



California Regulatory Notice Register

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TITLE 2. STATE ALLOCATION BOARD

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Colton Joint Unified School District
Livermore Valley Joint Unified School District

A written comment period has been established commencing on October 5, 2018, and closing on November 19, 2018. Written comments should be directed to the Fair Political Practices Commission, Attention Brianne Kilbane, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than November 19, 2018. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Brianne Kilbane, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

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

TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES
TO AMEND REGULATION SECTIONS 1859.194
AND 1859.196, TITLE 2, CALIFORNIA CODE OF
REGULATIONS, RELATING TO LEROY F.
GREENE SCHOOL FACILITIES ACT OF 1998

REGULATION SECTIONS PROPOSED
FOR AMENDMENTS

- 1859.194 and 1859.196

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposals substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17078.72(k) and 17078.72(l) of the Education Code. The proposals interpret and make specific reference Sections 17076.10 and 17078.72 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW
STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its August 15, 2018 meeting, the SAB adopted proposed regulations that define the criteria for funding order when a tie exists among two or more Approved Applications for Career Technical Education Facilities Project Funding.

SFP Regulations stipulate that Career Technical Education Facilities Program (CTEFP) funds be apportioned based on the highest scored application from each locale (Urban, Suburban, and Rural) with at least one application from each locale. If two or more applications share the same score and locale, the application with the highest number of points in all weighted areas will be funded first. During the processing of applications for the fourth funding cycle of the CTEFP, there were multiple (42) instances of tied rankings in the funding order. Currently, SFP Regulations do not address how to resolve tied weighted scores.

Bond Funds Impacted

- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D)
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Attached to this Notice is the specific regulatory language of the proposed regulatory action, along with the proposed regulations. The proposed regulations can be reviewed on OPSC’s website at www.dgs.ca.gov/opsc. Copies of the proposed regulations will be mailed to any person requesting this information by using OPSC’s contact information set forth below in this Notice. The proposed regulations amend the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Background and Problem Being Resolved

In May 2018, the SAB approved CTEFP applications for the fourth funding cycle. Based on SFP Regulations, the funding order for applications is determined by career technical education (CTE) plan score and locale. The highest scoring application in each of the three designated locales (Urban, Suburban, and Rural) is pre-

sented for funding and then the process repeats until applications or funding is exhausted, whichever comes first.

During the course of processing the CTEFP applications in the fourth funding cycle, OPSC encountered 42 instances of ties in the funding order of CTEFP applications. SFP Regulations state that funding for applications receiving the same CTE plan score will be funded in order of highest total points in all weighted areas identified in Education Code Section 17078.72(j). If two or more applications have the same CTE plan score, the complete score (extended by two decimal points) was taken into consideration. If two or more applications had the same extended score, the California Department of Education (CDE) provided OPSC with the applications' total weighted score as a tie-breaker. However, there were some occurrences of multiple applications having the same total weighted score.

The SFP Regulations do not currently identify additional criteria to determine the ranking of applications that share the same weighted score. Without a regulation to provide further direction, OPSC placed these applications in order of the *Application for Career Technical Education Facilities Funding*, (Form SAB 50–10) date received and then alphabetically. For projects that received approval in the fourth funding cycle, the tied scores did not impact whether or not an application received funding, only the order of the list.

OPSC held two stakeholder meetings to obtain stakeholder feedback on additional criteria for tie-breakers in the funding order of CTEFP applications for future SFP regulatory amendments. Therefore, the proposed regulations will help to resolve the problem of tied scores in the ranking of the funding order for CTEFP applications and are as follows:

- Subsection (d)(3)(A): first, the application with the highest total score in all weighted areas.
- Subsection (d)(3)(B): next, the applicant that does not have another application that will receive funding in the current cycle or did not receive funding in the prior funding cycle.
- Subsection (d)(3)(C): if the tie is still not resolved, funding order may be based on a lottery.

OPSC performed a search on whether the proposed amendments were consistent and compatible with existing State laws and regulations. After performing the search, OPSC, on behalf of the SAB, has determined that the proposed regulatory amendments are consistent and compatible with existing State laws and regulations. Proceeding with the proposed regulatory amendments will help to resolve tied scores in the ranking of the funding order for CTEFP applications. This will benefit school districts and local educational agencies

by ensuring equity to CTEFP applications when there are ties in the ranking of the funding order.

Anticipated Benefits of the Proposed Regulations

The proposed regulations promote fairness and social equity by resolving tied scores in the ranking of the funding order for CTEFP applications. This will benefit school districts and local educational agencies by breaking tied scores based on criteria that gives priority to first-time recipients of CTEFP funding in the current funding cycle for which applications were being considered or the cycle prior to the current one, which is in alignment with the statutory intent to distribute CTEFP funding throughout the State. The State of California will also benefit by continuing to provide facilities needed for students to learn the skills and knowledge critical for today's high demand technical careers and increasing the State's infrastructure investment resulting in a positive impact to the State's economy as well as supporting job creation.

The proposed amendments are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed amendments carries out the will of the voters based on the successful passage of Proposition 51 in November 2016. The CTEFP will have a positive impact to the State's economy and has the potential of creating jobs.

Summary of the Proposed Regulatory Amendments

Existing Regulation Section 1859.194 specifies that CTEFP apportionments shall require an applicant matching share contribution on a dollar-for-dollar basis, and that loans may be requested by districts needing assistance to reach their matching share requirement, if specified criteria are met. Terms of loan agreements are set forth, including the requirement to repay the loan to the State with interest on the unpaid balance at the same rate as that charged by the Pooled Money Investment Board. The proposed amendments define the conditions for how an applicant who received a loan for its matching share can qualify for a one-time extension to the ten-year repayment plan. These amendments mirror the conditions for repayments set forth in SFP Regulation Section 1859.106.1. The statute currently referenced in this regulation section is no longer operative, which necessitates the need to make the requirements of CTEFP consistent with other School Facility Programs.

Existing Regulation Section 1859.196 specifies the prioritization of CTEFP applications for funding sorted by project locale as Urban, Suburban, or Rural, and ranked from highest to lowest according to the numerical score as determined by the California Department of Education (CDE). The proposed amendments define

the criteria for funding order when a tie exists and the order is as follows:

- Subsection (d)(3)(A): first, the application with the highest total score in all weighted areas.
- Subsection (d)(3)(B): next, the applicant that does not have another application that will receive funding in the current cycle or did not receive funding in the prior funding cycle.
- Subsection (d)(3)(C): if the tie is still not resolved, funding order may be based on a lottery.

In addition, the two paragraphs below Subsection (d) are numbered as (e) and (f) and there were also defined terms that incorrectly referenced CTEFP applications. The term “Career Technical Education Facilities Project” is being replaced by “Approved Application for Career Technical Education Facilities Project Funding,” which refers to an application that has not yet been funded. The term currently in the SFP Regulations refers to an application that has been approved by the SAB for funding. Further, the correct terms are defined and referenced in SFP Regulation Section 1859.2.

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The SFP Regulations do not currently identify additional criteria to determine the ranking of applications that share the same weighted score. Without a regulation to provide further direction, OPSC placed these applications in order of the *Application for Career Technical Education Facilities Funding*, (Form SAB 50–10) date received and then alphabetically. For projects that received approval in the fourth funding cycle, the tied scores did not impact whether or not an application re-

ceived funding, only the order of the list. Therefore, the proposed regulatory amendments will help to resolve the problem of tied scores in the ranking of the funding order for CTEFP applications and are as follows:

- Subsection (d)(3)(A): first, the application with the highest total score in all weighted areas.
- Subsection (d)(3)(B): next, the applicant that does not have another application that will receive funding in the current cycle or did not receive funding in the prior funding cycle.
- Subsection (d)(3)(C): if the tie is still not resolved, funding order may be based on a lottery.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed amendments are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendments are within the SAB’s authority to enact regulations for the SFP under Education Code Section and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.

- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact to Businesses and Jobs in California

The SFP Regulations do not currently identify additional criteria to determine the ranking of applications that share the same weighted score. Without a regulation to provide further direction, OPSC placed these applications in order of the *Application for Career Technical Education Facilities Funding*, (Form SAB 50–10) date received and then alphabetically. For projects that received approval in the fourth funding cycle, the tied scores did not impact whether or not an application received funding, only the order of the list. Therefore, the proposed regulatory amendments will help to resolve the problem of tied scores in the ranking of the funding order for CTEFP applications and are as follows:

- Subsection (d)(3)(A): first, the application with the highest total score in all weighted areas.
- Subsection (d)(3)(B): next, the applicant that does not have another application that will receive funding in the current cycle or did not receive funding in the prior funding cycle.
- Subsection (d)(3)(C): if the tie is still not resolved, funding order may be based on a lottery.

Proceeding with the implementation of the proposed regulations will provide facilities needed for students to learn the skills and knowledge critical for today’s high demand technical careers and increase the State’s infrastructure investment resulting in a positive impact to the State’s economy as well as supporting job creation. The CTEFP carries out the will of the voters based on the successful passage of Proposition 51 in November 2016.

Therefore, the proposed regulations will most likely have a positive effect on the State’s economy, creation of jobs, creation of new businesses, expansion of businesses, and will not eliminate jobs or eliminate existing businesses within California.

Benefits to Public Health and Welfare, Worker’s Safety, and the State’s Environment

- The proposed regulations promote fairness and social equity by resolving tied scores in the ranking of the funding order for CTEFP applications. This will benefit school districts and

local educational agencies by breaking tied scores based on criteria that gives priority to first-time recipients of CTEFP funding in the current funding cycle for which applications were being considered or the cycle prior to the current one, which is in alignment with the statutory intent to distribute CTEFP funding throughout the State.

- The proposed regulations promote the State’s general welfare by providing facilities needed for students to learn the skills and knowledge critical for today’s high demand technical careers. The CTEFP carries out the will of the voters based on the successful passage of Proposition 51 in November 2016.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts and local educational agencies utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker’s safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State’s environment from the proposed regulations.

The SAB finds the proposed regulations fully consistent with the stated purposes and benefits.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulations only apply to school districts and local educational agencies for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail,

e-mail or fax must be received at OPSC no later than November 19, 2018. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, 6th Floor
West Sacramento, CA 95605

E-mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ms. Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulation coordinator identified above. The SAB will accept written

comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet website at: <http://www.dgs.ca.gov/opsc> under "Resources," click on "Laws and Regulations," then click on "SFP Pending Regulatory Changes."

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB has determined 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.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the website listed above.

TITLE 2. STATE ALLOCATION BOARD

THE STATE ALLOCATION BOARD PROPOSES TO AMEND REGULATION SECTION 1859.76, TITLE 2, CALIFORNIA CODE OF REGULATIONS, RELATING TO LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced Regulation Section, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of any interested person, may adopt the proposal substantially as set forth above without further notice.

AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation section under the authority provided by Section 17070.35 of the Education Code, and makes specific reference to Sections 17070.35, 17072.12, and 17072.35 of the Education Code.

INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on October 8, 1999.

The SAB, at its June 27, 2018 meeting, adopted a proposed regulatory amendment to the SFP Regulations that would extend for five years [until January 1, 2024] the additional grant to school districts for new construction general site development costs. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways,

walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

Bond Funds Impacted

The following five State school bonds were authorized by the Legislature and approved by the State’s electorate for purposes of school facility construction:

- Class Size Reduction Kindergarten–University Public Education Facilities Bond Act of 1998 (Proposition 1A)
- Kindergarten–University Public Education Facilities Bond Act of 2002 (Proposition 47)
- Kindergarten–University Public Education Facilities Bond Act of 2004 (Proposition 55)
- Kindergarten–University Public Education Facilities Bond Act of 2006 (Proposition 1D)
- Kindergarten through Community College Public Education Facilities Bond Act of 2016 (Proposition 51)

Background and Problem Being Resolved

The SAB adopted the additional grant for general site development costs at its June 28, 2006 meeting. The proposed regulation was approved by the OAL and filed with the Secretary of State on September 5, 2006. This additional grant helps school districts cover the extra costs for items such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

As first implemented, the additional grant for general site development costs was to be suspended “no later than January 1, 2008” unless extended by the SAB. The following is a sequence of events extending the additional grant for general site development:

- First One–Year Extension: The SAB, at its December 12, 2007 meeting, approved emergency regulations extending the suspension date to “no later than January 1, 2009,” which was approved by the OAL and filed with the Secretary of State on March 3, 2008.
- Second One–Year Extension: The SAB, at its February 25, 2009 meeting, approved extending the suspension date to “no later than January 1, 2010,” which was approved by the OAL and filed with the Secretary of State on September 18, 2009.
- Third One–Year Extension: The SAB, at its November 4, 2009 meeting, approved extending the suspension date to “no later than January 1,

2011,” which was approved by the OAL and filed with the Secretary of State on April 8, 2010.

- Fourth One–Year Extension: The SAB, at its June 23, 2010 meeting, approved extending the suspension date to “no later than January 1, 2012,” which was approved by the OAL and filed with the Secretary of State on April 27, 2011.
- Fifth Two–Year Extension: The SAB, at its July 12, 2011 meeting, approved extending the suspension date to “no later than January 1, 2014,” which was approved by the OAL and filed with the Secretary of State on December 28, 2011.
- Sixth One–Year Extension: The SAB, at its May 22, 2013 meeting, approved extending the suspension date to “no later than January 1, 2015,” which was approved by the OAL, filed with the Secretary of State on October 30, 2013, and took effect January 1, 2014, due to Senate Bill (SB) 1099, Chapter 295, Statutes of 2012.
- Seventh One–Year Extension: The SAB, at its August 20, 2014 meeting, approved extending the suspension date to “no later than January 1, 2016,” which was approved by the OAL, filed with the Secretary of State on February 9, 2015, and took effect on April 1, 2015, due to SB 1099, Chapter 295, Statutes of 2012.
- Eighth One–Year Extension: The SAB, at its May 27, 2015 meeting, approved extending the suspension date to “no later than January 1, 2017,” which was approved by the OAL and filed with the Secretary of State on December 21, 2015.
- Ninth One–Year Extension: The SAB, at its May 25, 2016 meeting, approved extending the suspension date to “no later than January 1, 2018,” which was approved by the OAL and filed with the Secretary of State on December 12, 2016.
- Tenth One–Year Extension: The SAB, at its June 5, 2017 meeting, approved extending the suspension date to “no later than January 1, 2019,” which was approved by the OAL and filed with the Secretary of State on December 20, 2017.

