



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE
Fertilizing Materials Violations Matrix — Notice File No. Z2018-0626-11 1007

TITLE 4. CALIFORNIA HORSE RACING BOARD
Classification of Drug Substances — Notice File No. Z2018-0625-02 1010

TITLE 13. DEPARTMENT OF MOTOR VEHICLES
Gender Categories — Notice File No. Z2018-0626-03 1014

TITLE 14. FISH AND GAME COMMISSION
Take Allowances for Non-Cancer Crab in Trap Fisheries — Notice File No. Z2018-0626-13 1016

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION
Inmate Work/Privilege Groups and Computation of Term and Credit — Notice File No. Z2018-0626-10 1019

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Disposition Options for Universal Waste CRTs — Notice File No. Z2018-0625-01 1021

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for Albion River Large Wood Augmentation Project (Tracking Number: 1653-2018-018-001-R1) Mendocino County 1031

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for North Branch North Fork Navarro River Large Wood Augmentation Project (Tracking Number: 1653-2018-020-001-R1) Mendocino County 1032

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for Olsen Gulch Large Wood Augmentation Project (Tracking Number: 1653-2018-021-001-R1) Mendocino County 1032

(Continued on next page)

Time-Dated Material

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for South Branch North Fork Navarro River Large Wood Augmentation Project (Tracking Number: 1653–2018–023–001–R1)
Mendocino County 1033

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for Upper Little North Fork Big River and Manly Gulch Large Wood Augmentation Project (Tracking Number: 1653–2018–019–001–R1)
Mendocino County 1033

DEPARTMENT OF FISH AND WILDLIFE
Fish and Game Code Section 1653 Consistency Determination Request for Upper Signal Creek Large Wood Augmentation Project (Tracking Number: 1653–2018–022–001–R1) Mendocino County 1034

DECISION NOT TO PROCEED

FISH AND GAME COMMISSION
Concerning Resident Upland Game Bird Hunting Regulations (Previously Published in Notice Register 2018, No. 9–Z) 1034

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

DEPARTMENT OF JUSTICE, BUREAU OF FIREARMS
Bureau of Firearms, Concerning Underground Regulation Illegally Prohibiting Eligible Handgun Purchase Transactions 1035

DEPARTMENT OF STATE HOSPITALS
Blanket Policy to “Crush and Float” Certain Medication 1035

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 1036
 Sections Filed, January 24, 2018 to June 27, 2018 1038

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 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

DIVISION 4. PLANT INDUSTRY
CHAPTER 1. CHEMISTRY
SUBCHAPTER 1. FERTILIZING MATERIALS
ARTICLE 1. STANDARDS AND LABELING
ARTICLE 3. LICENSING
ARTICLE 4. REGISTRATION
ARTICLE 5. TONNAGE REPORTING
ARTICLE 6. ADMINISTRATIVE PENALTIES
ARTICLE 7. MILL ASSESSMENTS

NOTICE IS HEREBY GIVEN that the California Department of Food and Agriculture (Department) proposes to make changes to the California Code of Regulations (CCR), Title 3, Division 4, Chapter 1, Subchapter 1, Articles 3–7, Sections 2300.1, 2303, 2304, 2308, 2315, 2318, 2320.2, 2322, 2322.1, 2322.2, and 2322.3.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail, fax, or email. The written comment period closes at 5:00 p.m. on August 20, 2018. The Department will only consider comments received by that time.

Submit comments to:

Brittanie Sabalbro, Associate Governmental
Program Analyst
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory
Services Branch
1220 N Street
Sacramento, CA 95814
(916) 900–5022
FAX: (916) 900–5349
brittanie.sabalbro@cdfa.ca.gov

Following the written comment period or public hearing, if one is requested, the Department, at its own motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

Notice is hereby given that the California Department of Food and Agriculture, pursuant to the authority vested by sections 407, 14501, 14502, 14601, 14611, 14613, 14623, 14631, 14651, 14651.5, and 14655 of the Food and Agricultural Code (FAC), proposes to make changes to Title 3, Division 4, Chapter 1 of the CCR to implement, interpret, or make specific FAC Sections 14601, 14631, 14641, 14651.5, 14681, and 14682.

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

The Department’s Fertilizing Materials Inspection Program (FMIP) is statutorily tasked with licensing, label registration, and field inspection of fertilizing materials in the State of California. FMIP is responsible for reviewing and registering product labels, and ensuring fertilizing materials are safe, effective, and meet the nutrients guaranteed by the manufacturer. Producers of agricultural minerals, auxiliary soil and plant substances, commercial fertilizers, soil amendments, specialty fertilizers, and organic input materials are statutorily mandated to register with the FMIP.

These rulemaking actions provide clarification and uniformity for fertilizing materials labeling and administrative penalties, critical information that has been previously omitted from regulation, and improved labeling guidelines. Thirty–five statutes and regulations that are missing from the administrative penalty violations matrix are addressed in the proposed matrix. Many of the proposed changes provide improved transparency with fertilizer labeling, better protection for consumers, and improved disclosure for the end user.

The proposed additions within Section 2300.1 (i), (j), and (k) are to provide clarity for the terms “fraud,”

“willful misconduct,” and “gross negligence,” by providing definitions from Black’s Law Dictionary. These terms may be used to categorize misbranding violation penalties, so it is important these terms are characterized by accepted, existing legal definitions.

The proposed actions within Section 2303 (k) ensure that soil amendments are correctly labeled with regards to the varying ingredients present in soil amendments. The revised regulation provides industry with guidance to follow the correct labeling format. FAC Section 14601 mandates that the Department regulate bulk organic input material soil amendments and is not limited to “packaged” soil amendments as originally prescribed in this subsection.

The minor revision in Section 2303 (v) will provide an updated version of the Association of American Plant Food Control Officials (AAPFCO) official publication.

The amendment proposed for Section 2304 recognizes that many fertilizing materials contain biotics (microorganisms), not just auxiliary soil and plant substances. This revision affords the same labeling requirements for all fertilizing materials containing biotics.

The proposed revisions to Section 2308 provide consistency in acknowledging that the Department regulates packaged soil amendments and bulk soil amendments making organic claims, and give specifics for listing wetting agents on soil amendment labels.

The proposed revision to Section 2315 provides standardization to the sampling of packaged dry fertilizing materials according to the guidelines of the AAPFCO.

The changes proposed for Section 2318 provide guidance for resubmittal of a license application returned as incomplete, and provide uniformity with the regulations for registration applications.

The revision in Section 2320.2 will remove reference by form number to the label registration application. This revision will eliminate the need for rulemaking each time the form is revised, and establish uniformity with regulations for other licensing and registration applications within this Chapter.

The proposed changes to the administrative penalty violations matrix within Section 2322 include 35 sections of the fertilizer laws and regulations that are not in the current matrix. The revisions will ensure that the penalties are legally defensible by statute and provide a reference for the industry to easily review.

The proposed changes to Article 6 will change the subject matter from mill assessments to administrative penalties and accurately reflect the sections that will be in the revision of this article. The proposed addition of Article 7 will cover the subject matter of mill assessments currently in Article 6.

Anticipated Benefits of the Proposed Regulations:

The Department anticipates the proposed regulatory changes will provide improved clarity and uniformity to the fertilizer industry. They will also provide improved reference, justification, and context for administrative penalties. The proposed addition of thirty–five previously missing sections of the fertilizer laws and regulations to the violations matrix will allow the program to enforce compliance of all provisions. Further, these changes will provide benefits to consumers through greater transparency with fertilizer labeling, improved disclosures for the end user, enhanced consumer protections, and fundamental fairness in enforcement.

Determination of Inconsistency/Incompatibility with Existing Regulations:

The Department evaluated the proposed regulations and made several determinations required by Government Code Section 11346.5(a)(3)(A) to 11346.5(a)(3)(D). The Department determined that there are no state laws or regulations related directly to the proposed action and the effect of the proposed action; the proposed regulations are not inconsistent or incompatible with existing state regulations; and no existing federal regulation or statute regulates fertilizing materials labeling and administrative penalties (the laws of each state are the final standard for labeling, licensing, and registration requirements). The Department is the only state agency with the authority to regulate fertilizing materials labeling and administrative penalties.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate of local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

The Department has initially determined that the proposed regulatory action would not have a broad economic or fiscal impact to the fertilizer industry.

The proposed regulations would have no economic impact to compliant fertilizer firms. Most of the revisions within 3 CCR § 2322 “Table ‘A’: Violations Matrix” are to clarify and standardize, not to increase liability to firms. Based on 2017 figures, only eight non-compliant firms out of 3,055 fertilizer licensees would be affected. In 2017, 25 product registration violations (FAC § 14601) were assessed penalties of \$250 each (all 25 violations were from these eight noncompliant firms). Based upon the proposed increase to a \$500 penalty, this would equal \$6,250 in additional penalties.

The other penalty revisions within 3 CCR § 2322 “Table ‘A’: Violations Matrix” were either penalties that have not been assessed in recent years or are consistent with existing protocol.

Furthermore, it is expected that the fertilizer industry will comply with the law and regulations, so any increase in penalties will not have an economic impact on the industry as a whole. Firms assessed a Notice of Proposed Action will still have the right to due process through a hearing.

It is critical to address the fact that this proposed regulatory action would not financially impact any compliant firm.

These proposed regulations would not:

- (1) Create or eliminate jobs within California.
- (2) Create new businesses or eliminate existing businesses within the State of California.
- (3) Affect the expansion of businesses currently doing business within the State of California.
- (4) Affect the health and welfare of California residents, worker safety, and the state’s environment.

SMALL BUSINESS DETERMINATION

The Department has determined that the proposed regulations will affect small business, but will not have an economic impact on those businesses. The proposed actions do not involve any area that would increase fees or result in any increased costs to these businesses. The only small businesses potentially affected by the proposed regulations would be non-compliant firms that receive violations for violating laws and/or regulations, thereby receiving penalties.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation should be directed to:

Nick Young, Senior Environmental Scientist
(Supervisory)
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory
Services Branch
1220 N Street
Sacramento, CA 95814
nick.young@cdfa.ca.gov

Written comments and inquiries about the initial statement of reasons, proposed actions, or location of the rulemaking files, or a request for a public hearing should be directed to:

Brittanie Sabalbro, Associate Governmental
Program Analyst
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs Regulatory
Services Branch
1220 N Street
Sacramento, CA 95814
(916) 900-5022
FAX: (916) 900-5349
brittanie.sabalbro@cdfa.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. A copy of this Notice, the Proposed Regulation Text, and the Initial Statement of Reasons may be obtained by contacting Brittanie Sabalbro at the above address.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

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

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ from, but 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 prior to amendment. Please send requests for copies of any modified regulations to the attention of Brittnie Sabalbro at the address, email, or phone number provided in the "Contact Persons" section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Brittnie Sabalbro at the address provided in the "Contact Persons" section.

**TITLE 4. CALIFORNIA HORSE
RACING BOARD**

TITLE 4, DIVISION 4, CALIFORNIA CODE OF
REGULATIONS

NOTICE OF PROPOSAL TO AMEND
RULE 1843.2. CLASSIFICATION OF DRUG
SUBSTANCES

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1843.2, Classification of Drug Substances. The proposed amendment will delete the form California Horse Racing Board (CHRB) Penalty Category Listing by Classification (Revised 04/15), which is incorporated by reference in Rule 1843.2. The Penalty Category Listing by Classification will be supplanted by the form CHRB 1843.2 Classification of Foreign Substances Alphabetical Substance List (New 05/18). The Alphabetical Substance List is essentially a reformatted version of the Penalty Category Listing; however, its format is more user friendly, and it will bring the Board's regulation in line with the Association of Racing Commissioners International (ARCI) Uniform Classification Guidelines for Foreign Substances, which has had several revisions since the Board last updated its classification of drug substances under Rule 1843.2. The Classification of Foreign Substances Alphabetical Substance List will also contain special notations for the drugs cobalt; cocaine; methamphetamine; morphine; ractopamine; and zilpaterol.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, August 23, 2018**, or as soon after that as business before the Board will permit, at the **Del Mar Surfside Race Place, 2260 Jimmy Durante Boulevard, Del Mar, 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 at **5:00 p.m., on August 20, 2018**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6026
Fax: (916) 263-6042
E-Mail: haroldc@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19580, 19581 and 19582, Business and Professions Code. Reference: Sections 19580, 19581 and 19582, Business and Professions Code.

Business and Professions Code sections 19580, 19581 and 19582 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580, 19581 and 19582, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Business and Professions Code section 19580 provides that the Board shall adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 states no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the Board, has, by regulation, specifically authorized the use of the substance and the quantity and the composition thereof. Business and Professions Code section 19582 states violations of section 19581, as determined by the Board, are punishable as set forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime.

The Board proposes to amend Rule 1843.2 to replace the CHRB Penalty Categories Listing by Classification, which is incorporated by reference in Rule 1843.2, with the form CHRB 1843.2 Classification of Foreign Substances Alphabetical Substance List. The Alphabetical Substance List will bring Rule 1843.2 in line with the ARCI Uniform Classification Guidelines for Foreign Substances, which has been updated by the ARCI several times since the CHRB Penalty Categories Listing was last amended in 2015. The Alphabetical Substance List identifies medications and drug substances whose presence in an official test sample, or whose presence in excess of the authorized level, will result in a violation of the Board's rules. The form also lists the drug classification and penalty class for each substance. The Penalty Categories Listing currently lists drugs by penalty category. This can make it difficult to find a drug substance on the list if one is not familiar with CHRB penalty categories. The new 1843.2 Classification of Foreign Substances Alphabetical Substance List arranges the drug substances alphabetically, followed by the drug class and penalty class. The new format is more user friendly in that the drug substances are ar-

anged alphabetically, so it is not necessary to know the penalty class of a drug to find it on the list. When adjudicating a hearing for a violation of Business and Professions Code section 19581, the Board, the board of stewards, the hearing officer, or the administrative law judge must consider the classification of the substance as listed in the 1843.2 Classification of Foreign Substances Alphabetical Substance List.

