the tolerance level of 0.2 parts per million.

Soy Flour: Consumption of chlorothalonil residues by the average consumer of soy flour does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh soybeans are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.02 ppm) and up to the tolerance level of 0.2 parts per million.

Soy Milk: Consumption of chlorothalonil residues by the average consumer of soy milk does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh soybeans are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.02 ppm) and up to the tolerance level of 0.2 parts per million.

Raw Starfruit: Consumption of chlorothalonil residues by the average consumer of raw starfruit does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh starfruit are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.04 ppm) and up to residue levels of 0.68 parts per million.

Raw and Cooked Summer Squash: Consumption of chlorothalonil residues by the average consumer of raw and cooked summer squash does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh summer squash are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 0.56 ppm) and up to residue levels of 0.62 parts per million.

Raw Tomatoes: Consumption of chlorothalonil residues by the average consumer of raw tomatoes does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical when the residue levels in fresh tomatoes are at or below 0.63 parts per million.

Cooked Tomatoes: Consumption of chlorothalonil residues by the average consumer of cooked tomatoes does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh tomatoes are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 2.43 ppm) and up to the tolerance level of 5 parts per million.

Dried Tomatoes: Consumption of chlorothalonil residues by the average consumer of dried tomatoes does not result in exposures that exceed the Proposition

65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh tomatoes are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 2.43 ppm) and up to the tolerance level of 5 parts per million.

Tomato Juice: Consumption of chlorothalonil residues by the average consumer of tomato juice does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical when the residue levels in fresh tomatoes are at or below 0.98 parts per million.

Raw Watermelon: Consumption of chlorothalonil residues by the average consumer of raw watermelon does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical when residue levels in fresh watermelon are at or below 0.26 parts per million.

Cooked Waxgourds: Consumption of chlorothalonil residues by the average consumer of cooked waxgourds does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh waxgourds are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to residue levels of 0.78 parts per million.

Raw Winter Squash: Consumption of chlorothalonil residues by the average consumer of raw winter squash does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh winter squash are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 1.0 ppm) and up to the tolerance level of 5.0 parts per million.

Cooked Winter Squash: Consumption of chlorothalonil residues by the average consumer of cooked winter squash does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh winter squash are at recent historical levels measured for chlorothalonil in USDA and DPR surveys (*i.e.*, at or below 1.0 ppm) and up to the tolerance level of 5.0 parts per million.

Cooked Yams: Consumption of chlorothalonil residues by the average consumer of cooked yams does not result in exposures that exceed the Proposition 65 NSRL of 41 micrograms per day for the chemical, when the residue levels in fresh yams are at recent historical levels measured for chlorothalonil in DPR surveys (*i.e.*, at or below 0.05 ppm) and up to the tolerance level of 0.10 parts per million.

The essential elements and results of OEHHA's assessments are described in the supporting documentation available at: <http://oehha.ca.gov/proposition-65/proposition-65-safe-use-determinations-suds>.

Based on the screening level exposure analyses described in the supporting documentation, upper-end estimates of chlorothalonil exposure were made for consumers of each of the specified foods, assuming an average rate of intake of the specified food as well as a maximum chlorothalonil residue. These upper-bound estimates of chlorothalonil exposure were compared to the NSRL for chlorothalonil of 41 micrograms per day. For each of the specified foods and chlorothalonil residue levels set forth above, OEHHA has determined that exposure to average consumers of a particular food from consumption of chlorothalonil residues in that food is at or below the NSRL when the chlorothalonil residue does not exceed the level specified for that food, and thus a warning is not required for dietary exposure to chlorothalonil.

In addition to issuing Safe Use Determinations for a number of foods that may contain detectable amounts of chlorothalonil, OEHHA has also issued Interpretive Guidelines regarding the consumption of chlorothalonil residues in certain other foods or food forms (available at: <https://oehha.ca.gov/proposition-65/interpretive-guidelines-proposition-65>).

Questions regarding this notice should be directed to:

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

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RULEMAKING PETITION DECISIONS

CALIFORNIA GAMBLING CONTROL COMMISSION

October 28, 2019

Mr. Jarhett Blonien, Esq.
J. Blonien APLC
1121 L Street Suite 105
Sacramento, CA 95814

Re: [Notice of Decision on Petition for Adoption of Adequate Financing/Bankroll Procedures Regulations Pursuant to Government Code sections 11340.06 and 11340.7](#)

Dear Mr. Blonien:

The California Gambling Control Commission (Commission) hereby responds to your petition pur-

suant to Government Code sections 11340.6 and 11340.7 regarding the Commission’s responsibilities under Business and Professions Code section 19841, which directs the Commission to adopt regulations that “prescribe minimum procedures for adoption by owner licensees to exercise effective control over their internal fiscal and gambling affairs . . .” The petition further requests the repeal of the existing regulation, 11 C.C.R., section 2053.