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per–pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects.

Attached to this Notice is the specific regulatory language of the proposed regulatory action. You may also review the proposed regulatory language on OPSC’s website at www.dgs.ca.gov/opsc. Copies of the amended regulatory text will be mailed to any person requesting this information by using OPSC contact information set forth on page 7. The proposed regulation amends the SFP Regulations under the CCR, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

Financial Impact

From the inception of the general site development grant in 2006 through December 2023, 837 school facility projects have and may receive the general site development additional grant, averaging \$396,666 per eligible project in State bond cost. [Please refer to Attachment 1 for the bond funds apportioned to date and projected eligible projects for the next five fiscal years (2018/19 through 2022/23, and July through December 2023) for the general site development grant.] School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is acquired.

The SAB is providing approvals for New Construction, Charter School Facilities Program and Facility Hardship/Seismic Mitigation Program (SMP) projects. Facility Hardship/Rehabilitation and SMP projects are health and safety projects that could be eligible for the general site development grant. Health and safety projects are presented to the SAB on an on–going basis.

Anticipated Benefits of the Proposed Regulations

Extending the SFP general site development grant for five years will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.

The State of California benefits from this regulation as it assists in increasing the State’s infrastructure investment resulting in a positive impact to the State’s economy as well as help to support job creation. This regulation will have a positive impact to various business, manufacturing, and construction–related industries such as architecture, engineering, trades and municipalities, along with the creation of an unknown amount of [temporary] jobs.

There is a public health and safety impact assigned to the regulation. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide,

level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.

The proposed regulatory amendment is therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of this regulatory amendment will have a positive impact on public health and safety at K–12 public schools because school site occupants will have less risk of injury for the reasons noted above.

Summary of the proposed regulatory amendment is as follows:

Existing Regulation Section 1859.76 provides new construction additional grants for specific types and amounts of site development costs. It provides that the additional grant for general site development costs shall be suspended “no later than January 1, 2019” unless extended by the SAB. The proposed amendment extends the suspension of the additional grant for general site development costs until “no later than January 1, 2024.”

Statutory Authority and Implementation

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

Determination of Inconsistency or Incompatibility with Existing State Regulations

The proposed regulatory amendment continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been con-

clusive evidence to show that this additional grant is not needed to complete the projects. School districts may be eligible for the additional grant when building new schools and for additions to existing school sites where additional acreage is required.

After conducting a review, OPSC, on behalf of the SAB, has concluded that this is the only regulation on this subject area, and therefore, the proposed regulation is neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulatory amendment is within the SAB’s authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The Executive Officer of the SAB has determined that the proposed regulation does not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require school districts or charter schools to incur additional costs in order to comply with the proposed regulation.

DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency, school district, or charter school requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulation creates no costs or savings to any state agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

RESULTS OF THE ECONOMIC
IMPACT ANALYSIS

Impact to Businesses and Jobs in California

There is a positive economic impact to California business by extending for five years the SFP general site development grant. This will provide the funds to school districts building new construction projects to contract with businesses and suppliers for necessary landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, thus supporting jobs in these construction-related industries. The proposed regulation:

- Continues to be extended until a complete analysis of the new construction base grant can be completed. The analysis must determine whether the extra costs associated with the additional grant for general site development, (such as landscaping, finish grading, driveways, walkways, outdoor instructional play facilities and permanent playground equipment, and athletic fields), are included in the SFP per-pupil base grant. There has not been conclusive evidence to show that this additional grant is not needed to complete the projects;
- Extends this additional grant until “no later than January 1, 2024”;
- Adds an average \$396,666 per eligible project in State bond funds to the SFP new construction funding model, which includes the pupil grant base amount and other additional grants; and
- Creates an unknown amount of (temporary) jobs in landscaping, concrete, asphalt, finishing, playground and athletic field equipment, and other construction trades, along with stimulating the economy.

Further, by extending the SFP general site development grant for five years, it will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements because school districts will be able to more fully afford them. Failure to implement this regulation may require reducing the scope of work for some school projects.

This regulation affects various business, manufacturing, and construction-related industries such as architecture, engineering, trades and municipalities, which continues to promote the stimulation of the economy and helps to support job creation.

Therefore, the proposed regulation will have a positive impact on the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulation will result in the elimination of existing businesses or jobs within California.

Benefits to Public Health and Welfare, Worker’s Safety, and the State’s Environment

- There is a health and safety impact assigned to this regulatory amendment. School site occupants, especially young children, will have less risk of injury and safer ingress and egress when driveways and walkways are wide, level, and extensive, when finish grading is thorough, when play facilities are of high quality on safe ground cover material, and athletic fields are well-designed with safe playing surfaces, adequate protective fences, and appropriate walkways.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker’s safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- Extending the SFP general site development grant for five years will have a positive impact on California businesses providing landscaping, finish grading, driveways, walkways, outdoor instructional play facilities, permanent playground equipment, and athletic fields, including the companies which supply the materials for these improvements. Failure to implement this regulation may require reducing the scope of work for some school projects.
- This regulation will have a positive impact to various business, manufacturing, and construction-related industries such as architecture, engineering, trades (carpenters, masons, electricians, roofers, etc.) and municipalities, and supports the creation of an unspecified number of jobs.
- There is no impact to the State’s environment from the proposed regulation.

EFFECT ON SMALL BUSINESSES

It has been determined that the proposed regulation will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. Although the proposed regulation only applies to school districts and charter schools for purposes of funding school facility projects, the demand on the manufacturing and construction-related industries could potentially stimulate the creation of small businesses in these areas.

SUBMISSION OF COMMENTS, DOCUMENTS AND ADDITIONAL INFORMATION

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, e-mail or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, e-mail or fax must be received at OPSC no later than November 19, 2018. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, e-mail or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator

Mailing Address: Office of Public School
Construction
707 Third Street, 6th Floor
West Sacramento, CA 95605

E-mail Address: lisa.jones@dgs.ca.gov

Fax No.: (916) 375-6721

AGENCY CONTACT PERSONS

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Lisa Jones at (916) 376-1753. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Chief of Administrative Services, at (916) 376-1646.

ADOPTION OF REGULATIONS

Please note that, following the public comment period, the SAB may adopt the regulations substantially as

proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency’s regulations coordinator identified above. The SAB will accept written comments on the modified regulations during the 15-day period.

SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE

If, after receiving comments, the SAB intends to adopt the regulations with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

RULEMAKING FILE

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received, they will be added to the rulemaking file. The file is available for public inspection at the OPSC during normal working hours. Items 1 through 3 are also available on the OPSC Internet website at: <http://www.dgs.ca.gov/opsc> under “Resources,” click on “Laws and Regulations,” then click on “SFP Pending Regulatory Changes.”

ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the SAB 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.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the agency's regulations coordinator named in this notice or may be accessed on the website listed above.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) amended subsection 3439 of the regulations in Title 3 of the California Code of Regulations pertaining to Huanglongbing (HLB) Disease Interior Quarantine as an emergency action that was effective on May 24, 2018. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than November 20, 2018.

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.651.2900 or by email to Dean.Kelch@cdfa.ca.gov. The written comment period closes at 5:00 p.m. on November 19, 2018. The Department will consider only comments received at the Department offices by that time. Submit comments to:

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

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of Section 3439 is to provide authority to the State to regulate the movement of hosts and possible carriers of Huanglongbing (HLB), *Candidatus Liberibacter asiaticus*, from and/or within a regional quarantine zone. Under the proposed regulation change, Section 3439 would adopt criteria, notification, and an appeals process for HLB quarantine designations.

Anticipated Benefits from This Regulatory Action

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

Existing law, FAC Section 5301, states that the director may establish, maintain, and enforce such quarantine regulations as she deems necessary to protect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

Existing law, FAC Section 5302, states that the director may make and enforce such regulations as she deems necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any state quarantine line.

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

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

Existing law, FAC Section 5911, declares that HLB is a clear and present danger to California's citrus industry, as well as other commodities and plant life, and that prevention and management of HLB is in the public interest and for the purpose of protecting health, peace, safety, and general welfare of the people of this state.

Existing law, CCR Section 3439, defines the state's interior quarantine area for HLB, articles and commodities covered by the quarantine, restrictions, and exemptions.

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

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

The adoption of this regulation benefits the citrus industries (nursery, fruit for domestic use and exports, citrus packing facilities) and the environment (urban landscapes) by establishing a quarantine program to prevent the artificial spread of HLB over long distances, including to currently noninfested parts of the state.

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

All quarantine activities are conducted by the Department. Most host material infected with HLB will die, as there is no cure. Homeowners and others will benefit by having this host material removed at no cost to them.

California consumers benefit as the fruit from host trees infected with HLB is inedible. Confining HLB infestations to the smallest area possible ensures citrus fruit and other host fruits are available for consumption at reasonable prices. The Department considered any other possible related regulations in this area, and it finds that these are the only regulations dealing in this subject area, and that the Department is the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is consistent and compatible with existing state regulations. There is no existing comparable federal regulation or statute regulating the intrastate movement of HLB hosts.

AMENDED TEXT

The emergency rulemaking action of May 24, 2018 amended Title 3, CCR Section 3439, Huanglongbing Interior Quarantine, to repeal all existing Huanglongbing Disease Interior Quarantine Zones and established criteria for a quarantine area. The regulation established an appeal process for interested parties to challenge an area quarantine designation and a list serve subscription for purposes of receiving updates on changes in regional quarantine zones.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

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

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

Cost impacts on a representative private person or business: The Department has determined there are approximately 27 citrus production nurseries, 43 citrus growers, 3 packers/processors, and 3 citrus transporters in the currently existing HLB quarantine areas. Amendment of Section 3439 would have little adverse economic impact on growers, as a group. The amendment of this regulation benefits the vast majority of the California citrus industry and the environment by having a quarantine program to prevent the spread of HLB, thus confining HLB's devastating impacts to the smallest area possible. Almost all of the State's commercial citrus fruit and nursery stock production is located outside the area known to be infected with HLB.

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 effect on housing costs: None.

Small Business Determination

- The Department has determined that the proposed regulations may affect small business. Growers will be minimally impacted if they send their fruit to a packing house or processor within their quarantine region. All loads of bulk citrus must be

either field cleaned, pre-harvest or post-harvest treated with an approved product effective against psyllids. There are two quarantine requirement options for these growers: Option (1) or two options from either (2), (3), and (4).

- (1) Prior to moving out of the HLB quarantine area, the citrus fruit must be run through a wet wash to remove all stems, leaves, and plant debris from the fruit.
- (2) Field clean the fruit to remove leaves and stems during the harvest process.
- (3) Spray and harvest the grove with an approved product within 14 days of harvest.
- (4) Post-harvest treatment option with an approved product. Information for Citrus Growers/Grove Managers in an Asian Citrus Psyllid (ACP) Bulk Citrus Regional Quarantine Zone or Huanglongbing (HLB) Quarantine Area July 24, 2018.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

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

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

The Department is not aware of any specific benefits that the amendment of this regulation would have pertaining to California worker safety. The Department believes the amendment of this regulation benefits the general health and welfare of California residents by ensuring the availability of citrus for consumption at reasonable prices and protecting the economic benefits the estimated \$2.19 billion per year citrus industry brings to the State's economy. This regulation benefits more than 99 percent of the citrus industries (nursery and fruit) that are located outside the quarantine area. The amendment of this regulation helps protect this economic engine and food source which benefits the general health and welfare of California residents. This amendment protects thousands of backyard gardeners throughout California who produce large quantities of fruit for their own use, and it supports the traditions, notably in Asian cultures, that many families have for growing and using citrus fruit. The amendment of this regulation also promotes the economic well-being of agriculturally dependent rural California communities and reduces the potential adverse environmental im-

pacts caused by HLB [Government Code Sec. 11346.3(b)].

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY

The Department proposes to amend CCR Section 3439 pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5301, 5302, 5321, 5322, 5911, FAC.

CONTACT

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

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has

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

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

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (Department) proposes to adopt section 4340, repeal sections 5473 and 5512, and amend sections 5474 and 5513 of Title 11, Division 5, of the California Code of Regulations regarding the creation of a California Firearms Application Reporting System (CFARS) account, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory 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 their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5:00 p.m. on November 19, 2018. Only comments received by that time will be considered. Written comments must be submitted to:

Jessie Romine
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Phone: 916-227-4217
Email: CFARSregs@doj.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 11106, 29182, and 30900, Penal Code.

Reference: Sections 11106, 16400, 16535, 16670, 26915, 26700, 27510, 27560, 27565, 27875, 27920, 27966, 28000, 28160, 29180, 29182, 30370, 30515, 30900, and 33850, Penal Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action specifies how an individual can create a CFARS account.

Penal Code section 11106 authorizes the Department to keep and properly file firearm records. These regulations explain what is required for an individual to create a CFARS account, which will, in turn, allow an individual to report or update firearm ownership information, apply for a unique serial number for a firearm, or apply for a Certificate of Eligibility (“COE”).

The regulations proposed in this rulemaking action would do the following:

CCR, Title 11, Division 5, Chapter 12

Section 4340 has been added to explain the requirements for creating a CFARS account, including the conditions of use and the required account information.

CCR, Title 11, Division 5, Chapter 39

Section 5473 has been repealed as section 4340 explains the requirements for creating a CFARS account.

Section 5474 has been amended to explain that a CFARS account must be created pursuant to section 4340 before an individual can initiate the registration of an assault weapon.

CCR, Title 11, Division 5, Chapter 41

Section 5512 has been repealed as section 4340 explains the requirements for creating a CFARS account.

Section 5513 has been amended to establish that a CFARS account must be created pursuant to section 4340 and to specify the requirements of an application for a unique serial number.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

These regulations explain what is required to create a CFARS account so that a user can electronically submit a firearm ownership record or report, update a firearm record, request a unique serial number for a firearm, or apply for a COE. The online account system will increase the efficiency of submitting these items to the Department, storing the information, retrieving the data, and communicating with the account holder.

EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS

Pursuant to Government Code section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. The Department has reviewed existing regulations pertaining to firearms and ammunition within California Code of Regulations (CCR) Title 11, Division 5 and determined the proposed regulations are not inconsistent or incompatible.