The 1843.2 Classification of Foreign Substances Alphabetical Substance List features a "Special Notation" section that contains comments regarding specific drug substances. With the exception of cobalt, the notations are intended to give the Board leeway for Class "A" penalties when the finding of a drug substance in an official test sample could be the result of incidental or dietary exposures. The special notations for cobalt set the penalty as either a Class "C" or Class "B" penalty, depending on the concentrations of the drug substance in blood serum or plasma. Under the Alphabetical Substance List, cobalt is a Class 3 drug at a level of 50 nanograms per milliliter, or more, in blood serum or plasma. Class 3 drugs are substances that may or may not have generally accepted medical use in the racing horse, but the pharmacology of which suggests less potential to affect performance than drugs in Class 2. In addition, cobalt is listed as a Class 4 drug at a level of 25 nanograms per milliliter, or more, in blood serum or plasma. Class 4 drugs are substances that include therapeutic medications that would be expected to have less potential to affect performance than those in Class 3. The two-tiered system for listing cobalt recognizes the scenario of a trainer negligently feeding a high-cobalt containing mineral supplement and exceeding 25 parts per billion (ppb). Exceeding 50 ppb would require an intentional administration of cobalt.

The 1843.2 Classification of Foreign Substances Alphabetical Substance List contains a special provision if levo-methamphetamine is found in the official test sample. The notation is necessary because a finding of levo-methamphetamine is indicative of a pharmaceutical administration, likely from a cough syrup preparation, and not methamphetamine abuse. Levo-methamphetamine is a vasoconstrictor which is the active ingredient in some over-the-counter decongestant inhalers. (Vasoconstrictor: a drug, agent or nerve that causes narrowing of the walls of blood vessels.)

The remaining special notations are for cocaine, morphine, ractopamine and zilpaterol. The notations are necessary to give the Board the ability to elect to assign a Class "B" penalty for Class "A" penalties that could be incidental or dietary exposure. For example, while ractopamine and zilpaterol may be used as anabolic agents, they have been found in contaminated feed. (Anabolic agents stimulate the growth or manufacture of body tissues and energy storing.)

The Form CHRB 1843.2 Classification of Foreign Substances Alphabetical Substance List will provide clarity and consistency for interested parties, as the form will align with the ARCI Uniform Classification Guidelines for Foreign Substances. The ARCI is a national umbrella organization for official governing rule-making bodies for professional horseracing in North America. The ARCI sets standards for racing regulations, medication policy, drug testing laboratories and other issues pertaining to racing. The Uniform Classification Guidelines are intended to assist stewards, hearing officers and racing commissioners in evaluating the seriousness of alleged violations of medication and prohibited substances rules in racing jurisdictions. The ranking of drugs is based on their pharmacology, their ability to influence the outcome of a race, whether or not they have legitimate therapeutic uses, or other evidence that they may be used improperly. The ARCI guidelines have been adopted by the majority of racing states, so horsemen, especially those from out-of-state, will find the same prohibitions regarding medications and drug substances apply in California as in New York, Florida or Texas.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposal to amend Rule 1843.2 will delete the form California Horse Racing Board (CHRB) Penalty Category Listing by Classification (Revised 04/15), which is incorporated by reference.

The Penalty Category Listing by Classification will be supplanted by the form CHRB 1843.2 Classification of Foreign Substances Alphabetical Substance List (New 05/18). The Alphabetical Substance List is essentially a reformatted version of the Penalty Category Listing; however, its format is more user friendly, and it will bring the Board's regulation in line with the ARCI Uniform Classification Guidelines for Foreign Substances, which has had several revisions since the Board last updated its classification of drug substances under Rule 1843.2. The Classification of Foreign Substances Alphabetical Substance List will also contain special notations for the drugs cobalt; cocaine; methamphetamine; morphine; ractopamine; and zilpaterol. The proposed amendment promotes uniformity among the various state horse racing jurisdictions by bringing the Board's rule in line with ARCI Uniform Classification Guidelines for Foreign Substances. The regulation will provide clarity for horsemen racing in California regardless of which state they are from, and trainers and owners will be clear on how drugs are classified and what the penalties are. The proposed regulation will

help to reduce drug violations and will promote drug safety, as owners and trainers will not be forced to change medications as they move from other states to race in California. This will help increase efficiency in the enforcement of the Board's medication rules and regulations because out-of-state owners and trainers will be familiar with the drug classification scheme. If more trainers and owners are complying with Board rules, the public will have more confidence in California horse racing and see it as an honest product, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions. The proposed amendment will also help to ensure the health and well-being of race horses as the CHRB 1843.2 Classification of Foreign Substances Alphabetical Substance List provides owners and trainers with information regarding drug substances that are prohibited for use in the sport.

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed amendment, the Board has conducted an evaluation for any related regulations and has determined that Rule 1843.2 is the only regulation dealing with classification of drug substances with regards to horse racing in California. Therefore the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

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 amendment to Rule 1843.2 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

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

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

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1843.2 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 amendment to Rule 1843.2 promotes the health and safety of race horses, which is jeopardized if they work out or race under the influence of unauthorized drug substances or medications, or have excessive levels of authorized medications in their systems. Keeping race horses healthy protects the economic interest of owners and ensures that there is an adequate horse inventory. Ensuring that horses entered to race are sound and are not under the influence of unauthorized drug substances or medications, or excessive levels of authorized medications, also promotes jockey safety. If horses entered to race are not running with unauthorized drug substances or medications in their systems, the public will see horseracing as a sport that cares about the health and safety of both horse and rider, which may result in an increase in the public's positive perception of the sport. A more favorable public response to horse racing could result in an increase in wagering, which will have a positive economic impact on the industry.

Effect on small businesses: none. The proposal to amend Rule 1843.2 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 regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

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

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

Andrea Ogden, Policy, Regulations Manager
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 13. DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN

The Department of Motor Vehicles (department or DMV) proposes to amend Section 20.05 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to gender categories for driver licenses and identification cards.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than 5:00 p.m., **August 20, 2018**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 12800, 12811, 13000, and 13005.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 12800 identifies the contents required to appear on a driver's license and includes the applicant's true full name, age, gender, and mailing address. Vehicle Code section 13005 requires an identification card to resemble in appearance, so far as is practicable, a driver's license.

Senate Bill (SB) 179 (Atkins, Chapter 853, Statutes of 2017), effective January 1, 2019, requires a driver's license or identification card applicant to choose their preferred gender category option of female, male, or nonbinary. Additionally, SB 179 prohibits the department from requiring documentation for an original driver's license or identification card applicant's initial selection, or an existing cardholder's request for an amendment to a gender category, with the exception of the applicant's self-certification of their chosen gender category.

Currently, an individual applying for a driver's license or identification card may request a designation of male or female. If the selected designation is different from the gender indicated on the applicant's identity document (original applicant) or driver's license or identification card (existing applicant), he or she must visit a departmental field office and complete a *Driver License & ID Card Application* (DL 44) form and provide a *Medical Certification and Authorization* (DL 329) form. The DL 329 requires a physician or psychologist to certify to an applicant's gender identification or demeanor, but only a physician can certify that gender identification is complete. The department is proposing to obsolete the form DL 329 and adopt a new *Gender Category Request*, (DL 329S) form in this proposed action. Original applicants and existing cardholders will be required to visit a departmental field office to complete a DL 44 and present a DL 329S if they request a gender category which differs from the gender category on their documents used to establish identity or their driver's license or identification card. An in-person field office visit ensures the applicant is the individual requesting the change to his or her driver's license or identification card via photograph verification, therefore reducing the opportunity for fraud. Similarly, the department's name change process requires applicants to visit a departmental field office to present their name change documents.

Applicants will be required to choose their gender category of female, male, or nonbinary on the DL 44 and DL 329S. The DL 329S requires applicants to certify that the gender category they are requesting is “not for any fraudulent purpose.” This certification language is consistent with other provisions within SB 179 and other states’ gender designation change forms. An applicant who selects nonbinary will receive a driver’s license or identification card reflecting gender code “X.” This is consistent with the gender code used by the state of Oregon, which is the only known state to permit a nonbinary gender option. Additionally, the gender code “X” has become the standard for a nonbinary gender option and is currently used on official documents issued by foreign countries, including Australia, New Zealand, and Canada.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted an analysis of other state regulations and determined that the regulations adopted in Article 2.0 of Title 13 are neither inconsistent nor incompatible with other state regulations.

COMPARABLE FEDERAL STATUTES OR REGULATIONS

The department conducted a review of comparable federal regulations and statutes and has determined that no other regulations address gender categories on driver’s licenses or identification cards.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- *Gender Category Request*, form DL 329S (New 1/2019)

The form DL 329S will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the document is readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

DMV has made the following initial determinations concerning the proposed regulatory action:

- *Cost or Savings to Any State Agency*: None.

- *Other Non-Discretionary Cost or Savings to Local Agencies*: None.
- *Costs or Savings in Federal Funding to the State*: None.
- *Effects on Housing Costs*: None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.*: None.
- *Cost Impact 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. No additional fees will be charged other than what is already required as a part of the application process.
- *Small Business Impact*: This proposed action is unlikely to have an impact on small businesses. This action identifies the form that an applicant must complete to change their gender category. None of the provisions in this action have any impact on small businesses.
- *Local Agency/School District Mandate*: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states*: This proposed action provides the process by which applicants can change the gender category on their driver’s license or identification card. There is no significant economic impact associated with this proposal as none of the provisions apply to businesses, therefore, this action is unlikely to have an adverse impact on businesses, including the ability to compete.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently doing business within the State of California.

This action will benefit the welfare of California residents by eliminating a burdensome process that was

once required in order for applicants to change the gender category on their driver's license or identification card. Once this action is adopted, affected applicants will complete a form containing a self-certification. This action is not likely to have a significant impact on worker safety or the state's environment.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

Randi Calkins, Regulations Analyst
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff
Department of Motor Vehicles
Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <http://www.dmv.ca.gov/portal/dmv/detail/about/lad/regactions>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 713, 1050, 5508, 7090, 7857, 8026 and 8282 of the Fish and Game Code and to implement, interpret or make specific sections 1050, 1052, 5508, 7050, 7051, 7055, 7056, 7058, 7090, 7850, 7857, 7881, 8026, 8031, 8040, 8041, 8042, 8043, 8046, 8047, 8051, 8250.5, 8275, 8281, 8282, 8284, 8834, 9000, 9001, 9001.79002, 9003, 9004, 9005, 9006, 9007, 9008 and 9011 of said Code, proposes to add Section 126.1 and amend subsection 125.1(c)(3) and Section 126, Title 14, California Code of Regulations, relating to Inci-

dental Take Allowances for Crabs, other than the Genus Cancer, in Trap Fisheries.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Under current law, commercial fishermen, with a Dungeness crab, rock crab or lobster permit, may incidentally take unlimited amounts of crabs not of the genus Cancer (non-Cancer crabs) when targeting Dungeness crab, rock crab, and lobster, with no limit on amount. Laws that specifically allow the incidental take of crab include subdivision 8284(c), Fish and Game Code (FGC), and subsection 125.1(c), Title 14, California Code of Regulations (CCR), which allow the take of non-Cancer crabs when targeting rock crab. Similarly, non-Cancer crabs may be taken incidentally in the lobster (subdivision 8250.5(b), FGC) and Dungeness crab (subdivision 8284(a), FGC) fisheries. The FGC provides a general definition of bycatch (incidental take) that does not give guidance on acceptable amounts (Section 90.5, FGC), but FGC and CCR sections on specific species and gear types do specify rules for retaining non-target species in some cases.

The proposed changes would amend the existing Section 126, which currently applies to the commercial take of Tanner crab. The title of 126 would be changed to “Commercial Take of Crabs not in the Genus Cancer in Trap Gear.” Tanner crab (*Chioneocetes* spp.) are non-Cancer crabs, and existing regulations regarding this fishery would be shifted to new Section 126.1. The new Section 126 would provide a definition of crabs of the genus Cancer and institute limits to allowable incidental take of non-Cancer crabs when participating in other target invertebrate trap fisheries. Species in the family Lithodidae (box and king crabs) would be subject to a 25-pound possession and landing limit, while the sheep (spider) crab would be subject to a total allowable catch of 95,000 pounds. When possessing or landing species in the Lithodidae family, an equal or greater amount of the target species (rock crab, lobster, or Dungeness crab) must also be possessed or landed. Additionally, a requirement to bring non-Cancer crab, in the whole, ashore to be recorded on a landing receipt would be added.

The proposed regulatory change would amend subsection 125.1(c)(3), which details allowances for incidental take of other species when targeting rock crab. The incidental allowances would remain unchanged except for reference to the new subsection 126(b) specifying a limit on non-Cancer crabs.

BENEFITS OF THE REGULATIONS

The proposed regulation will benefit the environment in the sustainable management of non-Cancer crab species by prohibiting the overexploitation of several non-Cancer crab species before adequate management measures could be developed for dedicated targeted fisheries. The proposed regulation will also allow for development of an experimental gear permit program for box and king crab designed to conduct research on species biology and potential appropriate management measures.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. Statutes and regulations specifically allow the incidental take of crab other than the genus Cancer in commercial fisheries for rock crab (subdivision 8284(c), FGC, and subsection 125.1(c), Title 14, CCR), spiny lobster (subdivision 8250.5(b), FGC), and Dungeness crab (subdivision 8284(a), FGC). The Legislature has delegated authority to the Commission to regulate fisheries that the Director of the California Department of Fish and Wildlife determines are emerging fisheries (Fish and Game Code, Section 7090) as well as the power to regulate the commercial spiny lobster and rock crab trap fisheries (Fish and Game Code Section 8254 and 8282).

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Radisson Fresno Conference Center, 1055 Van Ness Avenue, Fresno, California, on Wednesday, October 17, 2018, at 8:00 a.m., or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before 5:00 p.m. on October 4, 2018, at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed (to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090), or emailed to the Commission office, must be received before 12:00 noon on October 12, 2018. All comments must be received no later than October 17, 2018, at the hearing in Fresno, California. If you would like copies of any modifications to this proposal, please include your name and mailing address.

AVAILABILITY OF DOCUMENTS

The Initial Statement of Reasons, text of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representa-

tive, Valerie Termini, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Valerie Termini or Jon Snellstrom at the preceding address or phone number. **Julia Coates, Environmental Scientist, (805) 730-1328**, has been designated to respond to questions on the substance of the proposed Specifying Incidental Take Allowances for Crabs other than the Genus Cancer regulations. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout can be accessed through our website at <http://www.fgc.ca.gov>.