INTRODUCTION AND PROCEDURAL HISTORY

On October 3, 2019 the request for the Commission to adopt regulations concerning adequate financing at gambling establishments (Petition) was received via email by the Commission’s Executive Director from Jarhett Blonien (Petitioner). The Executive Director sent an email acknowledging receipt of the Petition on October 3, 2019. This letter will serve as notification of the Commission’s decision on the merits of the Petition.

AUTHORITY AND SECTIONS TO BE AFFECTED

Without other detail, Petitioner cited Business and Profession Code section 19841 as authority to take regulatory action.

THE COMMISSION’S DETERMINATION

For the reasons discussed below, the Commission denies in whole the Petition. The Commission has reviewed your request and determined that no rulemaking action is necessary at this time. Although the Commission has prescribed regulations regarding the minimal controls owner licensees must follow regarding internal fiscal and gambling affairs, as required under Business and Profession Code section 19841, the Commission has not adopted regulations specific to adequate financing at a gambling establishment because the Department has already adopted its own regulations. The Department’s regulations are clear and sufficient. Further, the Commission has no legal authority to repeal a regulation legally promulgated by another state agency in accordance with the Administrative Procedures Act.

REASONS SUPPORTING THE COMMISSION’S DETERMINATION

The Existing Regulations are Sufficient

The Department has promulgated clear guidelines under section 2053 to ensure adequate financing is available. The guidelines also provide for alternative

forms of financing at the discretion of the Department. The petition does not identify any specific deficiencies that require a remedy via additional regulation. Further, in investigating the concern identified in the petition, namely that only five gambling establishments have had alternative forms of security approved, the Commission determined that only one establishment has been denied such an arrangement due to the establishment failing to provide the Department with the requested information. A single denial is insufficient indication of an unfulfilled need for alternative arrangements on the part of the industry.

A Commission Regulation Paralleling Section 2053 Would be Unnecessary and Duplicative

The Administrative Procedures Act requires that all rulemakings must be evaluated to ensure the proposed regulation is necessary and non-duplicative. (Government Code section 11349) Since no specific concerns with the current regulations are identified in the petition, it is unclear what would distinguish a Commission-promulgated regulation from section 2053.

A Commission Regulation that is Inconsistent with Section 2053 Would be Confusing

The reason that consistency is evaluated under the Administrative Procedures Act is to ensure clarity and uniformity for the regulated community. If the Commission promulgated regulations that differed substantially from the language of section 2053, this would lead to greater confusion, not less, about what was required within the regulated community.

The Commission has No Authority to Repeal Regulations Promulgated by the Department

There is no provision of law that authorizes the Commission to repeal regulations legally promulgated by another agency and approved by the Office of Administrative Law.

AGENCY CONTACT PERSON

Fred Castano
Public Relations Officer
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OBTAINING COPIES OF THE PETITION

Any interested persons may obtain a copy of the Petition by contacting Fred Castano, Public Relations Officer.

Thank you for your concern in this matter.
Sincerely,

/s/
STACEY LUNA BAXTER
Executive Director

**CALIFORNIA GAMBLING
CONTROL COMMISSION**

October 28, 2019

Mr. Jarhett Blonien, Esq.
J. Blonien APLC
1121 L Street, Suite 105
Sacramento, CA 95814

Re: Notice of Decision on Petition for Adoption of
Regulations Pursuant to Government Code sections
11340.06 and 11340.7

Dear Mr. Blonien:

The California Gambling Control Commission (Commission) hereby responds to your petition pursuant to Government Code section 11340.6 requesting the adoption of regulation regarding the approval of games and use of gambling equipment.

INTRODUCTION AND PROCEDURAL HISTORY

On October 2, 2019 the request for the Commission to adopt regulations regarding the approval of games and use of gambling equipment (Petition) was received via email by the Commission's Executive Director from Jarhett Blonien (Petitioner). The Executive Director sent an email acknowledging receipt of the Petition on October 2, 2019. This letter will serve as notification of the Commission's decision on the merits of the Petition.

**AUTHORITY AND SECTIONS
TO BE AFFECTED**

Petitioner cited Business and Profession Code section 19841(b) as authority to take regulatory action. Business and Profession Code section 19841(b) provides that regulations adopted by the commission shall: "Provide for the approval of game rules and equipment by the department to ensure fairness to the public and compliance with state laws." While not cited by the Petitioner, The "department" means the Department of Justice. (Business and Profession Code section 19805(h).) The Bureau of Gambling Control is the bureau of the Department of Justice that enforces the Gambling Control Act.

Petitioner did not cite to any affected sections of the California Code of Regulations or propose any new sections.