This determination is based on the fact that the regulations are not inconsistent or incompatible with existing state regulations because the Department is repealing or amending existing regulations that provide for or reference the creation of a CFARS account.

COMPARABLE FEDERAL REGULATIONS

The proposed regulations are not mandated by federal statute or regulation.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Business report requirement: None.

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

The Department has concluded that the adoption, repeal, and amendment of the proposed regulations will not:

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

The Department's determination on items (1) through (3) is based on the fact that there is no cost to private individuals for creating CFARS accounts. Any individual with an internet connection has the ability to create a CFARS account. The regulations pertain only to the process for an individual to create and use a CFARS account.

- (4) Benefits of the regulations to the health and welfare of California residents, worker safety, and the state's environment: Once an individual has created a CFARS account, he or she will be able to easily submit a firearm ownership report or record, update a firearm record, and apply for a COE or unique serial number. By having the information submitted and stored in an electronic database, it will be much easier for the Department to process applications, manage and retrieve information, and communicate with the account holder. Additionally, these regulations will benefit the state's environment through the use of an electronic, rather than a paper, system.

Small Business Determination: The Department has determined the proposed regulations will not affect small business because the regulations pertain only to the process for private individuals to create and use a CFARS account.

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.

Any person interested in presenting statements or arguments with respect to alternatives to the proposed regulations may do so at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jessie Romine
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Email: CFARSregs@doj.ca.gov
Telephone: (916) 227-4217

The back up contact person for these inquiries is:

Jacqueline Dosch
Bureau of Firearms
Division of Law Enforcement
Department of Justice
P.O. Box 160487
Sacramento, CA 95816-0487
Email: CFARSregs@doj.ca.gov
Telephone: (916) 227-7614

AVAILABILITY OF RULEMAKING
FILE INCLUDING THE INITIAL
STATEMENT OF REASONS AND TEXT
OF PROPOSED REGULATIONS

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulations (the “express terms”), the Initial Statement of Reasons, and the information upon which the proposed rulemaking is based are available on the Department website at <http://oag.ca.gov/firearms>. Copies may also be obtained by contacting Jessie Romine.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt, repeal and amend the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, the Department will make the modified text (with the changes clearly indicated) available to the public for at least 15 days and accept written comments before the Department adopts, repeals, or amends the regulations. Copies of any modified text will be available on the Department website at <http://oag.ca.gov/firearms>. A writ-

ten copy of any modified text may be obtained by contacting Jessie Romine.

AVAILABILITY OF FINAL STATEMENT
OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department website at <http://oag.ca.gov/firearms>. You may also obtain a written copy of the Final Statement of Reasons by contacting Jessie Romine.

AVAILABILITY OF DOCUMENTS ON
THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations in underline and strikeout format, as well as the Final Statement of Reasons once completed, can be accessed through the Department website at <http://oag.ca.gov/firearms>.

**TITLE 13. DEPARTMENT OF
MOTOR VEHICLES**

The Department of Motor Vehicles (department) proposes to amend Sections 156.00 and 156.01, and adopt Section 156.02, in Article 3.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Clean Air Vehicle Decals.

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., **November 19, 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 5205.5 and 21655.9.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Vehicle Code section 5205.5 requires the department to issue distinctive decals to vehicles meeting specified emissions standards. Once the decal is assigned by the department and affixed to the qualifying vehicle, the driver can gain access to the high-occupancy vehicle lanes with fewer than the required number of occupants in the vehicle. Vehicles meeting California’s ultra-low emission vehicle (ULEV) standards, super ultra-low emission vehicle (SULEV) standards, federal inherently low-emission vehicle (ILEV) standards, and zero emission vehicles (ZEV) standards are issued white decals. Liquefied petroleum gas (LPG) and compressed natural gas (CNG) vehicles also qualify for white decals. Vehicles meeting California’s Enhanced Advanced Technology Partial Zero-Emission (Enhanced AT PZEV) standards and Transitional Zero-Emission (TZEV) standards are issued green decals. Beginning January 1, 2019, the department will no longer issue green and white decals and existing green and white decals will expire. As a result, access to high-occupancy vehicle lanes for vehicles with white or green decals will also expire. Qualifying vehicles issued a green or white decal in 2017 or 2018 will be eligible to reapply for a decal in 2019 granting them access to high-occupancy toll lanes until January 1, 2022.

Assembly Bill (AB) 544 [Chapter 630; Statutes of 2017], amended Vehicle Code section 5205.5 to condition decal eligibility on the applicant having not received a rebate pursuant to the Clean Vehicle Rebate Project, unless the applicant meets certain income restrictions. The clean vehicle rebate project is a program funded by the California Air Resources Board (ARB) and administered statewide by the Center for Sustainable Energy in order to promote the use of zero-emission vehicles, including electric, plug-in hybrid electric and fuel cell vehicles. Vehicle Code section 5205.5 also requires the department to collaborate with the ARB to establish procedures to implement both programs. The department has fulfilled that requirement by working with the ARB on the process by which vehicle identification numbers will be verified to ensure an applicant is not participating in both the clean air decal program and the clean vehicle rebate program when they are not qualified to participate in both programs. The department consulted with the ARB on the applica-

tion process and the two departments collaborated on the construction of both the clean air decal website on the DMV website and the clean vehicle rebate project on the ARB website.

Passage of AB 544 has required the department to make substantive amendments to current regulations to ensure compliance with the Vehicle Code. Specifically, the department has:

- Amended Section 156.00, related to the application process for Clean Air Vehicle Decals, to remove vehicle emission standards that no longer qualify under the program;
- Updated the Application for Clean Air Vehicle Decals, form REG 1000, to require an application be completed by a vehicle purchaser when the sticker was already issued to the dealer for the vehicle; and
- Clearly define program participation as it relates to the clean vehicle rebate project.

AB 544 also prevents issuance of a decal more than once, except under certain conditions. The department, through regulation, is identifying those conditions as when a decal has been lost, stolen, destroyed, or damaged.

CONSISTENCY AND COMPATIBILITY WITH
STATE REGULATIONS

The department has conducted a review of other state regulations and has concluded that these are the only regulations related to the issuance of clean air vehicle decals. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR
STATE REGULATIONS

There are no comparable state or federal regulations related to the issuance of Clean Air Vehicle Decals. There are no comparable federal statutes or regulations.

DOCUMENTS INCORPORATED
BY REFERENCE

The following documents are incorporated by reference:

- Application for Clean Air Vehicle Decals, form REG 1000 (Rev. 1/2019)
- New Vehicle Dealers Application for Clean Air Vehicle Decals, form REG 1000D (Rev. 1/2019)
- Statement of Facts, form REG 256 (Rev. 8/2008)

These forms will not be published in the California Code of Regulations because it would be impractical

and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL
IMPACT DETERMINATIONS

The department 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 businesses would necessarily incur in reasonable compliance with the proposed action. Currently, the fee for clean air vehicle decals is \$22. This proposed action has no impact on the fee.
- *Small Business Impact:* This proposed action may impact 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:* The proposed regulatory action is not anticipated to have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. If an applicant is a business, the proposed amendments do not present any change that would have any economic impact on businesses.

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.

The department anticipates benefits to the health and welfare of California residents and the State’s environment through potential reduced emissions created by encouraging more drivers to purchase and operate clean vehicles. The privileges afforded to drivers whose vehicles display clean air vehicle decals serve as an incentive to them to purchase the cleanest vehicles available. The reduced emissions benefit both the health and welfare of residents and 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 strikethrough 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 which 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. Request 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 13. DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Sections 120.00, 124.92, and 124.95, and adopt Section 120.03 in Article 2.5, related to the Driving Under the Influence Program; and amend Sec-

tions 125.00, 125.02, 125.12, 125.16, 125.18, 125.20, 125.22, 127.00, 127.02, 127.04, 127.8, and 127.10, and adopt Sections 125.21, 128.00, 128.01, and 128.02, in Article 2.55 of Chapter 1, Division 1 of Title 13, California Code of Regulations, relating to Ignition Interlock Devices.

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., **November 19, 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 sections 1651, 13386, and 23575, in order to implement, interpret, or make specific Vehicle Code sections 13352, 13352.1, 13353.3, 13353.6, 13353.75, 13386, 23575, and 23575.3.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The department is responsible for administering the California Ignition Interlock Device Program. An ignition interlock device is a device that is connected to a vehicle's ignition that requires the driver to provide a breath sample before the engine will start. If the ignition interlock device detects alcohol in the driver's breath, the engine will not start.

Current law requires a person convicted of driving under the influence to serve a mandatory period of suspension prior to applying to the department for a restricted driver's license. The department is required to impose an ignition interlock device restriction on the driver's driving privilege when the driver is convicted

of driving under the influence. Once the ignition interlock device is installed in the vehicle, it must be calibrated and inspected by a certified installer on a 60-day interval. During the calibration and servicing appointment, the installer examines the device to ensure it is working properly and that no violations, such as tampering, attempting to bypass or failing to take random retests, have been logged. If it is determined that the driver has failed to comply with the ignition interlock device requirements, notice is provided to the department and the suspension or revocation will be re-imposed.

In 2010, Assembly Bill 91 (Ch. 217; St. 2009), the department began a pilot program in the counties of Alameda, Los Angeles, Sacramento, and Tulare that is effective until December 31, 2018. Under the pilot program, all persons convicted of driving under the influence of drugs/alcohol, except for those who qualify for an exemption, are required to install a certified ignition interlock device on each vehicle he or she owns or operates. AB 91 also adopted Vehicle Code section 13386(g) requiring ignition interlock device manufacturers to provide an annual report to the department documenting the number of false positives and the time it takes to reset the device. The information contained in these reports was used by the department to evaluate the continued certification of a device. In 2010, the department adopted regulations specific to the pilot program, including the implementation of an exemption process and fees.

Senate Bill No. 1046 (Ch. 783; St. 2016) implements a pilot program beginning January 1, 2019 until January 1, 2026, that would make an individual, whose license has been suspended for driving under the influence, eligible for a restricted driver's license without serving any period of suspension when the driver has an ignition interlock device installed in each vehicle they own, and would require the department to reinstate the suspension if it is determined that the driver attempted to remove, bypass, or otherwise tamper with the device. The bill would authorize that individual to install an ignition interlock device prior to the effective date of the suspension and would require the individual to receive credit towards the mandatory term to install an ignition interlock device, as specified. SB 1046 requires an ignition interlock device manufacturer to create a fee schedule as part of the application process and requires the fee schedule be provided to the driver when applying for installation.

With passage of SB 1046 and the upcoming end to AB 91 requirements, the department has determined it necessary to adopt rules that clarify and make specific the requirements of the new pilot program and identify

the end date of the older pilot program. This action amends ignition interlock device program rules by doing the following:

- Making clear that the independent laboratory has the specified accreditation;
- Requires a manufacturer to submit an acknowledgment related to the fee schedule established in statute;
- Requires an installer to verify a driver's eligibility with the department prior to installing or removing an ignition interlock device;
- Amends section titles and adopt sunset dates for the first pilot program so the end date is clearly established;
- Adopts administrative fees;
- Establishes restriction requirements, an exemption process, and a process by which a driver can apply to have their restriction re-imposed; and
- Makes changes to several departmental forms to ensure compliance with the adopted regulations and statutes.

This action also makes an amendment to Article 2.5, related to the Driving Under the Influence (DUI) Program, to require a DUI Program provider to notify the department when a program participant fails to comply with the program requirements.

PROBLEMS THIS DEPARTMENT INTENDS TO ADDRESS AND BENEFITS ANTICIPATED FROM THE REGULATORY ACTION

With passage of Senate Bill 1046 (Ch. 783; St. 2016) and the upcoming end to Assembly Bill 91 (Ch. 217; St. 2009), the department has determined it necessary to adopt rules that clarify rules related to ignition interlock device requirements under AB 91 and SB 1046. The benefits include driver's knowing the restriction requirements, exemption qualifications, and applicable fees related to their conviction.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted an analysis of other state regulations and determined that the regulations adopted in Article 2.55 of Title 13 are the only regulations related to the ignition interlock device Program; therefore, these regulations 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 ignition interlock device program requirements.

DOCUMENTS INCORPORATED
BY REFERENCE

The following documents are incorporated by reference:

- Notice of Non-Compliance, form DL 101A (Rev. 10/1999)
- Application for Termination of Action, form DL 4006 (New 1/2019)
- Fee Schedule Agreement, form OL 160 (New 1/2019)
- Verification of Installation, form DL 920 (Rev. 1/2019)
- Notice of Non-Compliance, form DL 921 (Rev. 1/2019)
- Ignition Interlock Device Installation and Removal Request, form DL 925 (Rev. 1/2019)
- Notice to Employers, Ignition Interlock Restriction, form DL 923 (Rev. 1/2019)
- Ignition Interlock Device (IID) Exemption Request, form DL 4062 (New 1/2019)
- Ignition Interlock Device (IID) Medical Exemption Request, form DL 4063 (New 1/2019)

These forms will not be published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL
IMPACT DETERMINATIONS

The department 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. In compliance with this proposed action, drivers will pay a one-time administrative fee of either \$95 or \$103, depending on the ignition interlock device requirements. Drivers who have devices installed in their vehicles do pay fees for the maintenance of the devices; however, those costs vary as they are set by the installers. This action does implement administrative service fees for the ignition interlock device program. The department prepared costing documentation that provides justification for those fees. A copy of the costing documentation is available by contacting the departmental contact person in this notice.
- *Small Business Impact:* This regulation may affect 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 action is unlikely to have any significant statewide adverse economic impact on businesses.

BUSINESS REPORT

(Gov. Code, §§ 11346.5(a)(11) and 11346.3(d))

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

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 health and welfare of California residents and the motoring public, in general, by ensuring the continued sobriety of drivers with ignition interlock devices in their vehicles. Also, drivers will benefit by being able to reference ignition interlock device program requirements, exemption qualifications, and fee schedules. This action also benefits drivers who will have departmental verification prior to a device being installed or removed. This verification will ensure a device is not installed or removed too early.

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 as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other 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:

Brian G. Soublet, Chief Counsel/Deputy Director
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 which 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. Request 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 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR) proposes to amend Section 3043.3 of the

California Code of Regulations, Title 15, concerning inmate credit earning and the Milestone Completion Credit Schedule.

PUBLIC HEARING

Date and Time: **November 26, 2018**
10:00 a.m. to 11:00 a.m.