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:
The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action will not increase compliance costs and will not substantially affect incidental take quantities.
- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate significant impacts on the creation or elimination of jobs within the state, or the creation of new businesses or the elimination of existing businesses or the expansion of businesses because the proposed action will not significantly increase or reduce incidental take quantities for non-Cancer crab.

The Commission anticipates benefits to the environment in the sustainable management of non-Cancer crab species.

The Commission does not anticipate any benefits to the health and welfare of California residents, or to worker safety.

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

The proposed regulations may have adverse cost impacts to king and box crab harvest revenue for a few fishermen who have historically landed more than the proposed 25-pound limit. The following summarizes the total statewide costs and benefits from this regulation and each alternative considered.

Regulation cost of \$71,077: These are potential cost impacts on individuals or businesses; these are minimal impacts to king and box crab harvest revenue (landed ex-vessel value) for a few fishermen who have historically harvested more than the proposed 25-pound limit.

Alternative 1 cost of \$107,445: These are potential cost impacts on individuals or businesses; these are minimal impacts to king, box and sheep crab harvest revenue (landed ex-vessel value) for a few fishermen who have historically harvested more than the alternate 100-pound limit for all non-cancer crab species.

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

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to

Government Code Sections 11342.580 and 11346.2(a)(1).

Sacramento, CA 94283-0001, or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONSIDERATION OF ALTERNATIVES

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

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or Department), pursuant to the authority granted by Article 1, Section 32 of the California Constitution, Government Code Section 12838.5, Penal Code section 5055, and the rulemaking authority granted by Penal Code sections 5058 and 5058.3, in order to implement, interpret and make specific Penal Code section 5054, proposes to amend sections 3043.7 and 3044 and repeal and re-adopt section 3371.1 of the California Code of Regulations (CCR), Title 15, Division 3, regarding Special Assignments, Inmate Work Groups and Privilege Groups and Computation of Term and Credit.

PUBLIC HEARING

Date and Time:	August 24, 2018 — 10:00 a.m. to 11:00 a.m.
Place:	Department of Corrections and Rehabilitation Conference Room 1515 S Street — North Building
Purpose:	To receive comments about the action.

PUBLIC COMMENT PERIOD

The public comment period will close **August 24, 2018 at 5:00 p.m.** Any person may submit public comments in writing (by mail or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR Regulation and Policy Management Branch, P.O. Box 942883,

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Y. Sun, Chief
Regulation and Policy Management Branch
California Department of Corrections and Rehabilitation
P.O. Box 942883
Sacramento, CA 94283-0001
Telephone (916) 445-2269**

In the event the contact person is unavailable, inquiries should be directed to:

**L. Lomonaco, Correctional Counselor II
Regulation and Policy Management Branch
Telephone (916) 445-2217**

Questions regarding the substance of the proposed regulatory action should be directed to:

**K. Henderson, Correctional Counselor III
Classification Services Unit
California Department of Corrections and Rehabilitation
Telephone (916) 322-6783**

AUTHORITY AND REFERENCE

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

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

Penal Code 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.

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

Penal Code section 5058 authorizes the Director (now Secretary) to prescribe and amend regulations for the administration of prisons.

Penal Code section 5058.3 provides that an emergency adoption, amendment, or repeal of a regulation by

the Director (now Secretary) shall be conducted pursuant to Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, regulations concerning special assignments, inmate work groups and privilege groups, and computation of term and credit provide guidance to staff and inmates regarding decisions affecting inmate housing, custody, privileges, and methods of computing terms and applying credit to an inmate’s term.

In this regulatory action, the Secretary proposes to amend regulatory provisions pertaining to special assignments, inmate work groups and privilege groups, and computation of terms and credit.

This action provides the following:

- Clarifies the procedures for assigning inmates to special assignments, work groups and privilege groups, as well as describing how short-term and long-term medical hospitalizations, psychiatric inpatient hospitalizations, and unassigned statuses impact assignments to work groups.
- Implements a process to award Good Conduct Credit to inmates who are granted Minimum A or Minimum B Custody, inmates who have completed the requisite training to be assigned as firefighters at fire camps, institutional firefighters, and inmates who are placed at fire camps for assignment to non-firefighter positions.
- Improves the accuracy of term calculations and credit calculations for every inmate serving a determinate or an indeterminate term, as well as more accurately responding to inmate grievances and court inquiries.
- Specifies the credit earning eligibility of inmates placed in segregated housing in accordance with Penal Code section 2933.6.

FORMS INCORPORATED BY REFERENCE

No forms incorporated.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department has determined that the proposed regulations may have a positive impact on public safety, the health and welfare of California’s residents, worker

safety, the State’s environment, and on inmates by appropriately awarding Good Conduct Credit to inmates for their good behavior and improving the accuracy of inmate release date calculations in light of credits awarded for their good behavior. The proposed regulations will also benefit inmates and interested members of the public who wish to understand the Department’s calculations, how credits are applied, and how release dates are determined.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING LAWS/REGULATIONS

The Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with existing regulations within CCR, Title 15, Division 3.

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 through 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: *none*

Other nondiscretionary cost or savings imposed on local agencies: *none*

Cost or savings in federal funding to the State: *none*

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

The Department has determined that the proposed regulations 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.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will not affect small businesses and that this action has no significant adverse economic impact on small businesses because they are not affected by the internal management of State prisons.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will have no impact on the creation of new, or the elimination of existing jobs or businesses, within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on worker safety or the state's environment because the proposed regulations relate strictly to the internal management of State prisons.

The Department has determined that the proposed regulations may have a positive impact on public safety for California residents and inmates by ensuring that inmates are appropriately awarded Good Conduct Credit and improving the accuracy of inmate release date calculations.

CONSIDERATION OF ALTERNATIVES

The Department has determined that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons, than the proposed 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 are invited to present statements or arguments with respect to any alternatives at the scheduled public hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons

(ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the Department's website at <http://www.cdcr.ca.gov>.

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 that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. 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 15 days after the date on which they are made available.

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.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT Glass

Department Reference Number: R-2011-03

Office of Administrative Law Notice File Number: Z-2018-0625-01

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to adopt new or amended California Code of Regulations, Title 22, Division 4.5, Chapters 11 and 23, sections 66261.4, 66273.6, 66273.7, 66273.9, 66273.70, 66273.72, 66273.73, 66273.74, 66273.75, 66273.80, 66273.81, 66273.82, 66273.83, and 66273.84.

PUBLIC HEARING

DTSC will hold one public hearing on the proposed regulation at the following time and location:

DATE: August 20, 2018
TIME: 1:00 p.m. to 3:00 p.m. (PDT)
LOCATION: Sacramento Regional Office
Boardrooms 1 and 2
8800 Cal Center Drive
Sacramento, California 95826

At the time and location listed above, any person(s) may present statements or arguments, orally or in writing, relevant to this proposal described in the Informative Digest. The public hearing will convene at 1:00 p.m. PDT and will remain open until 3:00 p.m. PDT, or until no attendees present testimony, whichever occurs first.

Representatives of DTSC will preside at the hearing. DTSC requests persons who wish to speak to please register before the hearing. Pre-hearing registration will be conducted at the location of the hearing from 12:15 p.m. PDT until the hearing commences. Registered persons will be heard in the order of their registration. Anyone else wishing to speak at the hearing will have an opportunity after all registered persons have been heard.

All visitors are required to sign in prior to attending any meeting at the security desk located just inside the building's public entrance. Please allow adequate time to sign in and receive a visitor badge before the public hearing begins.

NOTICE PERTAINING TO ACCESSIBILITY & REASONABLE ACCOMMODATION

All documents related to this regulation can be made available in alternate format (*i.e.*, Braille, large print, etc.) or in another language, as requested, in accordance with State and Federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact **Litiana Patino at (916) 324-3095 or Litiana.Patino@dtsc.ca.gov** as soon as possible, but no later than 10 business days prior to the scheduled hearing. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

WRITTEN COMMENT PERIOD

Any interested person(s) or their authorized representative(s) may submit written comments relevant to

the proposed regulatory action to DTSC in either electronic or hard-copy formats.

Written comments may be submitted electronically through the DTSC regulations email address at crt_regs@dtsc.ca.gov, or please direct hard-copy written comments to:

Ms. Teresa Rizzardo
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806

The written comment period will close at 11:59 p.m. PDT on August 20, 2018. Only comments received at the DTSC office by that date and time will be considered.

AUTHORITY AND REFERENCE

Authority

These regulations are being proposed under the following authorities:

- Health and Safety Code section 25141.5. This section grants DTSC authority to adopt by regulation, alternative management standards for disposal of a hazardous waste that would be classified as hazardous solely because it exceeds Total Threshold Limit Concentrations.
- Health and Safety Code section 25143.2.5. This section grants DTSC authority to exclude from DTSC's hazardous waste regulations cathode ray tube (CRT) panel glass that is managed in accordance with this section.
- Health and Safety Code section 25150. This section grants DTSC authority to adopt standards and regulations related to the management of hazardous waste.
- Health and Safety Code section 25173. This section grants DTSC the authority to ensure that trade secrets used by a person regarding the methods of hazardous waste handling and disposal are used only in connection with the responsibilities of DTSC pursuant to chapter 6.5 of division 20 of the Health and Safety Code and that such trade secrets are not disseminated without the consent of the person.
- Health and Safety Code section 25214.9. This section grants DTSC authority to adopt regulations allowing DTSC to establish management standards as an alternative to one or more of the standards in chapter 6.5 of division 20 of the Health and Safety Code for any specified activity that involves the management of an electronic waste.

- Health and Safety Code section 58012. This section grants DTSC authority to adopt regulations.

Reference

These regulations implement, interpret, or make specific the following:

- Health and Safety Code section 25141.5. This section grants DTSC authority to adopt by regulation, alternative management standards for disposal of a hazardous waste that would be classified as hazardous solely because it exceeds Total Threshold Limit Concentrations.
- Health and Safety Code section 25143.2.5. This section grants DTSC authority to exclude from DTSC’s hazardous waste regulations CRT panel glass that is managed in accordance with this section.
- Health and Safety Code section 25150. This section grants DTSC authority to adopt standards and regulations related to the management of hazardous waste.
- Health and Safety Code section 25159.5. This section specifies that DTSC shall, insofar as practicable, make the standards and regulations conform to corresponding federal regulations. This section does not prohibit DTSC from adopting standards or regulations that are more stringent than federal regulations.
- Health and Safety Code section 25173. This section grants DTSC the authority to ensure that trade secrets used by a person regarding the methods of hazardous waste handling and disposal are used only in connection with the responsibilities of DTSC pursuant to chapter 6.5 of division 20 of the Health and Safety Code and that such trade secrets are not disseminated without the consent of the person.
- Health and Safety Code section 25201. This section grants DTSC the authority to require hazardous waste facilities that store, treat, transfer, recover resources from, or dispose of hazardous waste, to obtain a hazardous waste facilities permit or other grant of authorization.

- Health and Safety Code section 25205.7. This section grants DTSC the authority to enter into a written agreement with a person who applies for a waste classification determination from DTSC pursuant to which that person shall reimburse DTSC, pursuant to Article 9.2 (commencing with Section 25206.1), for the costs incurred by DTSC in processing the application.
- Health and Safety Code section 25214.9. This section grants DTSC authority to adopt regulations allowing DTSC to establish management standards as an alternative to one or more of the standards in chapter 6.5 of division 20 of the Health and Safety Code for any specified activity that involves the management of an electronic waste.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Policy Statement Overview

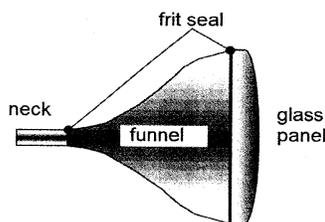
This rulemaking is necessary to ensure the safe and effective management of waste CRTs and CRT glass. The Electronic Waste Recycling Act of 2003 (EWRA)¹ was established to eliminate electronic waste stockpiles and legacy devices, including waste CRT devices and CRTs, by providing a comprehensive and innovative system for their reuse, recycling, and proper and legal disposal. Pursuant to the EWRA, DTSC designated CRT devices such as televisions and computer monitors as “covered electronic devices.” The waste CRT devices and CRTs were managed under already established alternative management standards known as universal waste management standards. Changes in the electronics market have substantially reduced the demand for recycled CRT glass. As a result, the alternative management standards no longer achieve the objectives of the EWRA, and the current handling of waste CRTs and CRT glass presents a threat to public health and the environment. DTSC is therefore proposing regulatory changes to ensure safe and effective management of this waste.

¹ Senate Bill 20 (Sher) Statutes of 2003, Chapter 526.

Definitions: CRT Device and CRT

A CRT device means any electronic device that contains one or more CRTs including, but not limited to, computer monitors, televisions, cash registers, and oscilloscopes. A CRT means a vacuum tube or picture tube used to convert an electrical signal into a visual image. A CRT is composed of three types of glass components: CRT panel glass, CRT funnel glass, and the frit glass which binds the panel and funnel glasses together. The neck is an extension of the funnel glass that covers the electron gun which creates the visual image.

Diagram of a CRT



Background

Legislation: Prior to 2003, electronic waste (including CRT devices) was subject to management as hazardous waste based on the levels of constituents such as lead, mercury, and cadmium, among others, present in the waste. At that time, accelerated innovation in the electronics and computer technology sector resulted in rapid obsolescence and turnover of electronic devices. The EWRA was established in 2003 to reduce the hazards posed by growing stockpiles of electronic waste and authorized DTSC to establish alternative management standards for this waste.² The EWRA also authorized the California Integrated Waste Management Board (now known as the Department of Resources Recycling and Recovery, or CalRecycle, henceforth referred to as CalRecycle) to establish fees and a cost reimbursement system to incentivize collection and recycling of electronic waste³, and limits the CalRecycle payment authority to reimbursement of collectors and recyclers who handle covered electronic wastes in compliance with all applicable laws and regulations.⁴

Initial Implementation by Regulation: In early 2004, CalRecycle and DTSC each adopted emergency regulations pursuant to Public Resources Code section 42475.2 to implement, interpret, and make specific the EWRA. CalRecycle’s emergency regulations⁵ established a program that provides cost–reimbursement to recyclers of discarded CRT devices and CRTs who render CRTs unusable for their intended purpose by “can-

celling” the waste CRT (i.e., releasing the vacuum inside the tube or crushing or shredding the CRT devices or CRTs pursuant to the treatment standards and other management requirements specified by DTSC in its emergency regulations). The cost–reimbursement program provides a financial incentive to appropriately manage and recycle CRT devices by recyclers.