THE COMMISSION'S DETERMINATION

For the reasons discussed below, the Commission denies in whole the Petition. The Commission will conduct further inquiry into this matter and analyze whether additional regulation by the Commission would improve the controlled game and equipment approval process without infringing on the Department's established authority and existing regulations.

**REASONS SUPPORTING THE
COMMISSION'S DETERMINATION**

The Department has Approval Procedures

The Department has statutory responsibility to approve the play of any controlled game, was vested by the Legislature with the authority to adopt regulations reasonably related to its functions and duties, and has already adopted regulations and forms setting forth the game approval and process.

The Gambling Control Act as first enacted in 1997 contained Business and Professions Code section 19824A, which identified that it was a duty of the Division of Gambling Control to approve "the play of any controlled game, including placing restrictions and limitations on how a controlled game may be played."

In 2002, Business and Professions Code section 19824A was renumbered to section 19826 and in 2004 was amended to expand the Division of Gambling Control's duties concerning game approval.

In 2007, section 19826 was amended without regulatory effect to replace "division" with "department," referring to the Department of Justice, Bureau of Gambling Control. Otherwise, the language in 19826, subdivision (g) remains the same.

Business and Professions Code section 19826, subsection (f) states that it is a responsibility of the department to "adopt regulations reasonably related to its functions and duties as specified in this chapter."

In 1999, the Department adopted 11 CCR section 2071 regarding gaming activity authorization. The regulation identifies the procedure for identifying and requesting approval of proposed gaming activities and game rules; the Bureau's ability to conduct subsequent reviews and withdraw authorization for games and gaming activities in certain instances; and the ability of a requestor to object to the Department's determination by objecting to the Chief or filing a writ in superior court. The Department also adopted regulations requiring annual reporting by gambling establishments to identify the games and gaming activities offered and requiring that gambling chips meet certain criteria and potentially be submitted to the Department for approval. (11 CCR sections 2072 and 2051).

Further, in 2004, the Department adopted 11 CCR section 2038 requiring that form BGC-APP 026 be

used for an applicant to seek approval of a game or gaming activity from the Department.

The Commission Requires Additional Research and Input

The petition requests that the Commission “adopt regulations regarding the approval of games and use of gambling equipment.” However, because approval of gaming activities and equipment is a Department function and the Department has taken care to promulgate regulations on the topic, it is unclear what type of regulatory action petitioner seeks from the Commission or why additional regulation regarding the game approval process would be beneficial to the Commission’s stakeholders.

The Commission is interested in and will conduct further examination of the controlled game and equipment approval process to determine whether there are any areas in which an additional layer of regulation by the Commission would be beneficial to the public and other Commission stakeholders. If the Commission identifies a need for further regulation over game approvals, it will initiate the normal rule making process, which includes an opportunity for public review and comment.

AGENCY CONTACT PERSON

Fred Castano
Public Relations Officer
California Gambling Control Commission
2399 Gateway Oaks Drive, Suite 220
(916) 263-0700
FCastano@cgcc.ca.gov

OBTAINING COPIES OF THE PETITION

Any interested persons may obtain a copy of the Petition by contacting Fred Castano, Public Relations Officer.

Sincerely,

/s/

STACEY LUNA BAXTER
Executive Director

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2019-0927-03
BOARD OF EQUALIZATION
Hearing by County Board

This rulemaking action amends the practices and procedures governing county boards of equalization and assessment appeals boards when hearing and deciding local property tax disputes.

Title 18
AMEND: 302, 305, 305.1, 305.2, 323
Filed 11/04/2019
Effective 01/01/2020
Agency Contact: Lawrence Lin (916) 322-1982

File# 2019-1023-01
CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY
Affordable Multifamily Energy Efficiency Financing Program

The California Alternative Energy and Advanced Transportation Financing Authority submitted this emergency action to readopt regulations that establish the Affordable Multifamily Energy Efficiency Financing Program (Program). The Program will provide affordable financing for owners of multifamily dwellings of five or more units to retrofit energy savings measures, as specified, by providing credit enhancements to private financing institutions. The regulations establish requirements, criteria, and eligible financial products for these financing institutions to qualify in order to finance eligible projects under the Program, application criteria and procedures, credit enhancements and claims for reimbursement in the event of financing customer defaults, as specified, financing institution reporting requirements, and a privacy rights disclosure applicable to financing customers.

Title 4
ADOPT: 10093.1, 10093.2, 10093.3, 10093.4,
10093.5, 10093.6, 10093.7, 10093.8, 10093.9,
10093.10, 10093.11
Filed 10/31/2019
Effective 11/06/2019
Agency Contact: Susan Mills (916) 651-3760

File# 2019-1025-01
CALIFORNIA DEBT LIMIT ALLOCATION
COMMITTEE
Emergency Regulations Change

This emergency rulemaking by the California Debt Limit Allocation Committee amends regulations relating to the Qualified Residential Rental Project (QRRP) Program.