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

Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period will close **November 26, 2018, at 5:00 p.m.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpm@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

Josh Jugum
Telephone: (916) 445-2228
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283-0001

Back-Up

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

Program Contact

H. Iserman
Division of Rehabilitative Programs
(916) 324-0849

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is

vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

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

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

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

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

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

**INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW**

In 2009, new legislation amended Penal Code (PC) Section 2933 and created new Section 2933.05, which allowed the Department to award eligible inmates milestone completion credits to reduce his/her term of confinement for completion of an approved rehabilitative program performance milestone. In 2010, CDCR adopted regulations to comply with this legislation. The Milestone Completion Credit Schedule was created to establish specific programs and credit allotments available to inmates. Each program is divided into milestones (components), for which credit will be awarded upon completion.

The Public Safety and Rehabilitation Act of 2016 (Proposition 57) was approved by California voters in 2016. This proposition amended the California Constitution to establish that CDCR shall have authority to award credits earned for approved rehabilitative or educational achievements.

In accordance with existing regulations, all changes to the Milestone Completion Credit Schedule shall be adopted in compliance with the rulemaking requirements of the Administrative Procedures Act.

This action will update the Milestone Completion Credit Schedule to account for various additions, revisions, and deletions to the rehabilitative programs available to inmates and the amount of credit inmates may earn for successful completion.

FORMS INCORPORATED BY REFERENCE

The Milestone Completion Credit Schedule (Rev. 07/18).

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates that these regulations will help to provide eligible inmates with incentives to participate in rehabilitative and educational programming, and better prepare inmates to find employment upon release which may eventually reduce recidivism and overcrowding in California prisons.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review, the Department has concluded that these are the only regulations that affect milestone completion credit earning.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

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

EFFECT ON SMALL BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

The Department has determined that the proposed regulation will have no effect on worker safety or the state’s environment.

The Department has determined that the proposed regulations may benefit the welfare of California residents by improving inmate’s opportunities to find employment after release from prison.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65

PROPOSED AMENDMENT TO SECTIONS 25821(a) AND (c) LEVEL OF EXPOSURE TO CHEMICALS CAUSING REPRODUCTIVE TOXICITY: CALCULATING INTAKE BY THE AVERAGE CONSUMER OF A PRODUCT

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, Cal. Code of Regulations, Section 25821, subsections (a) and (c)(2), Level of Exposure to Chemicals Causing Reproductive Toxicity. This proposed regulatory action would amend subsection (a) to clarify that where a business presents evidence for the "level in question" of a chemical listed as causing reproductive toxicity in a food product based on the average of multiple samples of that food, the level in question may not be calculated by averaging the concentration of the chemical in food products from different manufacturers or producers, or that were manufactured in different facilities from the product at issue. The proposed regulatory actions would also modify subsection (c)(2) to clarify that, when determining whether exposure to a reproductive toxicant in a consumer product requires a warning, the reasonably anticipated rate of intake or exposure from consumer products to a chemical listed as causing reproductive toxicity be calculated as the arithmetic mean of the rate of intake or exposure for product users.

PUBLIC PROCEEDINGS

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on November 19, 2018**, the designated close of the written comment period. All comments will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information electronically, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Monet Vela
Office of Environmental Health Hazard Assessment
1001 I Street, 23rd Floor
P.O. Box 4010
Sacramento, California 95812-4010

Telephone: 916-323-2517

Fax: 916-323-2610

E-mail comments may be sent to P65Public.Comments@oehha.ca.gov ([link sends e-mail](#)). Please include "Calculating Intake" in the subject line when submitting emailed comments.

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

A public hearing on this proposed regulatory amendment will be scheduled on request. To request a hearing, send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than **November 5, 2018**. OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA website at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

CONTACT

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

AUTHORITY

Health and Safety Code section 25249.12.

REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.9, 25249.10, 25249.11 and 25249.12.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BACKGROUND

OEHHA is the state entity responsible for the implementation of Proposition 65¹. Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the state to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual². The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water³. Warnings are not required and the discharge prohibition does not apply when exposures are insignificant⁴. The Act requires a warning for a consumer when the level of exposure from a consumer product exceeds a specific amount for a given chemical. OEHHA has the authority to adopt and modify regulations as necessary to implement and further the purposes of Proposition 65⁵.

For purposes of Section 25249.10(c) of the Act, Title 27, Cal. Code of Regulations, Section 25821 requires that the level of exposure to a chemical listed as causing reproductive toxicity be determined by multiplying the level in question (stated in terms of a concentration of a chemical in a given medium) times the reasonably anticipated rate of exposure for an individual to a given medium. For exposures to consumer products, the level of exposure is calculated using the reasonably anticipated rate of intake or exposure from a product for average users of the consumer product. This proposed action would amend Section 25821(a) to clarify that where a business presents evidence for the "level in question" of a chemical listed as causing reproductive toxicity in a food product based on the average of multiple samples of that food, the level in question may not be calculated by averaging the concentration of the chemical in food products from different manufacturers or producers, or food products that were manufactured in different facilities. This proposed action would also amend Section 25821(c)(2) to clarify that for exposures to chemicals listed as causing reproductive toxicity from consumer products, the reasonably anticipated rate of intake or ex-

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*, commonly referred to as "Proposition 65". Hereafter referred to as "Proposition 65" or "the Act".

² Health and Safety Code section 25249.6.

³ Health and Safety Code section 25249.5.

⁴ Health and Safety Code sections 25249.9 and 25249.10.

⁵ Health and Safety Code section 25249.12.

posure to the chemical must be calculated as the arithmetic mean of the rate of intake or exposure for product users.

SPECIFIC BENEFITS OF THE PROPOSED REGULATION

The Act and its existing implementing regulations are not specific about how the intake or exposure of an average consumer is to be determined. Lack of clarity can lead to incorrect determinations whether product-related exposures are exempt from Proposition 65 warnings pursuant to Health and Safety Code section 24549.10(c).

Section 25821(a) does not specify procedures for determining the concentration of a listed chemical, or the “level in question”, in a food product. Lack of clarity on this issue has led to the incorrect conclusion that the existing regulations allow averaging of the measured concentrations of a listed chemical in a food product across products manufactured by different manufacturers, and from manufacturing facilities in different states and countries. This proposed regulatory action would amend Section 25821 to clarify that the level in question in a food product may not be calculated by averaging the concentration of the chemical in food products from different manufacturers or producers, or that were manufactured in different facilities from the product at issue. In addition, the proposed regulatory action would amend Section 25821(c)(2) of the existing regulation to clarify how rates of intake and exposure are calculated for consumer product exposures. The existing regulation is not clear about whether an average consumer’s intake is to be characterized by the geometric mean, the median level, some other percentile, or the arithmetic mean of consumer intakes. Clarifying that the arithmetic mean of the intake or exposure level for users of a consumer product is the appropriate approach helps the responsible business to correctly determine the rate of intake or exposure for average users of the consumer product and properly decide whether a warning is required for a given exposure.

NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

After conducting an evaluation for any related regulations in this area, OEHHA has determined that these are the only regulations dealing with calculating the levels of exposure to Proposition 65 chemicals listed as causing reproductive toxicity.

Therefore, the proposed amendment is neither inconsistent nor incompatible with other existing state regulations. The regulatory amendment will not change the

existing mandatory requirements on those businesses or state or local agencies, and does not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms⁶ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies, state agencies, or school districts will result from the proposed regulatory action, nor will there be any costs or savings in federal funding to the state because of the proposed regulatory action.

EFFECT ON HOUSING COSTS

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

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

The proposed regulatory action provides compliance assistance to businesses subject to the Act by clarifying an existing regulation and does not impose any mandatory requirements on those businesses. OEHHA has therefore made an initial determination that the adoption of this action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

OEHHA finds there will be no economic impact related to the clarifying regulatory amendment. The amendment does not impose any costs because it merely clarifies how the level of exposure of a listed chemical in a food product be calculated and specifies that the arithmetic mean of the intake or exposure level among consumer product users must be used to calculate the rate of intake or exposure for users of a consumer product.

⁶ See Health and Safety Code section 25249.11(b).

Creation or Elimination of Jobs within the State of California

The proposed regulatory action will not impact the creation or elimination of jobs within California. The action merely clarifies how the level of exposure to a listed chemical in a food product be calculated and specifies that the arithmetic mean of the intake or exposure level among consumer product users must be used to calculate the rate of intake or exposure for users of a consumer product.

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

The proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within California. The action simply clarifies how the level of exposure to a listed chemical in a food product be calculated and specifies that the arithmetic mean of the intake or exposure level among consumer product users must be used to calculate the rate of intake or exposure for users of a consumer product.

The Expansion of Businesses Currently Doing Business within the State

OEHHA will not have a major impact on the expansion of businesses currently doing business within the state. The proposed action provides clarification on how the level of exposure to a listed chemical in a food product be calculated and specifies that the arithmetic mean of the intake or exposure level among consumer product users must be used to calculate the rate of intake or exposure for users of a consumer product.

Benefits of the Proposed Regulation

Affected businesses will likely benefit from the proposed regulatory action because the amendment clarifies existing regulation and provides guidance for businesses that choose to determine the anticipated exposure level for users of a consumer product in order to take advantage of established safe harbor levels. This amendment will add more certainty in assessing whether reproductive toxicants in a consumer product result in exposures that require a warning under Proposition 65. The amendment will contribute to public health and safety by providing additional guidance to businesses about how to calculate the level of exposure of a chemical listed as causing reproductive toxicity in a food product for purposes of determining whether a warning is required under the Act, and thus benefit California residents by ensuring that warnings are provided for significant exposures to reproductive toxicants, thereby improving the public's ability to make informed decisions concerning the foods and consumer products they may choose to purchase.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which 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 in implementing the statutory policy or other provision of law.

EFFECT ON SMALL BUSINESSES

The proposed regulatory action will not adversely impact very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees⁷.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action. The action does not impose any new requirements upon private persons or business.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA's website at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any proposed regulation that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulation and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment peri-

⁷ Health and Safety Code section 25249.11(b).

od, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA website at www.oehha.ca.gov.

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

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

TITLE 27. OFFICE OF
ENVIRONMENTAL HEALTH
HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
PROPOSITION 65

AMENDMENT TO SECTION 25805
SPECIFIC REGULATORY LEVELS:
CHEMICALS CAUSING
REPRODUCTIVE TOXICITY

MAXIMUM ALLOWABLE DOSE LEVELS FOR
n-HEXANE, ORAL AND
INHALATION ROUTES

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to establish two Proposition 65¹ Maximum Allowable Dose Levels (MADLs) for exposure to *n*-hexane by amending Section 25805(b) of Title 27 of the California Code of Regulations. The proposed oral MADL for *n*-hexane is 28,000 micrograms per day and the proposed inhalation MADL for *n*-hexane is 20,000 micrograms per day.

PUBLIC PROCEEDINGS

Any written comments concerning this proposed action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **November 19, 2018**, the designated close of the written comment period. All comments received will be posted on

the OEHHA website at the close of the public comment period.

We encourage you to submit comments in electronic form, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Mailing Address: Ms. Monet Vela
Office of Environmental Health Hazard Assessment
P.O. Box 4010, MS-2311F
Sacramento, California 95812-4010
Fax: (916) 323-2517

Street Address: 1001 I Street
Sacramento, California 95814

Please be aware that OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. Comments on all regulatory and other actions are routinely posted on our website. By sending us your comments you are waiving any right to privacy you may have in the information you provide. Individual commenters should advise OEHHA when submitting documents to request redaction of home address or personal telephone numbers. Names of commenters will not be redacted.

A public hearing on this proposed regulatory amendment will be scheduled on request. To request a hearing, send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above by no later than **November 5, 2018**, which is 15 days before the close of the comment period. OEHHA will send a notice of the hearing to the requester and interested parties on its Proposition 65 email list for regulatory public hearings. The notice will also be posted on the OEHHA website at least ten days before the public hearing date. The notice will provide the date, time, and location of the hearing.

CONTACT

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela, in writing at the address given above, via e-mail to monet.vela@oehha.ca.gov or (916) 323-2517. Mario Fernandez is the back-up contact. He can be reached at (916) 323-2635 or mario.fernandez@oehha.ca.gov.

¹ The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., referred to herein as "Proposition 65" or "The Act."

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the state to cause cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual². The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water³. Warnings are not required and the discharge prohibition does not apply when exposures are insignificant⁴. The MADLs provide guidance for determining when this is the case⁵.

Details on the basis for the proposed MADLs for *n*-hexane are provided in the Initial Statement of Reasons for this regulatory amendment, which is available on request from Monet Vela and is posted on the OEHHA website at www.oehha.ca.gov.

This proposed regulation sets forth two MADLs for adoption into Section 25805 that were derived using scientific methods outlined in Section 25803.

The proposed regulation would adopt the following MADLs for exposure to *n*-hexane, by amending Section 25805 as follows (addition in underline):

(b) Chemical Name	Level (Micrograms/day)
<u><i>n</i>-Hexane (oral)</u>	<u>28,000</u>
<u><i>n</i>-Hexane (inhalation)</u>	<u>20,000</u>

Relevant studies that provide information on the male reproductive toxicity of *n*-hexane were identified in the materials that formed the basis for listing *n*-hexane as causing reproductive toxicity based on the male reproductive endpoint. A comprehensive literature search did not find additional relevant studies since the Proposition 65 listing of *n*-hexane. All of the relevant studies were reviewed as the possible basis for establishing a MADL for *n*-hexane. The most sensitive studies deemed to be of sufficient quality were selected to provide a basis for the MADLs⁶.

Anticipated Benefits of the Proposed Regulation

By providing these MADLs, this regulatory proposal may encourage businesses to lower the amount of the listed chemical in their products to a level that does not require a warning. This in turn may reduce exposures to *n*-hexane and reduce resident, worker, and environ-

mental exposures to *n*-hexane. In addition, some businesses may not be able to afford the expenses of establishing MADLs and therefore may face litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs.

No Inconsistency or Incompatibility with Existing State Regulations

OEHHA has conducted an evaluation for whether there are any other regulations on this matter and has found that these are the only regulations dealing with Proposition 65 Maximum Allowable Dose Levels for *n*-hexane. Therefore, OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations because it provides compliance assistance to businesses subject to the Act, but does not impose any mandatory requirements on those businesses, state or local agencies and does not address compliance with any other law or regulation.