DTSC’s emergency regulations⁶ identified CRT devices and CRTs as “covered electronic devices” eligible for CalRecycle’s cost–reimbursement program. The emergency regulations also listed CRT devices and CRTs as “universal waste” and established alternative management standards for that waste.⁷ These alternative management standards may be applied in lieu of management of CRTs and CRT glass as fully regulated hazardous wastes pursuant to chapter 6.5 of division 20 of the Health and Safety Code (commencing with sec. 25100), provided CRT glass generated by the universal waste handler who treats CRT devices or CRTs (i.e., CRT recycler) is ultimately sent for recycling to a CRT glass manufacturer or a primary or secondary lead smelter. The purpose of these alternative management standards is to promote participation by CRT recyclers in CalRecycle’s EWRA recycling program while maintaining an appropriate level of oversight of their hazardous waste recycling activities. Maximizing participation in the EWRA reimbursement program is necessary to realize its full potential benefit to human health and the environment. DTSC’s alternative management standards for covered electronic waste achieved this goal for several years, based on payment claims submitted to CalRecycle and inspections of universal waste handlers conducted by DTSC.

Technology and Market Changes: The advancement of new types of video display technologies (e.g., flat screen televisions and computer monitors) began to displace CRTs in 2006. Demand for the manufacturing of new CRTs decreased, which reduced recycling opportunities for waste CRTs as this was the primary way in which waste CRTs were recycled. Lead smelters continued to accept some CRT glass, but still did not show signs of having the capacity to significantly promote the recycling of all the remaining CRT glass. Additionally, due to the decreasing CRT manufacturing market, DTSC was concerned that much of the CRT glass that was exported was not recycled as prescribed by DTSC’s

⁶ OAL Reference Number: 04–0526–01E.

⁷ Consolidated Universal Waste Regulations and Authorized Treatment of Electronic Hazardous Wastes to OAL (OAL Reference Number: Z–2008–0616–03). This rulemaking, which was approved and became effective on February 4, 2009, finalized the emergency regulations adopted in 2004 that authorized alternative management standards for universal wastes, including CRT devices, CRTs, and CRT glass.

² Health and Safety Code section 25214.9.

³ Public Resources Code section 42476.

⁴ Public Resources Code section 42476, subdivision (f)(2).

⁵ Filed May 10, 2004, Register 2004, Number 20.

universal waste regulations because only one CRT manufacturer, located in India, was operating.⁸

By 2011, DTSC observed trends during inspections of CRT recyclers which were reflected in data from annual reports provided to DTSC by CRT recyclers regarding types and quantities of universal waste collected, treated, and shipped to destinations. These trends included: (1) the inability of CRT recyclers to provide documentation that their CRT glass was actually being sent to a CRT glass manufacturer to be recycled; (2) CRT recyclers exceeding the one-year accumulation time limits in DTSC's regulations; and (3) CRT recyclers shipping their CRT glass with no control over the end disposition.⁹

Consequently, millions of pounds of hazardous waste CRTs and CRT glass either remained stockpiled at locations across California or were shipped out of state, potentially for unauthorized use or disposal. For example, in May 2013, Dow Management abandoned millions of pounds of CRTs in warehouses in Yuma, Arizona, and DTSC invested considerable time and resources enforcing the proper disposition of the waste shipped to the facilities by California recyclers, as indicated by claims submitted to CalRecycle's cost-reimbursement program. A total of 3,690,298 pounds of CRTs were removed and rerouted to appropriate management facilities.

Regulatory Response to Changes: DTSC determined the universal waste regulations no longer provided effective management options and incentives, leading to improper CRT and CRT glass management in California, other states, and potentially overseas. To prevent threat to public health and the environment, DTSC filed emergency regulations entitled "Disposition Options for Universal Waste Cathode Ray Tubes (CRTs) and CRT Glass" with the Secretary of State on October 15, 2012, with an expiration date of October 15, 2014.¹⁰ These regulations included specific provisions to encourage the proper management of CRTs and CRT glass: (1) the express regulatory requirement that the ultimate disposition of the CRTs generated from allowable treatment¹¹ be recycled at a CRT glass manufactur-

er or at a primary or secondary lead smelter¹²; and (2) strong, clearly stated, and enforceable regulatory requirements for documenting the proper disposition of CRTs and CRT glass treated pursuant to article 7 of chapter 23.

DTSC subsequently requested, and OAL approved and filed with the Secretary of State, two re-adoptions of the emergency regulations in 2014 and 2016.¹³ During this period, DTSC explored and evaluated the effectiveness of disposition options for CRTs and CRT glass as provided by the emergency regulations that would remain in effect for up to six years.

CalRecycle adopted emergency regulations¹⁴ in August 2015 to eliminate the required demonstration that the ultimate disposition of CRTs and CRT glass is not disposal to land, water, or air. Instead, the approved recyclers must simply be compliant with applicable law and the recycler's conditions of authorization. These emergency regulations allowed payment for claims involving the disposal of CRTs and CRT glass. CRT recyclers did not pursue either of the disposal options provided by the DTSC emergency regulations until CalRecycle adopted their emergency regulations. CRT recyclers did not dispose of CRT panel glass in a nonhazardous waste landfill (as a nonhazardous waste), nor did they dispose CRTs and CRT glass at a permitted hazardous waste disposal facility (as fully regulated hazardous waste) until they were assured that it was an allowable option for which they would be paid under the EWRA. Following the implementation of the CalRecycle emergency regulations, CRT recyclers disposed of approximately 5 million pounds of CRT panel glass at nonhazardous waste landfills and approximately 22.8 million pounds of CRTs and CRT glass at permitted hazardous waste disposal facilities, as shown in claims submitted to CalRecycle from November 1, 2015 through November 1, 2016.

Proposed Regulations

This rulemaking proposes to authorize the continued availability of the expanded disposition options found to be effective during the period of the emergency regulations and modified management standards that have been used by universal waste handlers since 2012. The proposed regulation will allow universal waste handlers to accept CRT devices and CRTs under the authority of chapter 23 (Standards for the Management of Universal Waste)¹⁵ for the purposes of disposal, in addition to the disposition options currently allowed. This will allow universal waste handlers to accept CRT de-

⁸ "Looking Through Glass CRT GLASS RECYCLING IN INDIA" Study by Toxics Link Research Team Priti Mahesh, Ankita Jena and Vinod Sharma.

⁹ "CA CRT Glass Issue — The Facts" Internal DTSC Issue Statement 2012.

¹⁰ Office of Administrative Law File Number: 2012-1003-01E

¹¹ California Code of Regulations, title 22, division 4.5, chapter 23, sections 66273.72(b) & (c).

¹² California Code of Regulations, title 22, division 4.5, chapter 23.

¹³ Office of Administrative Law File Numbers: 2014-0905-03EE and 2016-0902-04EE.

¹⁴ OAL Reference Number: 2015-0812-01E.

¹⁵ California Code of Regulations, title 22, division 4.5.

vices and CRTs for the purposes of disposal without obtaining a permit to accept, treat, or store hazardous waste.

A universal waste handler who disposes of the CRTs and CRT glass becomes a hazardous waste generator and must comply with all of the hazardous waste management requirements outlined in chapters 12 through 16, 18, 20, and 22.¹⁶ These include provisions such as notifying DTSC, obtaining an EPA ID number, transporting on a manifest using a registered hazardous waste transporter, and disposing at a permitted hazardous waste disposal facility.¹⁷

A universal waste handler who treats the CRTs by separating the CRT panel glass from the CRT funnel glass (leaded portion) has two options for management:

1. Dispose of the CRT panel glass at a “CRT Panel Glass Approved Landfill”.¹⁸ The universal waste handler is responsible for making the determination that the panel glass is not a federal (Resource Conservation Recovery Act — RCRA) hazardous waste, does not exhibit a characteristic of toxicity by exceeding Soluble Threshold Limit Concentration (STLC)¹⁹ thresholds, exhibits a characteristic of hazardous waste for toxicity only by exceeding Total Threshold Limit Concentration (TTLC)²⁰ thresholds, does not exceed TTLC for of 30,000 mg/kg for lead (3%), and meets land disposal restriction treatment standards.
2. If testing of the CRT panel glass shows that it exceeds the TTLC for barium *only*, then it is no longer a waste. CRT panel glass that meets the criteria and is recycled may be used for specific end uses outlined in HSC 25143.2.5(d).

Universal waste handlers who separate CRT panel glass must ensure that there is no comingling of CRT

funnel glass and CRT panel glass to avoid cross contamination of hazardous constituents.

CRTs and CRT glass may still be recycled via CRT glass manufacturing or primary or secondary lead smelting. Universal waste handlers that transport CRTs and CRT glass to another facility must keep records with specific information and contractual arrangements between the two facilities to ensure that the CRTs and CRT glass reach their intended destination. The proposed regulations require universal waste handlers who do not further process CRTs into CRT glass to ensure and document that the CRTs are legitimately recycled, disposed, or shipped to another authorized universal waste handler for further treatment.

The proposed regulations allow CRT recyclers to send their CRTs to an out-of-state recycler (e.g., an intermediate facility, as defined in the proposed regulations) provided they ensure all of the CRT glass generated is subsequently recycled by a CRT glass manufacturer or lead smelter. These CRT recyclers must also document and maintain onsite specific information regarding transporters, intermediate facilities, contracts with the intermediate facilities, the CRT glass manufacturer or lead smelters, the dates and quantities of shipments, and confirmation receipts from the CRT glass manufacturer or lead smelters. The contractual arrangement between the California CRT recycler and the out-of-state CRT recycler, as proposed in these regulations, is meant to maintain the necessary oversight to ensure the CRTs from the California recycler are recycled as required by the proposed regulations and make it clear that the California CRT recycler is responsible for any improper disposition of the generated CRT glass.

In addition to the requirements above, the proposed regulations require notifications and documentation pertaining to the disposal of CRTs and CRT glass in a permitted hazardous waste disposal facility and also require the disposal of CRT panel glass meeting specified conditions in a CRT panel glass approved landfill in California. Also, please note the term “CRT panel glass approved landfill” replaces “Class II” and “Class III landfill” terms in the proposed regulations and “permitted hazardous waste disposal facility” replaces the term of “Class I landfill”.

DTSC has also determined it is appropriate to allow for the disposal of CRT panel glass in nonhazardous waste landfills. Unlike CRT funnel glass, CRT panel glass does not contain leachable levels of regulated hazardous constituents, including lead. Thus, the disposal of CRT panel glass in nonhazardous waste landfills remains protective of human health and the environment because it will not result in the release of hazardous constituents into drinking or surface water sources. Since the environmental harm is minimized and the nonhazardous waste landfills remain regulated by other agen-

¹⁶ Ibid.

¹⁷ The term *permitted hazardous waste disposal facility* replaces *Class I landfill* which was the term used in the 2012 emergency regulations and subsequent re-adoptions of the emergency regulations in 2014 and 2016.

¹⁸ The term *CRT panel glass approved landfill* replaces *Class II* and *Class III landfill* terms which were used in the 2012 emergency regulations and subsequent re-adoptions of the emergency regulations in 2014 and 2016.

¹⁹ Toxic as defined through application of laboratory test procedures called the “Waste Extraction Test” (commonly called the “WET”). The results of the WET tests are compared to their respective regulatory limits, the Soluble Threshold Limit Concentrations (STLCs), which appear in California Code of Regulations, title 22, subsection 66261.24(a)(2).

²⁰ Toxic as defined through application of laboratory test procedures called the “total digestion” test methods. The results of each of these laboratory tests are compared to their respective regulatory limits, the TTLCs, which appear in California Code of Regulations, title 22, subsection 66261.24(a)(2).

cies (e.g., nonhazardous waste landfills that can accept CRT panel glass still require authorization from the Regional Water Quality Control Board to accept such waste), DTSC has determined this is an appropriate disposition option, particularly because viable recycling options for such glass have not materialized.

However, prior to disposing of CRT panel glass, it must be separated from CRT funnel glass. As stated above, CRT funnel glass does contain leachable levels of hazardous constituents and cannot be disposed of in a nonhazardous waste landfill. Thus, DTSC proposes testing requirements on the CRT panel glass destined for disposal to ensure that CRT recyclers appropriately separate CRT funnel glass from CRT panel glass so that CRT funnel glass is not inadvertently or intentionally disposed of in nonhazardous waste landfills with CRT panel glass.

As such, and based on DTSC's proposed testing requirements, separated CRT panel glass that does not exhibit the characteristic of toxicity by exceeding soluble regulatory threshold levels is presumed not to contain CRT funnel glass because that is its inherent, unique characteristic (i.e., CRT panel glass is only hazardous for total concentrations, not soluble concentrations). Such panel glass is excluded from hazardous waste regulations and may be disposed of in a nonhazardous waste landfill. Conversely, CRT panel glass that exceeds soluble regulatory threshold levels is presumed to contain CRT funnel glass thus it would not qualify for the exclusion. Such glass cannot be disposed of in a nonhazardous waste landfill (i.e., the glass is considered hazardous waste and remains subject to California hazardous waste regulations).

DTSC decided that three provisions of the 2012 emergency regulations would not be included in the final proposed rulemaking. Recycling by means other than CRT glass manufacturing and lead smelting using the Excluded Recyclable Material (ERM) exclusion in Health and Safety Code section 25143.2 was one main disposition option rejected for final rulemaking. The other was the discretionary DTSC concurrence process (article 9 of the emergency regulations) provided to assist CRT recyclers with ERM exclusion provision above. Lastly, the trade secrecy provision (article 10) related to submissions to DTSC pursuant to a DTSC concurrence for the ERM exclusion provision, is not included in this final rulemaking. While some recyclers have evaluated recycling options other than CRT glass manufacturing or primary or secondary lead smelting that would allow them to manage their CRTs or CRT glass as ERM, DTSC does not know of any that have implemented such options. CRT recyclers cannot meet two conditions for managing the material as ERM: (1) the recyclers cannot determine what benefit the CRT glass would provide for such uses; and (2) they do not

have any data regarding the end product; the one concurrence process that was started by DTSC was rescinded by the applicant before its completion. As a result, DTSC does not seek to include the ERM provision or its associated concurrence process in the proposed finalization of emergency regulations.