Title 4
AMEND: 5000, 5100, 5233
Filed 11/04/2019
Effective 11/04/2019
Agency Contact: Isaac Clark III (916) 651-8484

File# 2019-0925-05
CALIFORNIA HORSE RACING BOARD
Jockey's Riding Fee

This change without regulatory effect filing adjusts jockey riding fees for losing mounts, as required by Business and Professions Code section 19501(b)(1), to reflect the California minimum wage increase effective January 1, 2020.

Title 4
AMEND: 1632
Filed 11/04/2019
Agency Contact: Zachary Voss (916) 263-6036

File# 2019-0923-02
CALIFORNIA SECURE CHOICE RETIREMENT
SAVINGS INVESTMENT BOARD
CalSavers Retirement Savings Program

This certificate of compliance filing by the California Secure Choice Retirement Savings Investment Board makes permanent the regulations adopted in OAL File Nos. 2018-1108-04ER, 2019-0424-04EE, and 2019-0801-02EE, which established the CalSavers Retirement Savings Program (Program) in response to Senate Bill 1234 (Stats. 2012, ch. 734), Senate Bill 923 (Stats. 2012, ch. 737), and Senate Bill 1234 (Stats. 2016, ch. 804). This action: 1) defines employer eligibility in the Program, 2) establishes employer registration and employee enrollment requirements, 3) defines employer duties, and 4) establishes default account settings and alternative election options.

Title 10
AMEND: 10000, 10001, 10002, 10003, 10004,
10005, 10006, 10007
Filed 10/31/2019
Effective 10/31/2019
Agency Contact: Eric Lawyer (916) 653-1748

File# 2019-1003-02
DEPARTMENT OF FISH AND WILDLIFE
Fees for Lake and Streambed Alteration Agreements

This change without regulatory effect filing by the Department of Fish and Wildlife amends the fees for lake and streambed alteration agreements as required by Fish and Game Code section 1609 by applying the mandatory inflationary fee formula specified in Fish and Game Code section 713.

Title 14
AMEND: 699.5
Filed 11/06/2019
Effective 01/01/2020
Agency Contact: Lance Salisbury (916) 653-3559

File# 2019-0919-02
DEPARTMENT OF SOCIAL SERVICES
90-Day Transition Plan, Youth Policy

This action adopts a new regulation specifying the procedures and requirements for the development, by county social workers and probation officers, of transition plans which will assist youths who are exiting foster care to better achieve successful independent living as adults.

Title MPP
ADOPT: 31-237 except subdivision (f)(2)
Filed 10/31/2019
Effective 01/01/2020
Agency Contact:
Kenneth Jennings (916) 657-2586

File# 2019-1001-02
DIVISION OF WORKERS' COMPENSATION
Workers' Compensation — Health Care Service Plan
Pilot Program

This action by the Department of Industrial Relations, Division of Workers' Compensation, repeals regulations pertaining to a health care provider's pilot program implementing Labor Code section 4612.

Title 8
REPEAL: 10175, 10176, 10177, 10178, 10179,
10180, 10181
Filed 11/06/2019
Agency Contact: Carol Finuliar (510) 286-0660

File# 2019-0924-02
OFFICE OF ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT
Chemicals Known to the State to Cause Cancer or
Reproductive Toxicity

This action was submitted to OAL as a file and print that added to the list of chemicals known to the state to cause cancer or reproductive toxicity. Specifically, 2-Amino-4-chlorophenol, 2-Chloronitrobenzene, 1,4-Dichloro-2-nitrobenzene, 2,4-Dichloro-1-nitrobenzene, N,N-Dimethylacetamide, and para-Nitroanisole are chemicals that were added to the list of chemicals known to the state to cause cancer. Pursuant to Health and Safety Code section 25249.8, this action is exempt from the Administrative Procedure Act.

Title 27
AMEND: 27001
Filed 11/04/2019
Effective 09/13/2019
Agency Contact: Tyler Saechao (916) 327-3015

File# 2019-0925-02
STATE WATER RESOURCES CONTROL BOARD
Underground Storage Tanks

The State Water Resources Control Board in this action is allowing diesel containing up to 20 percent biodiesel meeting the American Society of Testing and

Materials International standard D76467(B20) to be recognized as equivalent to diesel for purpose of complying with existing requirements for double-walled underground storage tanks (UST) unless the UST has been determined to not be compatible with B20.

Title 23
AMEND: 2631
REPEAL: 2631.2
Filed 11/06/2019
Effective 01/01/2020
Agency Contact: Laura Fisher (916) 341-5870

**PRIOR REGULATORY
DECISIONS AND CCR
CHANGES FILED WITH THE
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit www.oal.ca.gov.