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

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses in California

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. Proposition 65 requires businesses with ten or more employees to provide warnings when they expose people to chemicals that are known to cause cancer or reproductive harm. The law also prohibits the discharge of listed chemicals into sources of drinking water.

Because the proposed MADLs provide compliance assistance to businesses subject to the Act, but do not impose any mandatory requirements on those businesses, OEHHA has determined that the proposed regulatory actions will not have any impact on the creation or elimination of jobs, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses currently doing business within the State of California.

By providing these MADLs, this regulatory proposal may encourage businesses to lower the amount of the listed chemical in their products to a level that does not require a warning. This in turn may reduce exposures to *n*-hexane and reduce resident, worker, and environmental exposures to *n*-hexane. In addition, some businesses may not be able to afford the expenses of establishing MADLs and therefore may face litigation for a failure to warn or for a prohibited discharge of the listed chemical. Adopting this regulation will save these businesses those expenses and may reduce litigation costs.

² Health and Safety Code section 25249.6.

³ Health and Safety Code section 25249.5.

⁴ Health and Safety Code sections 25249.9 and 25249.10.

⁵ See Sections 25801 to 25805.

⁶ Section 25803(a)(5).

PEER REVIEW

This notice and the Initial Statement of Reasons will be provided to the Developmental and Reproductive Toxicant Identification Committee members for scientific peer review and comment.

AUTHORITY

Health and Safety Code Section 25249.12.

REFERENCE

Health and Safety Code Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 expressly⁷ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 expressly⁸ does not apply to any State agency, OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

Because Proposition 65 expressly⁹ does not apply to any federal agency, OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

EFFECT ON HOUSING COSTS

OEHHA has determined that the proposed regulatory action will have no effect on housing costs because it provides compliance assistance to businesses subject to

⁷ See Health and Safety Code section 25249.11(b).

⁸ See Health and Safety Code section 25249.11(b).

⁹ See Health and Safety Code section 25249.11(b).

the Act, but does not impose any mandatory requirements on those businesses.

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

Because the proposed regulatory levels provide compliance assistance to businesses subject to the Act, but do not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The proposed MADLs were developed to provide compliance assistance to businesses in determining whether a warning is required or a discharge is prohibited. The MADLs are levels of exposure at or below which a warning is not required and a discharge is not prohibited. Use of the MADLs is not mandatory. The implementing regulations allow a business to calculate its own level and provide guidance in order to assist businesses in doing so¹⁰. However, conducting such a process can be expensive and time consuming, and the resulting levels may not be defensible in an enforcement action. OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed MADLs will not impose any mandatory requirements on small business. Rather, the proposed MADLs will provide compliance assistance for small businesses subject to the Act because it will help them determine whether or not an exposure for which they are responsible is subject to the warning requirement or discharge prohibition of the Act.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5(a)(13) requires that OEHHA must determine that no reasonable alternative considered by OEHHA or that has otherwise been identified and brought to the attention of OEHHA would be more effective in carrying out the purpose for

¹⁰ Title 27, Cal. Code of Regs., section 25801 et seq.

which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF FISH
AND WILDLIFE**

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

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the regulation, which contains the text of the regulation and the information upon which the regulation is based. A copy of the Initial Statement of Reasons, the text of the regulation and documents used by OEHHA to develop the proposed regulation are available upon request from OEHHA at the address, e-mail address and telephone number indicated above. These documents are also posted on OEHHA's website at www.oehha.ca.gov.

**CESA CONSISTENCY DETERMINATION
REQUEST FOR
Sonoma 101 North of Pepper Road Slide
Repair Project
2080-2018-012-03
Sonoma County**

The California Department of Fish and Wildlife (CDFW) received a notice on September 19, 2018 that the California Department of Transportation (CalTrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the repair of storm damage-related erosion that has resulted in ongoing maintenance and traveler safety issues. Proposed activities will include, but are not limited to, regrading of an area with three on-going earthen slides, lining an existing v-shaped ditch at the top of the slope with concrete, and replacing a failing sub-surface down-drain pipe that conveys stormwater flows from the top of the slope to a culvert that drains under and perpendicular across the highway. The proposed project will occur on U.S. Highway 101 at Post Mile 9.0, near the city of Petaluma in Sonoma County.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on changed regulations and the full text will be mailed to individuals who testified or submitted written comments at the public hearing, if held, or whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such changes. Copies of the notice and the changed regulation will also be available on the OEHHA website at www.oehha.ca.gov.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO) (Service Ref. No. 08ESMF00-2018-F-0668-1) in a memorandum to CalTrans on April 3, 2018, which considered the effects of the proposed project on the state endangered and federally endangered Sonoma County distinct population segment of California tiger salamander (*Ambystoma californiense*).

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHA at the address, e-mail address and telephone number indicated above, and on the OEHHA website at www.oehha.ca.gov.

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

DEPARTMENT OF FISH
AND WILDLIFE

HABITAT RESTORATION AND
ENHANCEMENT ACT
CONSISTENCY DETERMINATION NO.
1653-2018-027-001-R1

Project: EFM Patterson Creek Accelerated Wood Recruitment Project

Location: Siskiyou County

Applicant: Scott River Watershed Council

Background

Project Location: The Ecotrust Forest Management (EFM) Patterson Creek Accelerated Wood Recruitment Project (Project) is located on a 1.5-mile reach of Patterson Creek, starting 0.5 mile upstream of State Highway 3, in Siskiyou County. The Project is located at a property owned by EFM, Assessor's Parcel Number (APN) 023-051-240-000. Patterson Creek is a tributary to Scott River and supports populations of Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), and steelhead (*O. mykiss*).

Project Description: The Scott River Watershed Council (Applicant) proposes to enhance or restore habitat within Patterson Creek to provide a conservation benefit for Chinook salmon, coho salmon, and steelhead. The conservation benefits from the proposed project will improve salmonid spawning and rearing habitat by placement of unanchored large wood to create scour pools, and improve floodplain and off-channel access through creating complex refugia. The Project is a multi-phased approach over a five-year period to place four to six key pieces of wood, varying in sizes, per 100 meters through the project reach. The Project will use large and small wood, including existing riparian trees and some upland trees, on site. This will create complex refugia for salmonids at higher flows, and is not expected to result in stranding fish during lower flows.

Project Size: The total area of ground disturbance associated with the multi-phased Project is approximately 4.23 acres and 500 linear feet. The Applicant has included project size calculations that were used to determine the total size of the Project. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., tit. 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project

include those associated with the following: (1) up to 200 pieces of large woody debris, and (2) rootwads and associated material from selected trees.

Project Timeframes:

Start date: September 2018

Completion date: October 2023

Work window: September 1 — October 15

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish habitat and function to 1.5 miles of stream, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) No. 1A180129WNSI, Electronic Content Management Identification (ECM PIN) No. CW-850416) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to Chinook salmon, coho salmon, and steelhead.

Receiving Water: Patterson Creek, a tributary to Scott River.

Filled or Excavated Area:

Permanent area impacted: none

Temporary area impacted: 4.23 acres maximum

Length temporarily impacted: 500 linear feet

Length permanently impacted: unknown

Dredge Volume: None.

Discharge Volume: Up to 200 pieces of large woody debris to waters of the State over five years.

Project Location: The project reach is approximately 1.5 miles with the upstream coordinates being Latitude 41.50965359°N, Longitude -122.9360064°W and downstream coordinates being Latitude 41.50272451°N, Longitude -122.9158756°W. The Assessor Parcel Number (APN) is 023-051-240-000.

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

On August 29, 2018, the Director of CDFW received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on August 31, 2018, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2018-0831-01) on September 14, 2018. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

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

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4) include, but are not limited to, the following: (1) Erosion Control; (2) Minimize Disturbance from instream Construction, including work period and pollutants; (3) Minimize Degradation of Water Quality; (4) Environmental Resources, including pre-construction surveys and invasive species measures; (5) Protected Species, including Salmonids, Avian, and Special Status Species; and (6) Archaeological and Cultural Resources. The specific avoidance and minimization requirements are found as an attachment to the NOI and are titled “Avoidance and Minimization Methods.”

Monitoring and Reporting

The primary goal of the Project is to create complex refugia for salmonids in the Patterson Creek watershed. Performance measures will be the large woody material wood counts and project photographs evaluating the complexity.

Monitoring Plan: Prior to construction, the Applicant will conduct an assessment to document conditions of the Patterson Creek watershed. Applicant will conduct additional assessments following at least one winter after each phase of implementation. All assessments will include the following monitoring:

1. **Photographic Monitoring** — The Applicant will establish benchmark locations and conduct photographic monitoring from the benchmark

locations. Where appropriate, Applicant may conduct additional photographic monitoring of specific structures.

2. **Large Woody Material Monitoring** — The Applicant will distinctively notch, tag, and GPS mark all large woody material pieces at a standardized location in association with the notch following implementation.

The Applicant will conduct the post-project assessment in the spring of 2023. Timing of the post-project assessment will be dependent upon weather conditions and stream flow.

Reporting Plan: Following completion of the seasonal work period, the Applicant will submit an annual report to all appropriate agencies (i.e., U.S. Fish and Wildlife Service, Army Corps of Engineers, North Coast Regional Water Quality Control Board, and CDFW) by March 15 of each year. This report will include the findings that result from pre- and post-project monitoring. These findings will indicate the achievement of performance standards that are relative to the project goals. Each report will include the following information:

1. Summary of findings;
2. Identification and discussion of problems with achieving success;
3. Proposed corrective measures; and
4. Monitoring data

The Post-Implementation Monitoring Report will be due December 31, 2023.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

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

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order.

The Applicant shall submit documents electronically to: janae.scruggs@wildlife.ca.gov.

Project Authorization

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

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

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

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

NOTICE OF INTENT TO LIST BEVACIZUMAB

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list bevacizumab as known to the state to cause reproductive toxicity (developmental and female endpoints) under the Safe Drinking Water and Toxic Enforcement Act of 1986¹. This action is being proposed under the “Formally Required to Be Labeled or Identified” listing mechanism².

Chemical	CAS No.	Toxicological Endpoint	Reference
Bevacizumab	216974-75-3	Female reproductive toxicity Developmental toxicity	FDA (2018)

Background on listing via the formally required to be labeled or Identified mechanism: A chemical must be listed under Proposition 65³ and its implementing regulations (Section 25902⁴) when a state or federal agency has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

OEHHA is the lead agency for Proposition 65 implementation, and evaluates whether listing under Proposition 65 is required pursuant to the definitions set out in Section 25902. According to Section 25902(b):

- “[F]ormally required’ means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application;”
- “[L]abeled’ means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such a chemical;”
- “[I]dentified’ means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure”; and
- “As causing reproductive toxicity” means: “For chemicals that cause reproductive toxicity, the required label or identification uses any words or phrases intended to communicate a risk of reproductive harm to men or women or both, or a risk of birth defects or other developmental harm.”

OEHHA’s determination: *Bevacizumab* is a vascular endothelial growth factor-directed antibody indicated for the treatment of certain types of cancers. It has been identified and labeled to communicate a risk of re-

¹ Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

² See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25902.

³ See Health and Safety Code section 25249.8(b).

⁴ All referenced regulatory sections are from Title 27 of the Cal. Code of Regulations.

productive harm (developmental and female endpoints) (FDA, 2018) in accordance with formal requirements by the U.S. Food and Drug Administration (FDA). The FDA-approved label indicates that uses of *bevacizumab* have the potential to increase the risk of ovarian failure and may cause fetal harm. Avastin® is a trade name of bevacizumab.

Language from the FDA-approved product label (Reference ID: 4277004; FDA, 2018) which meets the requirements of Section 25902 is quoted below:

Bevacizumab

Reproductive Toxicity (Female and Developmental Endpoints)

Under HIGHLIGHTS OF PRESCRIBING INFORMATION

WARNINGS AND PRECAUTIONS:

- “Embryo–fetal Toxicity: Advise females of potential risk to fetus and need for use of effective contraception. (5.10, 8.1, 8.3)”
- “Ovarian Failure: Advise females of the potential risk. (5.11, 8.3)”

Under WARNINGS AND PRECAUTIONS:

“5.10 Embryo–fetal Toxicity

Avastin [*bevacizumab*] may cause fetal harm based on its mechanism of action and findings from animal studies. Congenital malformations were observed with the administration of bevacizumab to pregnant rabbits during organogenesis every 3 days at a dose as low as a clinical dose of 10 mg/kg. Furthermore, animal models link angiogenesis and VEGF and VEGFR 2 to critical aspects of female reproduction, embryo–fetal development, and postnatal development. Advise pregnant women of the potential risk to a fetus. Advise females of reproductive potential to use effective contraception during treatment with and for 6 months after the last dose of Avastin [*see Use in Specific Populations (8.1, 8.3), Clinical Pharmacology (12.1)*].”

“5.11 Ovarian Failure

The incidence of ovarian failure was 34% vs. 2% in premenopausal women receiving Avastin [*bevacizumab*] with chemotherapy as compared to those receiving chemotherapy alone for adjuvant treatment of a solid tumor. After discontinuing Avastin, recovery of ovarian function at all time points during the post-treatment period was demonstrated in 22% of women receiving Avastin. Recovery of ovarian function is defined as resumption of menses, a positive serum β-HCG pregnancy test, or a FSH level < 30mIU/mL during the post-treatment period. Long-term effects of Avastin on fertility are unknown. Inform females of reproductive potential of the risk of ovarian failure prior to initiating Avastin [*see Adverse Reactions (6.1), Use in Specific Populations (8.3)*].”

Under ADVERSE REACTIONS:

“Ovarian Failure [*See Warnings and Precautions (5.11)*].”

Under USE IN SPECIFIC POPULATIONS:

“8.1 Pregnancy

Risk Summary

Avastin [*bevacizumab*] may cause fetal harm based on findings from animal studies and its mechanism of action. [*see Clinical Pharmacology (12.1)*]. Limited postmarketing reports describe cases of fetal malformations with use of Avastin in pregnancy; however, these reports are insufficient to determine drug associated risks. In animal reproduction studies, intravenous administration of bevacizumab to pregnant rabbits every 3 days during organogenesis at doses approximately 1 to 10 times the clinical dose of 10 mg/kg produced fetal resorptions, decreased maternal and fetal weight gain and multiple congenital malformations including corneal opacities and abnormal ossification of the skull and skeleton including limb and phalangeal defects [*see Data*]. Furthermore, animal models link angiogenesis and VEGF and VEGFR–2 to critical aspects of female reproduction, embryofetal development, and postnatal development. Advise pregnant women of the potential risk to a fetus.