The proposed regulations also add an exclusion²¹ to acknowledge that CRT panel glass, which is managed in accordance with Health and Safety Code section 25143.2.5, is excluded from California's hazardous waste regulations. Assembly Bill (AB) 1419 (Eggman, Chapter 445, Stats. 2016) amended Chapter 6.5 of the Health and Safety Code by adding section 25143.2.5 to allow for the recycling of hazardous waste CRT panel glass, by exempting the material from DTSC's hazardous waste regulations if certain conditions are met and it exceeds the TTLC for barium *only*.

DTSC believes that the proposed regulations should include the option to properly dispose of CRTs and CRT glass because no additional viable recycling options have been found for CRT glass during the nearly six years under the DTSC emergency regulations (from 2012 to present). The disposal option provides a safe and effective alternative disposition option for CRT recyclers who could not pursue existing options that were no longer as readily available (e.g., CRT glass manufacturing) or find other new and viable recycling options. The disposal option, and corresponding management standards added by the proposed regulations, provide for a safe and effective disposition of CRTs and CRT glass and decreases the likelihood that discarded CRTs and CRT glass will be improperly managed.

Anticipated Benefits

This regulation allows CRT recyclers in California to collect, treat, and process CRTs and CRT glass destined for safe disposal in specified landfills under universal waste management standards (i.e., alternative management standards). Although the CRT recyclers must label, manifest, transport, and pay hazardous waste disposal fees, they are spared the expense of obtaining a hazardous waste facility permit, financial assurance for facility closure, and annual facility fees. These alternative management standards (in lieu of full hazardous waste management) for the handling and processing of CRTs and CRT glass will encourage proper and safe disposal, as the recycling market for CRT glass manufacturing disappears and a safe and viable recycling outlet has not yet developed. These regulations provide a safe and effective disposition option for this large volume hazardous waste. Additionally, this regulation allows universal waste handlers to dispose of CRT panel glass (i.e., the non-lead portion of a CRT) that is properly

²¹ California Code of Regulations, title 22, division 4.5, chapter 11, section 66261.

separated from the leaded portions of a CRT and meets specified criteria, including testing requirements, in specified nonhazardous waste landfills in California. This is another cost avoidance benefit to the universal waste handler who chooses to dispose of CRT panel glass as a less costly, nonhazardous waste. This will serve to deter improper management and prevent the stockpiling and abandonment of CRTs and CRT glass in California, other states, and abroad.

Summary of Existing Statutes and Regulations

As authorized by the EWRA, Health and Safety Code section 25214.9 authorizes DTSC to adopt alternative management standards for electronic devices, including treatment or disposal standards, as an alternative to one or more of the management standards in chapter 6.5 of division 20 of the Health and Safety Code (commencing with sec. 25100) for any specified activity that involves the management of hazardous electronic waste, including CRT devices and CRTs. The treatment standards for CRTs, adopted pursuant to section 25214.9, are found in California Code of Regulations, title 22, chapter 23, article 7, sections 66273.70 et seq.

Public Resources Code section 42476 authorizes CalRecycle to administer a cost reimbursement program for authorized collectors and recyclers of “covered electronic wastes,” which are discarded video display devices identified by DTSC in regulation as “covered electronic devices” (Cal. Code Regs., tit. 22, div. 4.5, ch. 11, art. 5, appen. X, subsec. (c)). The EWRA (Pub. Resources Code, sec. 42476, subd. (f)(2).) limits the CalRecycle payment authority to reimbursement of collectors and recyclers who handle covered electronic wastes in compliance with all applicable laws and regulations.

California Code of Regulations, title 22, section 66261.9(a), identifies CRTs and CRT glass destined for recycling at a CRT glass manufacturer or primary or secondary lead smelter to be “universal wastes.” Universal wastes are subject to regulation pursuant to California Code of Regulations, title 22, chapter 23 (sec. 66273.1 et seq.). Universal waste CRTs and CRT glass regulated pursuant to chapter 23 are exempt from regulation pursuant to chapter 6.5 of division 20 of the Health and Safety Code (commencing with sec. 25100) and its implementing regulations (see Cal. Code Regs., tit. 22, sec. 66261.9(a)), except as specified otherwise in chapter 23, and therefore are not fully regulated as hazardous wastes pursuant to chapter 6.5.

California Code of Regulations, title 22, sections 66273.72 and 66273.73, authorize treatment of CRT devices and CRTs pursuant to standards specified in California Code of Regulations, title 22, sections 66273.72 and 66273.75, respectively. Prior to the implementation of emergency regulations in 2012, exist-

ing regulations (Cal. Code Regs., tit. 22, sec. 66273.75(a)(8)) require that a universal waste handler who treats CRTs pursuant to section 66273.73 authority shall “treat CRTs only for the purpose of recycling one or more types of CRT glass and ensure that all the CRT glass is reclaimed at a CRT glass manufacturer or at a primary or secondary lead smelter.” Existing regulations prohibit a universal waste handler using the treatment methodologies authorized by section 66273.73 from treating CRTs for any other purpose, including for disposal.

California Code of Regulations, title 22, sections 66273.72(b) and 66273.72(c), authorize treatment of CRT devices and CRTs without generating CRT glass, but do not expressly require that the ultimate disposition of the CRTs generated be recycled at a CRT glass manufacturer or at a primary or secondary lead smelter.

Health and Safety Code section 25143.2.5, added by AB 1419 (Eggman, Chapter 445, Stats. 2016) and effective on January 1, 2017, allows for the recycling of hazardous waste CRT panel glass by exempting the material from DTSC’s hazardous waste regulations if certain conditions are met.

Relation to Existing Federal Regulations

The U.S. EPA does not regulate CRTs or CRT glass as universal wastes. Instead, under U.S. EPA’s “CRT Rule” and “2014 CRT Export Rule” (40 C.F.R. §§ 260–261, 71 Fed. Reg. 42928 (Jul. 28, 2006), amended Jun. 26, 2014, 79 Fed. Reg. 36220, amended Nov. 28, 2016, 81 Fed. Reg. 85696), CRTs and CRT glass destined for recycling, and CRTs exported for reuse, are excluded from U.S. EPA hazardous waste regulation if certain conditions are met. (See 40 C.F.R. subpart E (commencing with sec. 261.39).) If the CRTs are not managed as specified by these conditions, they are not excluded. The CRTs would then be considered hazardous waste (if they exhibit a hazardous waste characteristic) for purposes of U.S. EPA regulation from the time they were “generated” (i.e., from the time the decision was made to dispose of them or to release the vacuum for recycling). Under the CRT Rule, processed CRT glass (glass removed from CRTs) that is sent to a CRT glass manufacturer or a lead smelter is not a solid waste unless it is speculatively accumulated. If it is sent for other types of recycling (other than being used in a manner constituting disposal), it may also be excluded from the definition of a solid waste, and therefore would not be regulated by U.S. EPA as a hazardous waste if it meets the criteria of 40 Code of Federal Regulations part 261.2(e)(1)(ii). (See 71 Fed. Reg. 42928 (Jul. 28, 2006).)

The CRT Rule does not prohibit a state authorized to implement its hazardous waste program in lieu of the U.S. EPA program from regulating CRTs and CRT glass

as fully regulated hazardous waste or as universal waste, or imposing more stringent requirements on persons generating or managing universal waste CRTs or CRT glass than those imposed by the CRT Rule or other U.S. EPA regulations. (See 71 Fed. Reg. 42928 (Jul. 28, 2006).)

Relation to Existing State Regulations

DTSC has evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. DTSC is the only state agency that regulates and governs hazardous waste management in general, and the alternative management standards for CRTs and CRT glass under universal waste regulations in particular. Although DTSC partners with CalRecycle and the California Department of Tax and Fee Administration (formerly the California Board of Equalization) under the EWRA, DTSC's role is well delineated from that of the two other state agencies. The proposed regulations, finalizing in part the emergency regulations which have been in effect since October 2012, are neither inconsistent nor incompatible with existing state regulations.

In fact, these regulations support the counterpart emergency regulations implemented by CalRecycle (August 2015) in response to the disposal options allowed by DTSC's emergency regulations.

Incorporated by Reference

The regulations do not include any items incorporated by reference.

DISCLOSURE REGARDING THE PROPOSED ACTION

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DTSC determined that the proposed regulations would not impose a local mandate or result in costs subject to reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES, OR SCHOOL DISTRICTS SUBJECT TO REIMBURSEMENT

DTSC determined that the proposed regulations would not result in costs or savings for any state or local agency, or school district that is required to be reimbursed pursuant to part 7 of division 4, commencing with section 17500 of the Government Code. The proposed regulations are not anticipated to result in any other nondiscretionary costs or savings imposed on local agencies, or to change any federal funding to the State.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

DTSC determined that the proposed regulations would not result in any decrease or increase in federal funds received by the State of California.

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

As required by Government Code section 11346.5(a)(8), DTSC initially determined that the proposed regulation will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DTSC is not aware of any cost impacts that a representative private person would necessarily incur with the proposed action. Under this proposed regulation, businesses (i.e., CRT recyclers) would not have to obtain a permit in order to store, treat, and dispose of CRTs and CRT glass. Anyone who applies for a new permit, renewal of a permit, standardized permit or post-closure permit, or who requests certain permit modifications, is required to enter into a written agreement to reimburse DTSC for its costs incurred in processing the application or request. In addition to the cost of obtaining a permit, the recyclers would also be subject to an annual facility fee determined by the size and type of facility. CRT recyclers may still send CRTs and CRT glass to a CRT glass manufacturer and primary and secondary lead smelter without having to obtain a permit or authorization from DTSC, but these options are limited, hence the necessity of the disposal option in this proposed regulation. Therefore, DTSC has determined that the impact of this regulation is cost avoidance

EFFECT ON SMALL BUSINESSES

DTSC determined that the proposed regulations may affect small businesses as they will avoid the costs associated with obtaining a permit to store, treat, and dispose of CRTs/CRT glass. The initial and annual ongoing costs for a small or a typical business (i.e., CRT recyclers) are labeled as cost avoidance.

EFFECT ON HOUSING COSTS

DTSC determined that the proposed regulations would not impact housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

As required by Government Code section 11346.3(b), DTSC completed an economic impact assessment and determined that the proposed regulation will not have a significant adverse economic impact on

business. DTSC initially determined that the proposed regulations:

- May (to an unknown extent) increase the number of jobs created in California and will have no effect on the number of jobs eliminated.
- Will have no effect on either the creation or elimination of businesses in California.
- Will have no effect on the expansion of existing businesses in California.
- Will provide the benefit of a safe and effective disposition option for this large volume hazardous waste. The avoidance of the expense of a lengthy review process for obtaining a hazardous waste facility permit will deter improper management and prevent the stockpiling and abandonment of CRTs and CRT glass in California, other states, and abroad.

CONSIDERATION OF ALTERNATIVES

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

1. **Recommended Alternative:** Expand the existing options for the disposition of CRTs and CRT glass currently regulated under DTSC’s Universal Waste Regulations. By removing the requirement that a universal waste handler may treat CRTs only if the glass is sent for recycling to either a CRT glass manufacturer or a primary or secondary lead smelter, the handler can manage the CRTs and CRT glass under universal waste rules, and may decide to dispose of the CRTs or portions of the CRTs by two different options. One option is the disposal of CRTs and CRT glass at a permitted hazardous waste facility, managed as fully regulated hazardous waste from the point the decision to dispose is made. The other option is disposal of certain types of CRT glass (that do not contain lead and are properly separated from lead-containing CRT glass) in certain class II or III landfills, if specific requirements are met, including waste criteria requirements prior to disposal.

2. **Alternative:** Amend Universal Waste regulations to allow recycling by means other than CRT glass manufacturing and lead smelting. This alternative allows the universal waste handler to determine whether the CRT glass can be recycled as ERM and includes an entire article outlining an optional ERM concurrence process offered by DTSC to determine whether the CRT glass is excluded from regulation as hazardous waste for specific alternative recycling methods. This alternative was implemented as part of the emergency regulations in 2012 and the two subsequent re-adoptions of the emergency regulations in 2014 and 2016 to promote legitimate recycling efforts by stakeholders. However, because no clear, viable alternative recycling methods emerged during the entire period in which the emergency regulations were in effect, DTSC does not seek to finalize this alternative.
3. **Alternative:** Amend Universal Waste regulations by DTSC identifying and listing only specific recycling options in addition to CRT glass manufacturing and primary and secondary lead smelting. This alternative was considered but not included in the emergency regulations mentioned above, as no known viable alternative recycling option had been identified.
4. **No Action:** Existing regulations require that CRT glass gets recycled by a CRT glass manufacturer or lead smelter, as those were determined to be the safest recycling options. However, these markets are not sustainable, and lead smelting is not a viable option for panel glass, which contains little to no lead. Without the addition of alternative disposition options, the effectiveness of CalRecycle’s recycling (payment) program is certain to diminish. While disposal to hazardous waste landfills may not be as preferable as recycling, it provides a legal and safe disposition for CRTs and CRT glass that encourages the continued success of the EWRA and discourages the stockpiling or abandonment of CRT materials.

OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) COMPLIANCE

DTSC determined that this rulemaking project is exempt under CEQA (Pub. Resources Code, sec. 21000 et seq.). This rulemaking meets the General Rule Exemption available under section 15061(b)(3), title 14 of the California Code of Regulations. A draft Notice of Exemption (NOE) is available for review with this rule-

making file and will be filed with the State Clearing-house when the regulations are adopted.

CONTACTS

Inquiries regarding technical aspects of the proposed regulation or CEQA documents may be directed to Teresa Rizzardo of DTSC at (916) 323-3624. If unavailable, contact Jessica Twining of DTSC at (916) 445-2959. However, such oral inquiries are not part of the rulemaking record.

A 45-day public comment period for this rulemaking file, as described above, will commence on July 6, 2018, and close on August 20, 2018, at 11:59 p.m. PDT. During this time, DTSC will accept statements, arguments, or contentions and/or supporting documents regarding this rulemaking that must be submitted in writing, or may be presented orally or in writing at the public hearing on August 20, 2018, from 1 p.m. to 3 p.m. Comments must be received by the deadline in order for them to be considered before DTSC adopts, amends, or repeals these regulations.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS AND INITIAL STATEMENT OF REASONS

Copies of the Notice, Initial Statement of Reasons, the text of the proposed regulations, all the information upon which its proposal is based, and the express terms of the proposed regulation are posted on DTSC's Internet site at <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm> or may be obtained from Teresa Rizzardo of DTSC, as specified below.

After the close of the comment period, DTSC may adopt the proposed regulation. If substantial changes are made, the modified full text will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulation, attend the hearing, or provide written comments on this specific regulation will be sent a copy of the modified text if substantive changes are made.

Once the regulation has been adopted, DTSC prepares a Final Statement of Reasons which updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials required by Government Code section 11346.9. Copies of the Final Statement of Reasons may be obtained from Teresa Rizzardo at the address listed below. A copy of the Final Statement of Reasons, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulation, will also be posted on DTSC's Internet site at: <http://www.dtsc.ca.gov/LawsRegsPolicies/Regs/index.cfm>.

To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <http://www.dtsc.ca.gov/ContactDTSC/ELists.cfm> and subscribe to the applicable eList, or email: crt_regs@dtsc.ca.gov.

Please direct all written comments, procedural inquiries, and requests for documents by mail or email, to:

Ms. Teresa Rizzardo
 Department of Toxic Substances Control
 P.O. Box 806
 Sacramento, CA 95812-0806

Email address: crt_regs@dtsc.ca.gov
 Phone number: (916) 323-3624

If Teresa Rizzardo is unavailable, please call Jessica Twining at (916) 445-2959.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
 CONSISTENCY DETERMINATION
 REQUEST FOR

Albion River Large Wood Augmentation Project
 (Tracking Number: 1653-2018-018-001-R1)
 Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 20, 2018, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of large woody material at 18 individual sites along 1.5 miles of the Albion River mainstem through the directional felling of riparian trees. The proposed project will be carried out on a stretch of the Albion River that begins approximately 1.0 mile upstream of the Glenbrook Gulch confluence and ends near the confluence of Tom Bell Gulch. The Albion River is located approximately 17 miles south of Fort Bragg, Mendocino County, California.

On May 30, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Albion River Large Wood Augmentation Project. The Regional Water Board determined that the Project, as described

in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B180064WNME; ECM PIN No. CW-847813) for coverage under the General 401 Order on June 12, 2018.

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

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

DEPARTMENT OF FISH AND WILDLIFE

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

North Branch North Fork Navarro River Large Wood Augmentation Project
(Tracking Number: 1653-2018-020-001-R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 20, 2018, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of large woody material at 19 individual sites along 1.0 miles of the North Branch North Fork Navarro River through the directional felling of riparian trees. The proposed project will be carried out on a stretch of the North Branch North Fork Navarro River that begins approximately 0.1 miles upstream of the Deer Creek confluence and extends upstream for 1.0 mile. North Branch North Fork Navarro River is located approximately 30 miles southeast of Fort Bragg, Mendocino County, California.

On May 30, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401

Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the North Branch North Fork Navarro River Large Wood Augmentation Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B180069WNME; ECM PIN No. CW-847764) for coverage under the General 401 Order on June 12, 2018.

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

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

DEPARTMENT OF FISH AND WILDLIFE

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

Olsen Gulch Large Wood Augmentation Project
(Tracking Number: 1653-2018-021-001-R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 20, 2018, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of large woody material at 25 individual sites along 1.0 miles of Olsen Gulch through the directional felling of riparian trees. The proposed project will be carried out on a stretch of Olsen Gulch that begins approximately 0.2 miles upstream of the Garcia River confluence and extends upstream for 1.0 mile. Olsen Gulch is located approximately 4.0 miles north-east of Point Arena, Mendocino County, California.

On May 30, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the

terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Olsen gulch Large Wood Augmentation Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B180066WNME; ECM PIN No. CW-847818) for coverage under the General 401 Order on June 12, 2018.

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

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

DEPARTMENT OF FISH AND WILDLIFE

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

South Branch North Fork Navarro River Large Wood
Augmentation Project
(Tracking Number: 1653-2018-023-001-R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 20, 2018, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of large woody material at 15 individual sites along 1.0 miles of the South Branch North Fork Navarro River through the directional felling of riparian trees. The proposed project will be carried out on a stretch of the South Branch North Fork Navarro River that begins near Shingle Mill Creek confluence and extends upstream for 1.0 mile. South Branch North Fork Navarro River is located approximately 30 miles south-east of Fort Bragg, Mendocino County, California.

On May 30, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the South Branch North Fork Navarro River Large Wood Augmentation Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B180068WNME, ECM PIN No. CW-847823) for coverage under the General 401 Order on June 14, 2018.

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

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

DEPARTMENT OF FISH AND WILDLIFE

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

Upper Little North Fork Big River and Manly Gulch
Large Wood Augmentation Project
(Tracking Number: 1653-2018-019-001-R1)
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 20, 2018, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the installation of large woody material at 42 individual sites along 1.5 miles of Little North Fork Big River through the directional felling of riparian trees. The proposed project will be carried out on a stretch of Little North Fork Big River that begins at the Manly Gulch confluence and extends 0.5 miles up Manly Gulch and

1.0 mile up the Little North Fork Big River. Little North Fork Big River is located approximately 5.5 miles northeast of Mendocino, Mendocino County, California.

On May 30, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Upper Little North Fork Big River and Manly Gulch Large Wood Augmentation Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B180065WNME; ECM PIN No. CW-847817) for coverage under the General 401 Order on June 12, 2018.

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

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

DEPARTMENT OF FISH AND WILDLIFE

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

**Upper Signal Creek Large Wood Augmentation
Project
(Tracking Number: 1653-2018-022-001-R1)
Mendocino County**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 20, 2018, that Trout Unlimited proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the

installation of large woody material at 43 individual sites along 2.0 miles of Signal Creek through the directional felling of riparian trees. The proposed project will be carried out on a stretch of Signal Creek that begins approximately 0.7 miles upstream of the Garcia River confluence and extends upstream for 2.0 miles. Signal Creek is located approximately 11.5 miles southeast of Point Arena, Mendocino County, California.

On May 30, 2018, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Upper Signal Creek Large Wood Augmentation Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1B180067WNME; ECM PIN No. CW-847819) for coverage under the General 401 Order on June 12, 2018.

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

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

DECISION NOT TO PROCEED

FISH AND GAME COMMISSION

PURSUANT TO GOVERNMENT CODE 11347, NOTICE IS HEREBY GIVEN that the Fish and Game Commission decided not to proceed with the amendment of Section 300, subsection (a)(1)(D)4, Title 14, California Code of Regulations, regarding Resident Upland Game Bird Hunting Regulations, Notice File Number Z-2018-0220-03, which was published March 2, 2018 in California Notice Register 2018, No. 9-Z, pages 352-354.

Any interested person with questions concerning this rulemaking should contact Jon Snellstrom by calling (916) 653-4899, or by e-mail at fgc@fgc.ca.gov.

The Commission will also publish this Notice of Decision Not to Proceed on its website.

**SUSPENSION OF
ACTION REGARDING
UNDERGROUND REGULATIONS**

**OFFICE OF ADMINISTRATIVE LAW
SUSPENSION OF ACTION REGARDING
UNDERGROUND REGULATIONS**

**(Pursuant to Title 1, section 280, of the California
Code of Regulations)**

**DEPARTMENT OF JUSTICE, BUREAU
OF FIREARMS**

On May 23, 2018, the Office of Administrative Law (OAL) received a petition challenging the Department of Justice, Bureau of Firearms, with respect to the interpretation of Penal Code, section 27535 as articulated in a May 8, 2014, memorandum, and in Frequently Asked Questions on its website.

On June 13, 2018, the Department of Justice, Bureau of Firearms, certified to OAL that they would not issue, use, enforce or attempt to enforce the challenged rule; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

Ms. Debra Cornez
Director
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, California 95814-4339

RE: Underground Regulation Petition
Matter No. CTU2018-0523 -01

Dear Ms. Cornez:

I am the Interim Director of the Bureau of Firearms, Department of Justice, and am authorized to make the below certification under California Code of Regulations, title 1, section 280.

I hereby certify that the Bureau of Firearms will not issue, use, enforce, or attempt to enforce the alleged underground regulation set forth in Exhibit A to the petition in Matter No. CTU2018-0523-01.

A copy of this certification has been served on petitioners' counsel as set forth in the enclosed proof of service.

Sincerely,

/s/

Brent E. Orick
Interim Director
Bureau of Firearms
For XAVIER BECERRA
Attorney General

Enclosure
SA2018101635
13109273.docx

DEPARTMENT OF STATE HOSPITALS

On April 26, 2018, the Office of Administrative Law (OAL) received a petition challenging a psychopharmacology protocol requiring the uniform crushing of certain medications issued by the Department of State Hospitals as an alleged underground regulation.

On June 25, 2018, Department of State Hospitals certified to the OAL that the policy had been rescinded; therefore, pursuant to Title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

June 21, 2018

SENT VIA U.S. MAIL & EMAIL:

Elizabeth Heidig, Assistant Chief Counsel
Office of Administrative Law
300 Capitol Mall, Ste 1250
Sacramento, CA 95814-4335
Phone: (916) 323-6800
Email: ehaidig@oal.ca.gov

**Re: Section 280 certification
Office of Administrative Law matter no.
CTU2018-0426-02**

Dear Ms. Heidig:

I am the Director of the Department of State Hospitals and am authorized to make this certification pursuant to title 1, section 280 of the California Code of Regulations.

I hereby certify that the Department of State Hospitals — Atascadero will not issue, enforce, or attempt to enforce the alleged underground regulation, titled "Medications Requiring an Order to Crush," referenced in the petitioner's attachment to matter no. CTU2018-0426-02. A copy of this certification has been sent to the petitioner via U.S. mail, and the proof of service is enclosed with this letter.

If you have any further concerns regarding this matter, please contact the Legal Division at (916) 654-2319.

Thank you.
Sincerely,
/s/
Pam Ahlin
Director
Department of State Hospitals
Enclosure
PA/ph

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2018-0509-04
COMMISSION ON PEACE OFFICER STANDARDS
AND TRAINING
Amendment to Supervisory and Management Course
Requirements

Peace officers who have been promoted, appointed, or transferred to a first-level supervisory position are currently required to satisfactorily complete a certified Supervisory Course. In this regular rulemaking action, the Commission amends the regulation to clarify that on or after July 1, 2018 this certified Supervisory Course must be completed either 12 month prior to promotion or within 12 months after the initial promotion.

Title 11
AMEND: 1005
Filed 06/21/2018
Effective 07/01/2018
Agency Contact: Melissa Bell (916) 227-5426

File# 2018-0509-01
DEPARTMENT OF FOOD AND AGRICULTURE
Huanglongbing (HLB) Disease Interior Quarantine

The Department of Food and Agriculture submitted this timely certificate of compliance to make permanent the amendments made in OAL File No. 2017-1213-04E. The emergency rulemaking expanded the quarantine area for Huanglongbing (“HLB”) dis-

ease in the Garden Grove area of Orange County by approximately seventeen (17) square miles in response to the confirmation on November 20, 2017, of the presence of HLB from suspect citrus tissue samples.

Title 3
AMEND: 3439(b)
Filed 06/21/2018
Effective 06/21/2018
Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0516-04
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Eradication Area

This Certificate of Compliance makes permanent the emergency regulations adopted in action no. 2017-1204-02E which added the entire county of San Mateo to the existing ten county areas designated for the eradication of the Mediterranean fruit fly allowing the department to perform detection, control and eradication activities there to prevent the spread of this pest to host fruit production areas.

Title 3
AMEND: 3591.5
Filed 06/21/2018
Effective 06/21/2018
Agency Contact: Rachel Avila (916) 403-6813

File# 2018-0516-05
DEPARTMENT OF SOCIAL SERVICES
CalWORKs Income or Household Composition
Reporting

This regular rulemaking by the Department of Social Services incorporates amendments to Health and Safety Code sections 11265.3 and 11265.47 made in Assembly Bill No. 2062 (2015-2016 Reg. Sess.). The amendments to these two statutes prohibit the county from assessing an overpayment for the month following a change in income for a recipient of the California Work Opportunity and Responsibility to Kids (“CalWORKs”) program, or following a change in household composition for a CalWORKs assistance unit that does not include an eligible adult, if the recipient has reported the change and the county was unable, before the first of the month following the change in income or household composition, to provide 10 days’ notice of the termination or reduction in benefits.

Title MPP
AMEND: 44-316, 44-350
Filed 06/25/2018
Effective 07/01/2018
Agency Contact: Kenneth Jennings (916) 657-2586

File# 2018-0613-02
 DEPARTMENT OF SOCIAL SERVICES
 Home Care Services Consumer Protection Act

The emergency regulations being readopted in this action (first adopted in action no. 2017-1215-01EFP) implement the Home Care Services Consumer Protection Act (AB 1217, stats 2013, ch. 790), and are exempt from OAL review pursuant to section 1796.63, subdivision (c), of the Health and Safety Code. These regulations ensure that the home care services industry has a clear understanding of the responsibilities of applying for Home Care Organization (HCO) licensure, operating requirements, and requirement for biennial visits. Additionally, these regulations provide guidelines and standards for Home Care Aides (HCAs) who are either affiliated with HCOs or choose to apply for licensure independently.

Title 22
 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092, 130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211
 Filed 06/20/2018
 Effective 06/29/2018
 Agency Contact: Kenneth Jennings (916) 657-2586

File# 2018-0619-01
 DEPARTMENT OF SOCIAL SERVICES
 Subsidized Employment, Approved Career Pathways and Post-Aid Services

The Department of Social Services is readopting emergency amendments to several sections in the Manual of Policies and Procedures. These amendments remove guidance for the repealed AB 98 Subsidized Employment program. These regulations also provide guidance on eligibility for the Expanded Subsidized Employment program to former recipients who have reached the 48-month time limit and are receiving Safety Net benefits for their eligible children. Guidance is also provided regarding the deeming of hours for participation in Approved Career Pathways and finally job retention and post-aid guidance is amended due to the repeal of AB 98.