The background risk of major birth defects and miscarriage for the indicated population is unknown. In the U.S. general population, the estimated background risk of major birth defects and miscarriage in clinically recognized pregnancies is 2% to 4% and 15% to 20%, respectively.”

“8.3 Females and Males of Reproductive Potential

Contraception

Females

Avastin [*bevacizumab*] may cause fetal harm when administered to a pregnant woman. [*see Use in Specific Populations (8.1)*]. Advise female of reproductive potential to use effective contraception during treatment with Avastin and for 6 months after the last dose of Avastin.”

Infertility

Females

Avastin [*bevacizumab*] increases the risk of ovarian failure and may impair fertility. Inform females of reproductive potential of the risk of ovarian failure prior to the first-dose of Avastin. Long-term effects of Avastin on fertility are not known.

In a clinical study of 179 premenopausal women randomized to receive chemotherapy with or without Avastin, the incidence of ovarian failure was higher in patients who received Avastin with chemotherapy (34%) compared patients who received chemotherapy alone (2%). After discontinuing Avastin with chemotherapy, recovery of ovarian function occurred in 22%

of these patients. [see *Warnings and Precautions (5.11), Adverse Reactions (6.1).*]

Under **NONCLINICAL TOXICOLOGY**

13.1 Carcinogenesis, Mutagenesis, Impairment of Fertility

“Bevacizumab may impair fertility. Female cynomolgus monkeys treated with 0.4 to 20 times the recommended human dose of bevacizumab exhibited arrested follicular development or absent corpora lutea, as well as dose-related decreases in ovarian and uterine weights, endometrial proliferation, and the number of menstrual cycles. Following a 4- or 12-week recovery period, there was a trend suggestive of reversibility. After the 12-week recovery period, follicular maturation arrest was no longer observed, but ovarian weights were still moderately decreased. Reduced endometrial proliferation was no longer observed at the 12-week recovery time point; however, decreased uterine weight, absent corpora lutea, and reduced number of menstrual cycles remained evident.”

Under **PATIENT COUNSELING INFORMATION**

“**Embryo-Fetal Toxicity:** Advise female patients that Avastin [*bevacizumab*] may cause fetal harm and to inform their healthcare provider with a known or suspected pregnancy [see *Warnings and Precautions (5.10), Use in Specific Populations (8.1)*]. Advise females of reproductive potential to use effective contraception during treatment with Avastin and for 6 months after the last dose of Avastin [see *Use in Specific Populations (8.3)*].

“**Ovarian Failure:** Avastin may lead to ovarian failure. Advise patients of potential options for preservation of ova prior to starting treatment [see *Warnings and Precautions (5.11)*].”

Request for comments: OEHHA is requesting comments as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for listings via the formally required to be labeled or identified mechanism (Section 25902). Because this is a ministerial listing, comments should be limited to whether FDA requires that *bevacizumab* be labeled to communicate a risk of reproductive or developmental harm. OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by FDA when it established the labeling requirement and will not respond to such comments if they are submitted.

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on Monday, November 5, 2018.** Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>.

Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below.

Mailing Address: Michelle Ramirez
 Proposition 65 Implementation Program
 Office of Environmental Health Hazard Assessment
 P.O. Box 4010, MS-12B
 Sacramento, California 95812-4010

Fax: (916) 323-2265

Street Address: 1001 I Street
 Sacramento, California 95814

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

If you have any questions, please contact Michelle Ramirez at Michelle.Ramirez@oehha.ca.gov or at (916) 445-6900.

References

Food and Drug Administration (FDA, 2018). FDA approved drug label for AVASTIN® (bevacizumab), Reference ID: 4277004, revised June 2018. Available at https://www.accessdata.fda.gov/drugsatfda_docs/label/2018/125085s323lbl.pdf.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

**California Environmental Protection Agency
 Office of Environmental Health
 Hazard Assessment**

**ANNOUNCEMENT OF AVAILABILITY OF A DRAFT TECHNICAL SUPPORT DOCUMENT FOR PROPOSED PUBLIC HEALTH GOALS FOR TRIHALOMETHANES IN DRINKING WATER
 ANNOUNCEMENT OF PUBLIC WORKSHOP ON THE DRAFT DOCUMENT**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the release of a draft document for public review describing proposed Public Health Goals (PHGs) for the four regulated trihalomethanes (THMs) found in drinking water as a re-

sult of disinfection methods: chloroform, bromoform, bromodichloromethane and dibromochloromethane. A PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the State Water Resources Control Board in setting drinking water standards (Maximum Contaminant Levels, or MCLs) for California.³

The technical support document, posted on the OEHHA website (<https://oehha.ca.gov/water>), presents the scientific information available on toxicity of the THMs and the calculation of the proposed PHGs. The proposed PHGs of 0.4 parts per billion (ppb) for chloroform, 0.5 ppb for bromoform, 0.06 ppb for bromodichloromethane, and 0.1 ppb for dibromochloromethane are all based on carcinogenicity and are set at a level of risk of one additional cancer case per one million persons exposed over a 70-year lifetime. OEHHA also presents health-protective drinking water concentrations for non-cancer health effects.

The draft technical support document is being released for public comment. The public comment period begins October 5, 2018 and ends November 29, 2018.

The public is encouraged to submit written comments via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below. Any written comments concerning this draft PHG document, regardless of the form or method of transmission, must be received by the PHG program by 5:00 p.m. on November 29, 2018 to be considered.

The Office will hold a public workshop on November 29, 2018 at the California Environmental Protection Agency Headquarters Building, 1001 I Street, Sacramento, California, 95814, Coastal Hearing Room, from 10:00 a.m. to 1:00 p.m., or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

The workshop is provided to enable a dialogue between OEHHA scientists and the public to discuss the scientific basis of the proposed PHGs, and to receive comments. After the public workshop, OEHHA will submit the draft risk assessment for external scientific peer review.⁴

Following the workshop, public comment period and external scientific peer review, OEHHA will evaluate all the comments received, revise the document as appropriate, and make it available for an additional 30-day public comment period. After any subsequent revisions, the final document will be posted on the OEHHA website along with responses to the external peer review comments and to major comments received at the workshop and during the two public comment periods.

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at PHG.Program@oehha.ca.gov or at (916) 324-7572. Written inquiries can also be addressed to:

Pesticide and Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment
California Environmental Protection Agency
P.O. Box 4010, MS-12B
Sacramento, California 95812-4010
Attention: PHG Program

DECISION NOT TO PROCEED

**GOVERNOR'S OFFICE OF BUSINESS
AND ECONOMIC DEVELOPMENT**

**Title 10, Chapter 13, Article 1, Sections 8000-8040
California Competes Tax Credit**

Pursuant to Government Code Section 11347, the Governor's Office of Business and Economic Development (GO-Biz) hereby gives notice that it has decided not to proceed with the adoption of Title 10, Chapter 13, Article 1, Section 8030(p) and the proposed amendments to Title 10, Chapter 13, Article 1, Sections 8000(j) and 8020(a) published in the California Registry Notice Register on August 10, 2018, Notice file No. Z-2018-0731-04. The eliminated section/amendments related to the process for requesting permission to submit an application for the California Competes Tax Credit outside of an application period designated by the director.

GO-Biz may initiate at a later date, with notice as required by law, a new proposal to adopt regulations per-

¹ Codified at Health and Safety Code, section 116270 *et. seq.*

² Health and Safety Code, section 116365(c).

³ Health and Safety Code, section 116365(a) and (b).

⁴ Health and Safety Code section 116365(c)(3)(D).

taining to the same or similar subject matter. Any interested person with questions concerning this rulemaking should contact Van T. Nguyen, GO-Biz Counsel, at 916-322-2984 or calcompetes@gobiz.ca.gov.

GO-Biz will also post this notice of Decision Not to Proceed on its website.

**OAL REGULATORY
DETERMINATION**

OFFICE OF ADMINISTRATIVE LAW

**DETERMINATION OF ALLEGED
UNDERGROUND REGULATION
(Summary Disposition)**

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

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF STATE HOSPITALS

Date: September 7, 2018
To: Vadim S. Miesegaes
From: Chapter Two Compliance Unit
Subject: **2018 OAL DETERMINATION NO. 2 (S)
(CTU2018-0709-01)**
(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f))

Petition challenging as an underground regulation the Administrative Directive No. 613.2, subject "Beverages Containing Caffeine", dated September 27, 2016, issued by Department of State Hospitals, Atascadero State Hospital.

On 7/9/2018, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether Administrative Directive No. 613.2, Beverages Containing Caffeine (Directive No. 613.2) constitutes an underground regulation. The challenged rule is attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a "regulation" as

defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA).² Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an "underground regulation" as defined in California Code of Regulations, title 1, section 250:

(a) "Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA [Emphasis added].

Generally, a rule which meets the definition of a "regulation" in Government Code section 11342.600, is required to be adopted pursuant to the APA. In some cases, however, the Legislature has chosen to establish exemptions from the requirements of the APA. The Legislature has enacted an exemption with respect to the control and elimination of contraband at state hospitals. Welfare and Institutions Code section 7295(j), establishes exemptions expressly for the California Department of State Hospitals (DSH):

(j) Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, the hospital and the department may implement, interpret, or make specific this section without taking regulatory action [Emphasis added].

This exemption applies when a rule is adopted by a hospital to implement, interpret, or make specific Welfare and Institutions Code section 7295(a), which

¹ "Regulation" means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

² Such a rule is called an "underground regulation" as defined in California Code of Regulations, title 1, section 250, subsection (a):

"Underground regulation" means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and is not subject to an express statutory exemption from adoption pursuant to the APA.

specifically deals with the control of contraband items at state hospitals:

- (a) To ensure its safety and security, a state hospital that is under the jurisdiction of the State Department of State Hospitals, as listed in Section 4100, may develop a list of items that are deemed contraband and prohibited on hospital grounds and control and eliminate contraband on hospital grounds.

Pursuant to the provisions of Welfare and Institutions Code section 7295(a), Atascadero State Hospital, in Administrative Directive No. 613.2, classified caffeinated beverages as contraband at Atascadero State Hospital and established procedures to control patient access to caffeinated beverages, and therefore, Administrative Directive No. 613.2, is not an underground regulation.³

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

September 7, 2018

Date

/s/

Debra M. Cornez
Director

/s/

Beverly J. Johnson
Deputy Director

Copy:

Stephanie Clendenin, Interim Director
Patrice Huber

³ The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.

(B) The challenged rule is contained in a California statute.

(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.

(D) The challenged rule has expired by its own terms.

(E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

[Emphasis added.]

DISAPPROVAL DECISION

FISH AND GAME COMMISSION

**State of California
Office of Administrative Law**

In re:

Fish and Game Commission

**Regulatory Action: Title 14
California Code of Regulations**

Adopt section: 42

Amend sections: 43, 651, 703

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL Matter Number: 2018-0801-02

OAL Matter Type: Regular Resubmittal (SR)

SUMMARY OF REGULATORY ACTION

On January 24, 2018, the Fish and Game Commission (Commission) submitted to the Office of Administrative Law (OAL) its initial proposed regulatory action (OAL File No. 2018-0124-01S) to adopt and amend sections in Title 14 of the California Code of Regulations. The regulations establish a permit program for the commercial use of native rattlesnakes to develop antivenom, vaccines, and other therapeutic agents. This program includes an application form and fees, species authorized for use, minimum qualifications for applicants and employees, inspection requirements, humane care and treatment standards, emergency plan requirements, and record keeping and reporting obligations. On March 7, 2018, the Commission withdrew this initially submitted file.

The Commission subsequently modified its regulatory text and added an Amended Initial Statement of Reasons (ISOR) to the file. The Commission then made these documents available to the public for comment on June 11, 2018, for a period of 15 days. On August 1, 2018, the Commission resubmitted the proposed regulatory action to OAL for review. On September 13, 2018, OAL notified the Commission that OAL disapproved the proposed regulations because the Commission failed to follow procedures required by the Administrative Procedure Act (APA). This Decision of Disap-

proval of Regulatory Action explains the reasons for OAL's action.

DECISION

OAL disapproved the above-referenced regulatory action because the Commission failed to follow required APA procedures by not considering and approving substantial changes made to the final version of the regulation text, and by not considering a public comment received during the 15-day comment period of June 11, 2018, through June 26, 2018, as required by Government Code section 11346.8, subdivision (a).

CONCLUSION

For these reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Commission may resubmit this rulemaking action within 120 days of its receipt of this Decision of Disapproval. A copy of this Decision was emailed to the Commission on the date indicated below. If you have any questions, please do not hesitate to contact me at (916) 323-7465.

Date
September 20, 2018

Amy R. Gowan
Attorney

For:
Debra M. Cornez
Director

Original:
Valerie Termini, Executive Director
Copy:
Sherrie Fonbuena

**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# 2018-0810-01
AIR RESOURCES BOARD
State Area Designations

This action by the California Air Resources Board amends three sections to update the area pollutant designations for six areas.

Title 17
AMEND: 60201, 60205, 60210
Filed 09/24/2018
Effective 09/24/2018
Agency Contact: Bradley Bechtold (916) 322-6533

File# 2018-0810-02
AIR RESOURCES BOARD
Aftermarket Catalytic Converters

This rulemaking action by the Air Resources Board (Board) revises the procedures it uses to evaluate and approve aftermarket catalytic converters designed for use on California passenger cars and trucks to allow them to be used for Low-Emission Vehicle III vehicles.

Title 13
AMEND: 2222
Filed 09/24/2018
Effective 01/01/2019
Agency Contact: Bradley Bechtold (916) 322-6533

File# 2018-0810-03
AIR RESOURCES BOARD
Portable Engine ATCM and PERP Regulation

This action amends the portable engine Airborne Toxic Control Measure (ATCM) and Portable Equipment Registration Program (PERP) to allow portable engine users more time to comply with emission requirements, establish fleets, alter recordkeeping and other requirements, and improve clarity.

Title 13, 17
ADOPT: 2461.1
AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4
Filed 09/24/2018
Effective 11/30/2018
Agency Contact: Bradley Bechtold (916) 322-6533

File# 2018-0907-06
BUSINESS, CONSUMER SERVICES AND
HOUSING AGENCY
Conflict-of-Interest Code

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

Title 2
 AMEND: 59760
 Filed 09/26/2018
 Effective 10/26/2018
 Agency Contact: Phil Laird (916) 653-4000

Title 20
 AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608, 1609
 Filed 09/26/2018
 Effective 10/01/2018
 Agency Contact: Linda Barrera (916) 651-2924

File# 2018-0809-02
 CALIFORNIA DEBT LIMIT ALLOCATION COMMITTEE
 Process for December 2017, Qualified PEF Bond

This Certificate of Compliance by the California Debt Limit Allocation Committee (“CDLAC”) makes permanent two separate emergency rulemaking actions. In the first emergency rulemaking action, CDLAC adopted regulations to enable the provision of tax-exempt, private-activity bond allocation to state and local agencies for the purpose of providing public elementary and secondary schools with financing for the construction or improvement of school facilities. Regarding the second emergency rulemaking action, Government Code section 8869.84, subdivision (c), states, “The committee shall prepare application forms and announce procedures for receipt and review of applications from state and local agencies desiring to issue private activity bonds.” The allocation system provides tax-exempt private activity bond allocation to state and local agencies. The changes in the emergency rulemaking (1) revised existing procedures and (2) allowed for an additional allocation round at the end of December of 2017.

Title 4
 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731
 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540
 REPEAL: 5259
 Filed 09/21/2018
 Effective 09/21/2018
 Agency Contact: Felicity Wood (916) 651-8484

File# 2018-0814-02
 CALIFORNIA ENERGY COMMISSION
 Amendments to the Title 20 Appliance Efficiency Regulations

This action by the California Energy Commission amends appliance efficiency regulations to update provisions to reflect current federal law, revise state-specific requirements, revise the appliance certification procedures, and to update the appliance data submittal requirements.

File# 2018-0815-01
 CALIFORNIA GAMBLING CONTROL COMMISSION
 Third-Party Providers of Proposition Player Services (TPPPS) Application Form Correction

This action makes changes without regulatory effect to the form BGC-434, Application for Third-Party Proposition Player Services License for Supervisor, Player or Other Employee, which is incorporated by reference in California Gambling Control Commission regulations.

Title 4
 AMEND: 12205.1
 Filed 09/26/2018
 Agency Contact: Josh Rosenstein (916) 274-5823

File# 2018-0810-04
 CALIFORNIA HEALTH BENEFIT EXCHANGE
 Application, Eligibility, and Enrollment Process for the Individual Exchange

This certificate of compliance makes permanent emergency regulations adopted pursuant to Government Code section 100504(a)(6). In compliance with state and federal laws, these regulations provide definitions, abbreviations, standards for notice, standards for eligibility determination and redetermination for qualified health plans, requirements for coverage eligibility, procedures for termination of coverage, and an appeals process.

Title 10
 ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620, 6622
 Filed 09/24/2018
 Effective 09/24/2018
 Agency Contact: Bahara Hosseini (916) 228-8486

File# 2018-0830-01
 DEPARTMENT OF HUMAN RESOURCES
 Conflict-of-Interest Code

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

Title 2
AMEND: 559.885
Filed 09/20/2018
Effective 10/20/2018
Agency Contact: Jodi LeFebre (916) 324-1037

File# 2018-0815-02
DEPARTMENT OF INSURANCE
California Automobile Assigned Risk Plan (CAARP)
Simplified Manual of Rules and Rates

This action amends the California Automobile Assigned Risk Plan Simplified Manual of Rules and Rates and is submitted to OAL for filing with the Secretary of State and for printing in the California Code of Regulations. It is exempt from the Administrative Procedure Act under Insurance Code section 11620(c) and Government Code section 11340.9(g).

Title 10
AMEND: 2498.5
Filed 09/25/2018
Effective 09/25/2018
Agency Contact: Michael Riordan (415) 538-4226

File# 2018-0815-03
DEPARTMENT OF INSURANCE
Low Cost Auto Plan of Operations

This request to file with the Secretary of State and print in the California Code of Regulations an updated effective date for the incorporated-by-reference California Automobile Insurance Low Cost Program Plan of Operations (hereafter Plan) is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c). Changes to the Plan include: simplification of the form used for payment of premiums by credit or debit card, clarification of the exclusion of medical payments coverage for occupants of vehicles used as public conveyances while the insured is logged into a transportation technology platform, and clarification of who is an insured household member.

Title 10
AMEND: 2498.6
Filed 09/25/2018
Effective 09/25/2018
Agency Contact: Michael Riordan (415) 538-4226

File# 2018-0815-04
DEPARTMENT OF INSURANCE
California Automobile Assigned Risk Plan (CAARP)
of Operations

This file and print action by the Department of Insurance amends section 2498.4.9 in title 10 of the California Code of Regulations. This amendment makes

changes to the California Automobile Assigned Risk Plan, which is incorporated by reference in Section 2498.4.9. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620, subdivision (c).

Title 10
AMEND: 2498.4.9
Filed 09/25/2018
Effective 09/25/2018
Agency Contact: Michael Riordan (415) 538-4226

File# 2018-0829-04
DEPARTMENT OF JUSTICE
Department of Fish and Wildlife Bond Form

The Department of Justice submitted this action to file with the Secretary of State, pursuant to Government Code section 11343.8, amendments to the Department of Fish and Wildlife bond form titled "Surety Bond for Oil Spill Response and Damages."

Title 11
AMEND: 44.2
Filed 09/26/2018
Effective 09/26/2018
Agency Contact: Cara M. Porter (415) 510-3508

File# 2018-0814-06
DEPARTMENT OF SOCIAL SERVICES
CWS: Incarcerated Parents, Tribal Customary Adoptions, Juvenile Court Services

In this regular rulemaking, the Department of Social Services is adopting regulations requiring a social worker to describe in a case plan any information regarding tribal customary adoption of an Indian child, parental/legal guardian incarceration, institutionalization or participation in a court-ordered residential substance abuse treatment program as it relates to completing case plan objectives and goals, and wards who were once dependents and the services they have access to as well as being enrolled in a transitional independent living plan.

Title MPP
AMEND: 31-206, 31-525
Filed 09/26/2018
Effective 01/01/2019
Agency Contact: Everardo Vaca (916) 657-2363

File# 2018-0828-01
DEPARTMENT OF VETERANS AFFAIRS
Conflict-of-Interest Code Amendment

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

Title 12
 AMEND: 600
 Filed 09/25/2018
 Effective 10/25/2018
 Agency Contact: Tanya Murrey (916) 651-3049

File# 2018-0914-01
 DEPARTMENT OF WATER RESOURCES
 Annual Fees — Dam Safety Program

In this emergency readoption of amendments to regulations, the Department of Water Resources (Department) readopts the method for determining the fee schedule to cover the Department's reasonable budgetary costs to carry out the supervision of dam safety for the 1,247 jurisdictional dams in California pursuant to Senate Bill 92 (Stats. 2017, ch. 26) which enhanced the Dam Safety Program following the February 2017 Oroville emergency.

Title 23
 AMEND: 315, 316
 Filed 09/20/2018
 Effective 09/25/2018
 Agency Contact:
 Marcelino Alcantar (916) 227-4640

File# 2018-0823-03
 FAIR POLITICAL PRACTICES COMMISSION
 Parent Subsidiary

This action relates to the determination of whether an official with a financial interest in a business entity also has an interest in a parent or subsidiary of the entity.

Title 2
 AMEND: 18700.2
 Filed 09/24/2018
 Effective 10/24/2018
 Agency Contact: Sasha Linker (916) 327-8269

File# 2018-0814-01
 STATE ALLOCATION BOARD
 Leroy F. Greene School Facilities Act of 1998; SMP/NC Application Processing

The State Allocation Board submitted this certificate of compliance action to make permanent emergency amendments to regulations relating to funding Seismic Mitigation Program projects and the processing of new construction funding applications submitted by California school districts.

Title 2
 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1
 Filed 09/26/2018
 Effective 09/26/2018
 Agency Contact: Lisa Jones (916) 376-1753

File# 2018-0809-03
 STATE PERSONNEL BOARD
 Petitions to Participate in Examinations

This action adopts and amends regulations concerning petitions to participate in examinations and is submitted to OAL for filing with the Secretary of State and for printing in the California Code of Regulations. These regulations are exempt from the Administrative Procedure Act. (Gov. Code, sec. 18211.)

Title 2
 ADOPT: 211.2
 AMEND: 211
 Filed 09/20/2018
 Effective 09/20/2018
 Agency Contact:
 Dorothy Bacskai Egel (916) 653-1466

File# 2018-0813-02
 STATE WATER RESOURCES CONTROL BOARD
 Santa Ana Regional Water Quality Control Board Basin Plan Amendment

This action under Government Code section 11353 amends the Water Quality Control Plan for the Santa Ana River Basin. On June 16, 2017, the California Regional Water Quality Control Board, Santa Ana Region, adopted Resolution No. R8-2017-0019 revising both the compliance schedule for the Fecal Coliform Total Maximum Daily Load and beneficial use definition for shellfish harvesting in Newport Bay, adding antidegradation targets for waters with non-contact water recreation beneficial use, and adding surface water bodies and designating beneficial uses for those waters. The State Water Resources Control Board approved the amendment under Resolution No. 2018-0007 on February 6, 2018.

Title 23
 ADOPT: 3979.10
 Filed 09/24/2018
 Effective 09/24/2018
 Agency Contact: David Woelfel (916) 782-7960

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN April 25, 2018 TO
 September 26, 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

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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

09/26/18 AMEND: 1859.2, 1859.51(j), 1859.70, 1859.82, 1859.93.1
09/26/18 AMEND: 59760
09/24/18 AMEND: 18700.2
09/20/18 AMEND: 559.885
09/20/18 ADOPT: 211.2 AMEND: 211
09/13/18 ADOPT: 21902, 21903.6 AMEND: 21902 (renumbered to 21901), 21903, 21904, 21905, 21905.5
09/11/18 AMEND: 1859.77.3
08/02/18 ADOPT: 59830
08/01/18 AMEND: 58200
07/17/18 REPEAL: 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2700, 2701, 2702, 2703, 2704, 2705
07/03/18 ADOPT: 18308, 18308.1, 18308.2, 18308.3
06/21/18 AMEND: 1859.190, 1859.194, 1859.195, 1859.198
06/19/18 AMEND: 554.7
05/17/18 ADOPT: 11027.1 AMEND: 11028
05/16/18 ADOPT: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157, 20158, 20159, 20160, 20161, 20162, 20163, 20164, 20165
05/09/18 AMEND: 321
05/09/18 AMEND: 11034
04/25/18 AMEND: 18401
04/25/18 AMEND: 18450.1

Title 3

09/13/18 AMEND: 6502
09/12/18 AMEND: 3591.13
09/12/18 AMEND: 3591.12
09/06/18 AMEND: 3601
08/22/18 AMEND: 3591.2
08/16/18 ADOPT: 5000, 5001, 5002, 5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010, 5011, 5012, 5013, 5014, 5015
08/10/18 AMEND: 1380.19, 1430.10, 1430.12, 1430.13, 1430.50, 1430.51, 1430.53
08/02/18 AMEND: 3591.2
07/31/18 AMEND: 3
07/19/18 AMEND: 3591.2
06/28/18 AMEND: 3435(b)
06/21/18 AMEND: 3439(b)
06/21/18 AMEND: 3591.5
06/18/18 AMEND: 1280.11
06/04/18 ADOPT: 8000, 8100, 8101, 8102, 8103, 8104, 8105, 8106, 8107, 8108, 8109,

8110, 8111, 8112, 8113, 8114, 8115, 8200, 8201, 8202, 8203, 8204, 8205, 8206, 8207, 8208, 8209, 8210, 8211, 8212, 8213, 8214, 8215, 8216, 8300, 8301, 8302, 8303, 8304, 8305, 8306, 8307, 8308, 8400, 8401, 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8500, 8501, 8600, 8601, 8602, 8603, 8604, 8605, 8606, 8607, 8608

05/30/18 AMEND: 3439(b)
05/24/18 AMEND: 3439(b)
05/24/18 AMEND: 6502
05/18/18 AMEND: 3439(b)
04/30/18 AMEND: 3439(b)

Title 4

09/26/18 AMEND: 12205.1
09/21/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5033, 5035, 5037, 5054, 5060, 5100, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
09/18/18 AMEND: 7051, 7054, 7055, 7056, 7063, 7071
09/17/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15
08/22/18 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
07/26/18 AMEND: 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10190
07/18/18 AMEND: 2050
07/09/18 AMEND: 10325, 10326
07/03/18 AMEND: 10152, 10153, 10154, 10155, 10158 (amended and renumbered), 10159 (amended and renumbered), 10160 (amended and renumbered). REPEAL: 10156, 10157
07/02/18 ADOPT: 5700, 5710, 5711, 5720, 5721, 5722, 5730, 5731 AMEND: 5000, 5020, 5100
05/30/18 AMEND: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.12, 10091.13, 10091.14, 10091.15
05/25/18 AMEND: 5000, 5033, 5035, 5037, 5054, 5060, 5101, 5102, 5120, 5144, 5170, 5191, 5212, 5230, 5240, 5250, 5540 REPEAL: 5259
05/17/18 AMEND: 12590
05/15/18 AMEND: 12204, 12220, 12238, 12560

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04/30/18 AMEND: 10170.2, 10170.3, 10170.4,
10170.5, 10170.6, 10170.7, 10170.9,
10170.10

Title 5

08/03/18 AMEND: 11517.6, 11518, 11518.15,
11518.20, 11518.25, 11518.30,
11518.35, 11518.40, 11518.45,
11518.50, 11518.70, 11518.75, 11519.5