Title MPP
 AMEND: 41-440, 42-711, 42-716, 42-717, 44-207
 Filed 06/26/2018
 Effective 06/26/2018
 Agency Contact: Everardo Vaca (916) 657-2363

File# 2018-0614-01
 DEPARTMENT OF STATE HOSPITALS
 Emergency Readopt-Patient Electronic Property

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

Title 9
 AMEND: 4350
 Filed 06/21/2018
 Effective 07/12/2018
 Agency Contact: Trini Balcazar (916) 651-3222

File# 2018-0611-01
 EDUCATION AUDIT APPEALS PANEL
 Audits of K-12 LEAs — FY 2018-19

This emergency action adopts the 2018-19 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting (Audit Guide) pursuant to Education Code section 14502.1.

Title 5
 AMEND: 19810
 Filed 06/21/2018
 Effective 06/21/2018
 Agency Contact:
 Timothy E. Morgan (916) 445-7745

File# 2018-0516-01
 FISH AND GAME COMMISSION
 Central Valley Salmon Sport Fishing Regulations

This action by the Fish and Game Commission sets bag and possession limits for Chinook Salmon in the American, Feather, and Sacramento Rivers to align the 2018 fishing limits with up-to-date management goals.

Title 14
 AMEND: 7.50
 Filed 06/25/2018
 Effective 06/25/2018
 Agency Contact: Rick Pimentel (916) 651-1329

File# 2018-0524-02
 OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
 Revision of CCORP Data Elements

The Office of Statewide Health Planning and Development (Office) filed this action to update regulations that establish data elements reported by hospitals to the Office in the California Coronary Artery Bypass Graft Outcomes Reporting Program. The updated data elements conform to the national Society of Thoracic Surgeons database, improve risk analysis and outcomes reporting, and are applicable to all hospitals reporting CABG patients discharged on or after January 1, 2018.

Title 22
 AMEND: 97174, 97177.25
 Filed 06/20/2018
 Effective 07/01/2018
 Agency Contact: Holly Hoegh (916) 326-3868

File# 2018-0521-01
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998;
 Re-establish the CTEFP

In this timely Certificate of Compliance, the State Allocation Board is re-establishing the Career Technical Education Facilities Program.

Title 2
 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
 Filed 06/21/2018
 Effective 06/21/2018
 Agency Contact: Lisa Jones (916) 376-1753

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN January 24, 2018 TO
 June 27, 2018**

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

Title 1
 05/21/18 AMEND: 44

Title 2
 06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
 06/19/18 AMEND: 554.7
 05/17/18 ADOPT: 11027.1 AMEND: 11028
 05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165
 05/09/18 AMEND: 321
 05/09/18 AMEND: 11034
 04/25/18 AMEND: 18401
 04/25/18 AMEND: 18450.1
 04/23/18 ADOPT: 1859.90.4 AMEND: 1859.2, 1859.90, 1859.90.2, 1859.90.5
 04/16/18 AMEND: 1859.2, 1859.51, 1859.70, 1859.82, 1859.93.1
 04/12/18 AMEND: 1859.2, 1859.81
 04/04/18 AMEND: 41000
 04/02/18 ADOPT: 243, 243.1, 243.2, 243.3, 243.4, 243.5, 243.6, 548.120, 548.120.1, AMEND: 249, 266, 266.1, 266.2, 266.3, 548.121, 548.122, 548.123, 548.124
 04/02/18 AMEND: 38000, 38000.5, 38000.10
 03/20/18 AMEND: 18746.1, 18746.4
 03/20/18 AMEND: 18746.3
 03/20/18 REPEAL: 18901
 03/14/18 ADOPT: 61200, 61201, 61210, 61211, 61212, 61213, 61214, 61215, 61216, 61217
 03/12/18 AMEND: 586.1(a)
 03/12/18 ADOPT: 599.855
 03/08/18 ADOPT: 20020, 20021, 20022, 20023, 20024, 20025, 20026, 20027
 02/27/18 AMEND: 1181.2, 1181.3, 1182.2, 1182.7, 1182.9, 1182.10, 1182.15, 1183.1, 1183.2, 1183.3, 1183.4, 1183.6, 1183.8, 1183.9, 1183.10, 1183.11, 1183.12, 1183.13, 1183.15, 1183.16, 1183.17, 1184.1, 1185.1, 1185.2, 1185.3, 1185.7, 1185.8, 1186.2, 1186.4, 1187.5, 1187.7, 1187.8, 1187.9, 1187.12, 1187.14, 1187.15, 1190.1, 1190.2, 1190.3, 1190.5
 02/22/18 AMEND: 58100
 02/22/18 AMEND: 59800
 02/13/18 AMEND: 18420.1, 18432.5, 18440, 18531.10, 18533, 18901.1 REPEAL: 18450.4
 02/13/18 AMEND: 18535

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 27-Z

02/13/18	AMEND: 18247.5, 18402, 18420, 18423, 18435, 18450.5, 18521.5 REPEAL: 18225, 18450.3	04/09/18	ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
02/13/18	AMEND: 11034	03/29/18	AMEND: 7051, 7054, 7055, 7056, 7063, 7071
02/07/18	AMEND: 56800	03/22/18	AMEND: 1699
Title 3		03/15/18	ADOPT: 8078.22, 8078.23, 8078.24, 8078.25, 8078.26, 8078.27, 8078.28, 8078.29, 8078.30, 8078.31, 8078.32, 8078.33, 8078.34, 8078.35 AMEND: 8070, 8071, 8072, 8073, 8074, 8076, 8078.3 REPEAL: 8078.1, 8078.2
06/21/18	AMEND: 3439(b)	03/13/18	AMEND: 5032, 5033, 5170, 5180, 5190, 5193, 5194, 5230, 5240, 5255, 5260, 5342, 5350, 5400, 5700
06/21/18	AMEND: 3591.5	03/05/18	AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15
06/18/18	AMEND: 1280.11	02/23/18	ADOPT: 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
06/04/18	ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109, 8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608	02/22/18	AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337 REPEAL: 10325.5
05/30/18	AMEND: 3439(b)	02/21/18	AMEND: 1865
05/24/18	AMEND: 3439(b)	02/21/18	AMEND: 1689, 1689.1
05/24/18	AMEND: 6502	02/15/18	AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10330, 10335, 10337
05/18/18	AMEND: 3439(b)	01/25/18	AMEND: 1685, 1688
04/30/18	AMEND: 3439(b)	01/24/18	ADOPT: 4002.10, 4206, 4207 AMEND: 4001, 4200, 4201
04/04/18	AMEND: 3591.15	Title 5	
03/27/18	AMEND: 3439(b)	06/21/18	AMEND: 19810
03/26/18	AMEND: 3439(b)	06/07/18	AMEND: 19810
03/13/18	AMEND: 3591.15	05/18/18	ADOPT: 11301, 11309, 11310, 11311, 11312 AMEND: 11300, 11316 REPEAL: 11301, 11309, 11310
03/01/18	AMEND: 6628	05/08/18	AMEND: 75020
02/27/18	AMEND: 3439(b)	04/30/18	AMEND: 41906.5, 41906.6
02/16/18	AMEND: 3439(b)	04/30/18	AMEND: 42909
02/12/18	AMEND: 6000, 6739	02/26/18	ADOPT: 71396
01/29/18	AMEND: 3439(b)	02/20/18	ADOPT: 11526 AMEND: 11520, 11524, 11525
01/29/18	AMEND: 3439(b)	02/20/18	ADOPT: 11534.1 AMEND: 11530, 11533, 11534
01/25/18	ADOPT: 2852.5 AMEND: 2850, 2851, 2852, 2853, 2854, 2855, 2856	01/29/18	AMEND: 19810
01/24/18	AMEND: 2	01/29/18	AMEND: 40601, 40803, 40804, 40804.1, 40806, 40900, 40901
Title 4		01/25/18	ADOPT: 854.1, 854.2, 854.3, 854.4, 854.5, 854.9 AMEND: 850, 851, 851.5,
05/30/18	AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15		
05/25/18	AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259		
05/17/18	AMEND: 12590		
05/15/18	AMEND: 12204, 12220, 12238, 12560		
04/30/18	AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.9, 10170.10		
04/10/18	AMEND: 10179		

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 27-Z

853, 855, 856, 859 REPEAL: 853.5, 853.6, 853.7, 853.8

01/24/18 REPEAL: 16410, 16411, 16412, 16413, 16414

Title 8

05/30/18 AMEND: 1618.1
 05/17/18 ADOPT: 11770, 11771, 11771.1, 11771.2, 11772, 11773
 05/08/18 AMEND: 31001, 32020, 32030, 32040, 32050, 32055, 32060, 32075, 32080, 32085, 32090, 32091, 32100, 32105, 32120, 32122, 32130, 32132, 32135, 32136, 32140, 32142, 32145, 32147, 32149, 32150, 32155, 32162, 32164, 32165, 32166, 32168, 32169, 32170, 32175, 32176, 32178, 32180, 32185, 32190, 32200, 32205, 32206, 32207, 32209, 32210, 32212, 32215, 32220, 32230, 32295, 32300, 32305, 32310, 32315, 32320, 32325, 32350, 32360, 32370, 32375, 32380, 32400, 32410, 32450, 32455, 32460, 32465, 32470, 32500, 32602, 32605, 32612, 32615, 32620, 32621, 32625, 32630, 32635, 32640, 32644, 32645, 32647, 32648, 32649, 32650, 32661, 32680, 32690, 32700, 32720, 32721, 32722, 32724, 32726, 32728, 32730, 32732, 32734, 32735, 32736, 32738, 32739, 32740, 32742, 32744, 32746, 32748, 32750, 32752, 32754, 32761, 32762, 32763, 32770, 32772, 32774, 32776, 32980, 32990, 32992, 32993, 32994, 32995, 32996, 32997 REPEAL: 32036, 32037, 32610, 32611, 32806, 32808, 32810, 95000, 95010, 95020, 95030, 95040, 95045, 95050, 95070, 95080, 95090, 95100, 95150, 95160, 95170, 95180, 95190, 95200, 95300, 95310, 95320, 95330
 05/08/18 AMEND: 9789.31, 9789.32, 9789.39
 04/27/18 AMEND: 9789.25
 03/19/18 AMEND: 344.18
 03/09/18 ADOPT: 3345
 02/27/18 ADOPT: 2320.11, 2940.11, 2940.12, 2940.13, 2940.14, 2940.15, 2940.16, 2940.17, 2940.18, 2940.19, 2943.1, 2944.1, 3428 AMEND: 2300, 2320.2, 2320.7, 2320.8, 2340.17, 2700, 2887, 2940, 2940.1, 2940.2, 2940.5, 2940.6, 2940.7, 2940.8, 2940.10, 2941, 2941.1, 2943, 2944, 2945, 2946, 2951, 3314, 3389, 3422, 3425, 5156, 8617 REPEAL: 2893
 02/07/18 ADOPT: 9788.1, 9788.2, 9788.3, 9788.4, 9788.5, 9788.6

Title 9

06/21/18 AMEND: 4350
 05/17/18 AMEND: 3850, 3850.010
 05/14/18 AMEND: 3560, 3560.010, 3560.020, 3705, 3726, 3735, 3750, 3755
 05/08/18 ADOPT: 4020, 4020.1
 03/20/18 AMEND: 7140.5
 02/12/18 ADOPT: 4020, 4020.1

Title 10

06/13/18 AMEND: 2498.5
 05/31/18 AMEND: 2715, 2728.5, 2752
 05/22/18 AMEND: 2498.6
 04/20/18 ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538
 03/27/18 AMEND: 30.60 REPEAL: 30.105
 03/26/18 AMEND: 2318.6, 2353.1, 2354
 03/26/18 AMEND: 2318.6, 2353.1
 03/22/18 AMEND: 3525, 3527, 3561, 3569, 3570, 3575, 3602, 3603, 3681
 03/20/18 AMEND: 3541
 03/07/18 AMEND: 6656, 6657, 6660, 6664
 02/23/18 AMEND: 2644.18, 2644.20
 01/29/18 AMEND: 6704, 6708, 6710

Title 11

06/21/18 AMEND: 1005
 06/18/18 AMEND: 1005, 1007, 1008, 1052
 06/13/18 ADOPT: 51.32
 06/05/18 AMEND: 1005, 1007, 1008
 06/05/18 ADOPT: 49.18
 05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516, 5517, 5518, 5519, 5520, 5521, 5522
 04/11/18 ADOPT: 118.1
 04/03/18 AMEND: 51.26
 04/03/18 ADOPT: 51.30
 03/29/18 AMEND: 2021
 03/13/18 AMEND: 1045
 03/07/18 AMEND: 115.1
 03/07/18 AMEND: 115.2
 03/07/18 AMEND: 115.3
 03/07/18 AMEND: 115.4
 03/07/18 AMEND: 115.5
 02/27/18 AMEND: 1951, 1953, 1954, 1955, 1956, 1959, 1960
 02/22/18 AMEND: 1009
 02/22/18 AMEND: 1001, 1005, 1008
 02/22/18 ADOPT: 80.4
 01/30/18 AMEND: 20
 01/29/18 ADOPT: 26.20

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 27-Z

Title 13

06/12/18 ADOPT: 1231.3 AMEND: 1212.5, 1218, 1239, 1264

05/30/18 ADOPT: 125.19 AMEND: 125.00, 125.02 REPEAL: 127.06

05/07/18 AMEND: 423.00

04/26/18 AMEND: 1153

04/18/18 AMEND: 1151.9.1

03/12/18 AMEND: Appendix (Article 2.0)

02/27/18 ADOPT: 1267.1 AMEND: 1201, 1217, 1232, 1242, 1268, 1269

02/26/18 ADOPT: 227.38, 227.40, 227.42, 228.00, 228.02, 228.04, 228.06, 228.08, 228.10, 228.12, 228.14, 228.16, 228.18, 228.20, 228.22, 228.24, 228.26, 228.28 AMEND: 227.02, 227.04, 227.12, 227.14, 227.16, 227.18, 227.20, 227.22, 227.24, 227.26, 227.28, 227.30, 227.32, 227.34, 227.36, 227.38, 227.40, 227.42, 227.44, 227.46, 227.48, 227.50, 227.52, 227.54

02/15/18 AMEND: 170.00 renumbered as 206.00, 170.02 renumbered as 206.02, 170.04 renumbered as 206.04, 170.06 renumbered as 206.06, 170.08 renumbered as 206.08, 170.10 renumbered as 206.10, 170.12 renumbered as 206.12, 171.00 renumbered as 206.20, 171.02 renumbered as 206.22, 172.00 renumbered as 206.30, 172.05 renumbered as 206.35, 172.10 renumbered as 206.40, 173.00 renumbered as 206.50, 173.02 renumbered as 206.52, 173.04 renumbered as 206.54, 173.06 renumbered as 206.56, 173.08 renumbered as 206.58, 174.00 renumbered as 206.60, 180.00 renumbered as 206.62, 180.02 renumbered as 206.64, and 181.00 renumbered as 206.66

02/13/18 AMEND: 553.70

02/01/18 AMEND: 1212.5, 1218, 1239, 1264

01/25/18 AMEND: 1152.3

Title 14

06/25/18 AMEND: 7.50

06/07/18 AMEND: 1760, 1774, 1774.1, 1774.2

05/24/18 ADOPT: 3803.1, 3803.2, 3803.3 AMEND: 3802, 3803

05/16/18 AMEND: 131

05/10/18 ADOPT: 29.11

05/09/18 AMEND: 18660.5, 18660.10, 18660.21, 18660.34

05/01/18 ADOPT: 650 AMEND: 703 REPEAL: 650

04/24/18 AMEND: 131

04/19/18 AMEND: 4800

04/02/18 AMEND: 265

04/02/18 ADOPT: 749.9

03/29/18 AMEND: 29.15

03/27/18 AMEND: 1038, 1299.03, 1666.0

03/02/18 AMEND: 120.7, 705

03/02/18 ADOPT: 197

02/27/18 ADOPT: 1.18, 2.05 AMEND: 1.05, 1.11, 1.61, 2.10, 2.25, 5.35, 5.41, 5.88, 7.00, 7.50, 8.00 REPEAL: 1.60

02/27/18 AMEND: 150, 150.02, 150.03, 705

02/22/18 ADOPT: 131

02/20/18 AMEND: 13800

02/07/18 AMEND: 3697, 3698, 3699

02/06/18 AMEND: 1038

01/25/18 AMEND: 1038

Title 15

06/14/18 AMEND: 3000, 3075.1, 3075.2, 3075.3, 3521.1, 3521.2, 3720, 3763 REPEAL: 3800, 3800.1, 3800.2, 3800.3

06/13/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3, 3087.4, 3087.5, 3087.6, 3087.7, 3087.8, 3087.9, 3087.10, 3087.11, 3087.12

06/07/18 ADOPT: 3371.1 AMEND: 3043.7, 3044 REPEAL: 3371.1

05/15/18 AMEND: 3000, 3030, 3190, 3269

05/01/18 ADOPT: 2449.1, 2449.2, 2449.3, 2449.4, 2449.5, 2449.6, 2449.7, 3043.1, 3043.2, 3043.3, 3043.4, 3043.5, 3043.6, 3490, 3491, 3492, 3493 AMEND: 3043, 3043.5 (renumbered to 3043.7), 3043.6 (renumbered to 3043.8), and 3044 REPEAL: 2449.2, 2449.3, 2449.5, 3042, 3043.1, 3043.2, 3043.3, 3043.4, 3043.7

04/17/18 ADOPT: 2240 REPEAL: 2240

04/09/18 AMEND: 3016, 3315

03/05/18 ADOPT: 3378.9, 3378.10 AMEND: 3000, 3023, 3043.8, 3044, 3084.9, 3269, 3335, 3337, 3341, 3341.2, 3341.3, 3341.5, 3341.6, 3341.8, 3341.9, 3375, 3375.1, 3375.2, 3376, 3376.1, 3378, 3378.1, 3378.2, 3378.3, 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 REPEAL: 3334

03/01/18 ADOPT: 3349.1, 3349.2, 3349.3, 3349.4, 3349.5, 3349.6, 3349.7, 3349.8, 3349.9 AMEND: 3349

02/07/18 ADOPT: 3999.24

CALIFORNIA REGULATORY NOTICE REGISTER 2018, VOLUME NO. 27-Z

02/05/18 AMEND: 1006, 1062
 02/01/18 ADOPT: 3087, 3087.1, 3087.2, 3087.3,
 3087.4, 3087.5, 3087.6, 3087.7, 3087.8,
 3087.9, 3087.10, 3087.11, 3087.12

Title 16

06/18/18 AMEND: 1735.2
 06/14/18 REPEAL: 1399.620, 1399.621,
 1399.622, 1399.623
 06/07/18 AMEND: 321, 364
 06/04/18 ADOPT: 5000, 5001, 5002, 5003, 5004,
 5005, 5006, 5007, 5008, 5009, 5010,
 5011, 5012, 5013, 5014, 5015, 5016,
 5017, 5018, 5019, 5020, 5021, 5022,
 5023, 5024, 5025, 5026, 5027, 5028,
 5029, 5030, 5031, 5032, 5033, 5034,
 5035, 5036, 5037, 5038, 5039, 5040,
 5041, 5042, 5043, 5044, 5045, 5046,
 5047, 5048, 5049, 5050, 5051, 5052,
 5053, 5054, 5055, 5300, 5301, 5302,
 5303, 5304, 5305, 5306, 5307, 5308,
 5309, 5310, 5311, 5312, 5313, 5314,
 5315, 5400, 5401, 5402, 5403, 5404,
 5405, 5406, 5407, 5408, 5409, 5410,
 5411, 5412, 5413, 5414, 5415, 5416,
 5417, 5418, 5419, 5420, 5421, 5422,
 5423, 5424, 5425, 5426, 5500, 5501,
 5502, 5503, 5504, 5505, 5506, 5600,
 5601, 5602, 5603, 5700, 5701, 5702,
 5703, 5704, 5705, 5706, 5707, 5708,
 5709, 5710, 5711, 5712, 5713, 5714,
 5715, 5716, 5717, 5718, 5719, 5720,
 5721, 5722, 5723, 5724, 5725, 5726,
 5727, 5728, 5729, 5730, 5731, 5732,
 5733, 5734, 5735, 5736, 5737, 5738,
 5739, 5800, 5801, 5802, 5803, 5804,
 5805, 5806, 5807, 5808, 5809, 5810,
 5811, 5812, 5813, 5814

05/15/18 AMEND: 1399.395
 04/20/18 AMEND: 1749
 03/19/18 AMEND: 4422
 03/14/18 AMEND: 1805.1, 1811
 03/05/18 AMEND: 2070, 2071
 03/01/18 AMEND: 9.1, 12, 12.1, 12.5, 15.1, 16, 19,
 20, 43, 45, 87.9
 01/25/18 ADOPT: 1715.65

Title 17

06/07/18 AMEND: 30400, 30413, 30417, 30418,
 30419, 30420, 30427.2 (re-numbered to
 30427), 30435, 30442, 30443, 30447,
 30461, 30467
 06/04/18 ADOPT: 40100, 40101, 40102, 40115,
 40116, 40118, 40126, 40128, 40129,
 40130, 40131, 40133, 40135, 40137,
 40150, 40155, 40156, 40159, 40162,

40165, 40167, 40169, 40175, 40177,
 40178, 40180, 40182, 40200, 40205,
 40220, 40222, 40223, 40225, 40232,
 40234, 40236, 40238, 40240, 40242,
 40250, 40252, 40254, 40256, 40258,
 40260, 40262, 40264, 40266, 40268,
 40270, 40272, 40275, 40277, 40280,
 40282, 40290, 40292, 40300, 40305,
 40306, 40310, 40400, 40401, 40403,
 40405, 40406, 40408, 40410, 40411,
 40412, 40415, 40500, 40510, 40512,
 40513, 40515, 40517, 40525, 40550,
 40601

05/30/18 AMEND: 95835, 95911
 05/23/18 ADOPT: 51101, 51102, 51103, 51104,
 51105, 51106
 05/07/18 ADOPT: 98201, 98202, 98203
 04/20/18 AMEND: 6000, 6025, 6035, 6040, 6045,
 6050, 6051, 6055, 6060, 6065, 6070,
 6075 REPEAL: 6015, 6020
 04/13/18 ADOPT: 40127, 40132, 40190, 40191,
 40192, 40194, 40196
 03/15/18 AMEND: 30145, 30145.1, 30205,
 30231, 30275, 30278.1, 30309, 30310,
 30311, 30314, 30336.8, 30408, 30409,
 30456.8, 30535

Title 18

06/18/18 AMEND: 51
 05/08/18 ADOPT: 30100, 30101, 30102, 30201,
 30202, 30203, 30204, 30205, 30301,
 30302, 30303, 30304, 30305, 30401,
 30402, 30403, 30501, 30502, 30601,
 30602, 30603, 30604, 30605, 30606,
 30701, 30702, 30703, 30704, 30705,
 30707, 30708, 30709, 30710, 30711,
 30800, 30801, 30802, 30803, 30804,
 30805, 30806, 30807, 30808, 30809,
 30810, 30811, 30812, 30813, 30814,
 30815, 30816, 30817, 30818, 30819,
 30820, 30821, 30822, 30823, 30824,
 30825, 30826, 30827, 30828, 30829,
 30830, 30831, 30832
 03/19/18 ADOPT: 35001, 35002, 35003, 35004,
 35005, 35006, 35007, 35008, 35009,
 35010, 35011, 35012, 35013, 35014,
 35015, 35016, 35017, 35018, 35019,
 35020, 35021, 35022, 35023, 35024,
 35025, 35026, 35027, 35028, 35029,
 35030, 35031, 35032, 35033, 35034,
 35035, 35036, 35037, 35038, 35039,
 35040, 35041, 35042, 35043, 35044,
 35045, 35046, 35047, 35048, 35049,
 35050, 35051, 35052, 35053, 35054,
 35055, 35056, 35057, 35058, 35059,

35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5310, 5311, 5312, 5331, 5335, 5335.4, 5335.6, 5336, 5336.5, 5337, 5337.4, 5337.6, 5338, 5338.4, 5338.6, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256, 5333, 5333.4, 5333.6

Title 20

05/29/18 ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505
 03/01/18 ADOPT: 1685 AMEND: 1680, 1681, 1682, 1683, 1684
 01/30/18 ADOPT: 4.5, 8.3, 9.5 AMEND: 1.3, 1.4, 1.7, 1.9, 1.13, 1.14, 1.17, 3.1, 3.3, 4.6 (renumbered from 4.5), 6.3, 7.2, 7.3, 7.6, 8.1, 8.2 (renumbered from 8.3), 8.4, Article 9 (title), 9.4, 9.6 (renumbered from 9.5), 12.1, 13.7, 13.8, 13.11, 13.12, 13.13, 13.14, 14.1, 14.2, 14.5, 14.6, 15.1, 15.3, 16.1, 16.2, 17.1 REPEAL: 8.2, 8.6, 9.6, 9.7
 01/25/18 AMEND: 1602, 1605.3, 1606

Title 21

05/15/18 AMEND: 1575

Title 22

06/20/18 AMEND: 97174, 97177.25
 06/20/18 ADOPT: 130000, 130001, 130003, 130004, 130006, 130007, 130008, 130009, 130020, 130021, 130022, 130023, 130024, 130025, 130026, 130027, 130028, 130030, 130040, 130041, 130042, 130043, 130044, 130045, 130048, 130050, 130051, 130052, 130053, 130054, 130055, 130056, 130057, 130058, 130062, 130063, 130064, 130065, 130066, 130067, 130068, 130070, 130071, 130080, 130081, 130082, 130083, 130084, 130090, 130091, 130092,

130093, 130094, 130095, 130100, 130110, 130200, 130201, 130202, 130203, 130210, 130211

05/09/18 AMEND: 97212, 97240, 97241, 97246, 97249
 04/26/18 ADOPT: 69511.2 AMEND: 69511
 04/12/18 AMEND: 7000
 04/10/18 AMEND: 20000
 03/01/18 AMEND: 2706-5, 2706-7
 02/08/18 AMEND: 97232
 01/24/18 AMEND: 97177.10, 97177.67, 97177.70

Title 22, MPP

05/09/18 AMEND: 35015, 35017, 35019
 04/11/18 AMEND: 101215.1, 101216.1, 101416.2
 03/13/18 ADOPT: 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190

Title 23

06/19/18 ADOPT: 3939.54
 06/11/18 AMEND: 2924
 05/24/18 AMEND: 3946, 3949.13, 3949.14
 05/03/18 ADOPT: 2910.1 REPEAL: 2910.1
 04/19/18 ADOPT: 3949.14
 04/16/18 ADOPT: 335, 335.2, 335.4, 335.6, 335.8, 335.10, 335.12, 335.14, 335.16, 335.18, 335.20
 03/29/18 AMEND: 595
 03/26/18 AMEND: 315, 316
 03/08/18 ADOPT: 3909.6
 02/22/18 AMEND: 700.1 (renumbered to 638.1), 700.2 (renumbered to 638.2), 700.3 (renumbered to 638.3), 700.4 (renumbered to 638.4), 700.5 (renumbered to 638.5), 700.6 (renumbered to 638.6)
 01/24/18 ADOPT: 700.1, 700.2, 700.3, 700.4, 700.5, 700.6

Title 25

06/04/18 ADOPT: 6932 REPEAL: 6932

Title 27

06/14/18 AMEND: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185, 15186, 15186.1, 15187, 15188, 15190, 15200, 15210, 15240, 15241, 15242, 15250, 15260, 15280, 15290, 15320, 15330, Appendix A, Appendix B, Appendix C
 06/07/18 AMEND: 27001
 05/09/18 AMEND: 25705
 04/06/18 AMEND: 25705
 02/05/18 AMEND: 25705
 02/01/18 AMEND: 27000
 01/29/18 AMEND: 27001

Title MPP

06/26/18 AMEND: 41-440, 42-711, 42-716,
42-717, 44-207 REPEAL:
06/25/18 AMEND: 44-316, 44-350
06/12/18 AMEND: 22-001, 22-003, 22-004,
22-009, 22-045, 22-050, 22-051,
22-054, 22-062, 22-065, 22-069,
22-071, 22-072, 22-073, 22-085