07/23/18 AMEND: 40050.2, 40100.1, 40513,
40514, 41021

07/03/18 ADOPT: 71396, 71397, 71398, 71399

06/21/18 AMEND: 19810

06/07/18 AMEND: 19810

05/18/18 ADOPT: 11301, 11309, 11310, 11311,
11312 AMEND: 11300, 11316 REPEAL:
11301, 11309, 11310

05/08/18 AMEND: 75020

04/30/18 AMEND: 41906.5, 41906.6

04/30/18 AMEND: 42909

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

Title 9

08/20/18 ADOPT: 4020, 4020.1

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

Title 10

09/25/18 AMEND: 2498.4.9

09/25/18 AMEND: 2498.5

09/25/18 AMEND: 2498.6

09/24/18 ADOPT: 6408, 6410, 6450, 6452, 6454,
6470, 6472, 6474, 6476, 6478, 6480,
6482, 6484, 6486, 6490, 6492, 6494,
6496, 6498, 6500, 6502, 6504, 6506,
6508, 6510, 6600, 6602, 6604, 6606,
6608, 6610, 6612, 6614, 6616, 6618,
6620, 6622

09/17/18 ADOPT: 6520, 6522, 6524, 6526, 6528,
6530, 6532, 6534, 6536, 6538

08/31/18 ADOPT: 2218.80, 2218.81, 2218.82,
2218.83

06/13/18 AMEND: 2498.5

05/31/18 AMEND: 2715, 2728.5, 2752

05/22/18 AMEND: 2498.6

Title 11

09/26/18 AMEND: 44.2

08/23/18 AMEND: 1004, 1005, 1081

08/15/18 AMEND: 1005, 1015

08/02/18 AMEND: 4002

07/31/18 AMEND: 49.18

06/21/18 AMEND: 1005

06/18/18 AMEND: 1005, 1007, 1008, 1052

06/13/18 ADOPT: 51.32

06/05/18 AMEND: 1005, 1007, 1008

06/05/18 ADOPT: 49.18

05/21/18 ADOPT: 5505, 5506, 5507, 5508, 5509,
5510, 5511, 5512, 5513, 5514, 5515,
5516, 5517, 5518, 5519, 5520, 5521,
5522

Title 12

09/25/18 AMEND: 600

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

Title 13

09/24/18 AMEND: 2222

09/24/18 ADOPT: 2461.1 AMEND: 2450, 2451,
2452, 2453, 2455, 2456, 2458, 2459,
2460, 2461, 2462, 2464, 93116.1,
93116.2, 93116.3, 93116.4

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08/30/18 AMEND: 1213
 08/30/18 AMEND: 1239
 08/16/18 ADOPT: 25.23 AMEND: 25.06, 25.08,
 25.09, 25.10, 25.11, 25.14, 25.15, 25.16,
 25.17, 25.18, 25.19, 25.20, 25.21, 25.22
 07/23/18 ADOPT: 223.00, 223.02, 223.04, 223.06,
 223.08, 223.10, 223.12, 223.14, 223.16
 07/16/18 AMEND: 1151.1, 1152.4, 1152.4.1
 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

Title 14

09/17/18 ADOPT: 18660.44, 18660.45, 18660.46
 AMEND: 18660.5, 18660.6, 18660.7,
 18660.8, 18660.9, 18660.10, 18660.12,
 18660.13, 18660.15, 18660.16,
 18660.17, 18660.18, 18660.19,
 18660.20, 18660.21, 18660.22,
 18660.24, 18660.25, 18660.30,
 18660.31, 18660.32, 18660.33,
 18660.35, 18660.36, 18660.37,
 18660.39, 18660.41 REPEAL: 18660.23
 09/06/18 AMEND: 1104.1
 08/13/18 AMEND: 7.50
 08/09/18 AMEND: 13055
 07/30/18 ADOPT: 798 AMEND: 791, 791.6,
 791.7, 792, 793, 794, 795, 796, 797
 07/30/18 ADOPT: 820.02
 07/30/18 ADOPT: 817.04 AMEND: 790
 07/30/18 AMEND: 819, 819.01, 819.02, 819.03,
 819.04, 819.05, 819.06, 819.07
 07/19/18 AMEND: 3805.1
 07/05/18 AMEND: 1038
 07/02/18 AMEND: 916.9, 936.9, 956.9
 06/28/18 ADOPT: 1726, 1726.1, 1726.2, 1726.3,
 1726.3.1, 1726.4, 1726.4.1, 1726.4.2,
 1726.4.3, 1726.5, 1726.6, 1726.6.1,
 1726.7, 1726.8, 1726.9, 1726.10
 REPEAL: 1724.9
 06/28/18 AMEND: 18660.25, 18660.34
 06/28/18 AMEND: 502
 06/25/18 AMEND: 7.50
 06/07/18 AMEND: 1760, 1774, 1774.1, 1774.2
 05/24/18 ADOPT: 3803.1, 3803.2, 3803.3
 AMEND: 3802, 3803
 05/16/18 AMEND: 131
 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

Title 15

09/13/18 AMEND: 1006, 1029, 1041, 1050, 1069,
 1206
 08/20/18 AMEND: 3294.5
 08/13/18 AMEND: 3000, 3190, 3213
 08/06/18 ADOPT: 3999.98, 3999.99, 3999.320
 AMEND: 3355, 3087 renumbered as
 3999.225, 3087.1 renumbered as
 3999.226, 3087.2 renumbered as
 3999.227, 3087.3 renumbered as
 3999.228, 3087.4 renumbered as
 3999.229, 3087.5 renumbered as
 3999.230, 3087.6 renumbered as
 3999.231, 3087.7 renumbered as
 3999.232, 3087.8 renumbered as
 3999.233, 3087.9 renumbered as
 3999.234, 3087.10 renumbered as
 3999.235, 3087.11 renumbered as
 3999.236, 3087.12 renumbered as
 3999.237, 3350 renumbered as
 3999.200(a), 3350.1 renumbered as
 3999.200(b), (c), and (d), 3350.2
 renumbered as 3999.200(f), (g), and (h),
 3351 renumbered as 3999.210, 3353
 renumbered as 3999.202, 3353.1
 renumbered as 3999.203, 3354.2
 renumbered as 3999.206, 3356
 renumbered as 3999.410, 3357
 renumbered as 3999.440, 3358
 renumbered as 3999.375, 3359
 renumbered as 3999.411, 3359.8
 renumbered as 3999.200(e)
 08/01/18 AMEND: 3350, 3350.1
 06/28/18 AMEND: 3043.3
 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

Title 16

09/17/18 AMEND: 1735.2

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09/13/18	ADOPT: 3353.1, 3353.2, 3354, 3355, 3357 AMEND: 3303, 3352, 3353, 3356, 3358, 3371 REPEAL: 3356.1, 3359, 3355	07/24/18	AMEND: 100000
08/30/18	AMEND: 1399.573	07/19/18	AMEND: 30305
08/29/18	AMEND: 1805.01, 1816, 1816.1, 1820, 1820.5, 1820.7, 1821, 1822, 1822.51, 1822.52, 1829.2, 1829.3, 1833, 1833.1, 1845, 1846, 1870, 1874, 1886	07/19/18	AMEND: 6508
08/08/18	REPEAL: 1399.531, 1399.532	05/30/18	AMEND: 95835, 95911
08/02/18	AMEND: 3340.17, 3340.41, 3340.45	05/23/18	ADOPT: 51101, 51102, 51103, 51104, 51105, 51106
08/01/18	AMEND: 2070, 2071	05/07/18	ADOPT: 98201, 98202, 98203
06/18/18	AMEND: 1735.2	Title 18	
06/14/18	REPEAL: 1399.620, 1399.621, 1399.622, 1399.623	09/18/18	ADOPT: 23663-1, 23663-2, 23663-3, 23663-4, 23663-5
06/07/18	AMEND: 321, 364	09/17/18	ADOPT: 35001, 35002, 35003, 35004, 35005, 35006, 35007, 35008, 35009, 35010, 35011, 35012, 35013, 35014, 35015, 35016, 35017, 35018, 35019, 35020, 35021, 35022, 35023, 35024, 35025, 35026, 35027, 35028, 35029, 35030, 35031, 35032, 35033, 35034, 35035, 35036, 35037, 35038, 35039, 35040, 35041, 35042, 35043, 35044, 35045, 35046, 35047, 35048, 35049, 35050, 35051, 35052, 35053, 35054, 35055, 35056, 35057, 35058, 35060, 35061, 35062, 35063, 35064, 35065, 35066, 35067, 35101 AMEND: 1032, 1124.1, 1249, 1336, 1422.1, 1705.1, 2251, 2303.1, 2433, 3022, 3302.1, 3502.1, 4106, 4703, 4903, 5200, 5202, 5210, 5211, 5212, 5212.5, 5213, 5214, 5216, 5217, 5218, 5219, 5220, 5220.4, 5220.6, 5221, 5222, 5222.4, 5222.6, 5223, 5224, 5225, 5226, 5227, 5228, 5229, 5230, 5231, 5231.5, 5232, 5233, 5234, 5234.5, 5235, 5236, 5237, 5238, 5240, 5241, 5242, 5244, 5245, 5246, 5247, 5248, 5249, 5249.4, 5249.6, 5260, 5261, 5262, 5263, 5264, 5265, 5266, 5267, 5268, 5700 REPEAL: 1807, 1828, 4508, 4609, 4700, 4701, 4702, 5201, 5210.5, 5215, 5215.4, 5215.6, 5232.4, 5232.8, 5239, 5243, 5250, 5255, 5256
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	09/10/18	ADOPT: 30100, 30101, 30102, 30201, 30202, 30203, 30204, 30205, 30301, 30302, 30303, 30304, 30305, 30401, 30402, 30403, 30501, 30502, 30601, 30602, 30603, 30604, 30605, 30606, 30701, 30702, 30703, 30704, 30705, 30707, 30708, 30709, 30710, 30711, 30800, 30801, 30802, 30803, 30804, 30805, 30806, 30807, 30808, 30809, 30810, 30811, 30812, 30813, 30814, 30815, 30816, 30817, 30818, 30819, 30820, 30821, 30822, 30823, 30824, 30825, 30826, 30827, 30828, 30829, 30830, 30831, 30832
05/15/18	AMEND: 1399.395		
Title 17			
09/24/18	ADOPT: 2461.1 AMEND: 2450, 2451, 2452, 2453, 2455, 2456, 2458, 2459, 2460, 2461, 2462, 2464, 93116.1, 93116.2, 93116.3, 93116.4		
09/24/18	AMEND: 60201, 60205, 60210		
09/05/18	ADOPT: 100650		
08/29/18	AMEND: 60065.18, 60075.17		
08/21/18	AMEND: 35083, 35087		

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08/28/18 AMEND: 2460, 2461, 2462
 08/20/18 AMEND: 301
 08/20/18 AMEND: 469
 07/02/18 AMEND: 283
 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

Title 20
 09/26/18 AMEND: 1601, 1602, 1602.1, 1603, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607, 1608, 1609
 07/19/18 AMEND: 1602, 1604, 1605.3, 1606, 1607
 05/29/18 ADOPT: 1314, 1353 AMEND: 1302, 1304, 1306, 1308, 1344, 2505

Title 21
 05/15/18 AMEND: 1575

Title 22
 09/04/18 ADOPT: 68400.5, 69020, 69021, 69022
 09/04/18 AMEND: 51490.1
 08/20/18 ADOPT: 66262.83, 66262.84 AMEND: 66260.10, 66260.11, 66261.4, 66261.6, 66262.10, 66262.12, 66262.41, 66262.80, 66262.81, 66262.82, 66263.10, 66263.20, 66264.12, 66264.71, 66265.12, 66265.71, 66273.39, 66273.40, 66273.41, 66273.56, 66273.62, 67450.25, 67450.44, Article 8 Appendix REPEAL: 66262.50, 66262.52, 66262.53, 66262.54, 66262.55, 66262.56, 66262.57, 66262.58, 66262.60, 66262.83, 66262.84, 66262.85, 66262.86, 66262.87, 66262.88, 66262.89
 08/16/18 AMEND: 5200
 08/07/18 ADOPT: 60301.120, 60301.850.5, 60301.851, 60301.852, 60301.853, 60320.300, 60320.301, 60320.302, 60320.304, 60320.306, 60320.308, 60320.312, 60320.320, 60320.322, 60320.326, 60320.328, 60320.330, 64668.05, 64668.10, 64668.20, 64668.30 AMEND: 60301.450
 07/25/18 REPEAL: 98300, 98301, 98302, 98303, 98304, 98305, 98306, 98310, 98311, 98312, 98313, 98314, 98320, 98321, 98322, 98323, 98324, 98325, 98326, 98340, 98341, 98342, 98343, 98344, 98345, 98346, 98347, 98348, 98349, 98360, 98361, 98362, 98363, 98364, 98365, 98366, 98370, 98380, 98381, 98382, 98400, 98410, 98411, 98412, 98413
 07/05/18 AMEND: 66272.62
 06/29/18 ADOPT: 72329.2
 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

Title 22, MPP
 08/24/18 ADOPT: 87468.1, 87468.2 AMEND: 87101, 87102, 87109, 87309, 87468, 87506, 87612, 87615, 87631
 08/22/18 ADOPT: 89600, 89601, 89602, 89632, 89633, 89637, 89662, 89667
 07/12/18 AMEND: 87211
 05/09/18 AMEND: 35015, 35017, 35019

Title 23
 09/24/18 ADOPT: 3979.10
 09/20/18 AMEND: 315, 316
 08/27/18 ADOPT: 2637.1, 2637.2, 2640.1, 2716, Appendix VII, VIII, IX, X, XI, XII, XIII AMEND: 2611, 2620, 2621, 2631, 2634, 2635, 2636, 2637, 2638, 2640, 2643, 2644, 2644.1, 2646.1, 2647, 2648, 2649, 2660, 2661, 2663, 2665, 2666, 2672, 2711, 2712, 2715, Appendix III, VI REPEAL: 2645, 2646

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08/22/18	AMEND: 3920	25603.1, 25603.2, 25603.3, 25604,	
07/12/18	ADOPT: 335, 335.2, 335.4, 335.6, 335.8,	25604.1, 25604.2, 25605, 25605.1,	
	335.10, 335.12, 335.14, 335.16, 335.18	25605.2.	
07/02/18	ADOPT: 3979.9	08/02/18	ADOPT: 25501.1
06/28/18	ADOPT: 3929.16	07/17/18	AMEND: 25805
06/19/18	ADOPT: 3939.54	06/14/18	AMEND: 15100, 15110, 15120, 15130,
06/11/18	AMEND: 2924		15150, 15160, 15170, 15180, 15185,
05/24/18	AMEND: 3946, 3949.13, 3949.14		15186, 15186.1, 15187, 15188, 15190,
05/03/18	ADOPT: 2910.1 REPEAL: 2910.1		15200, 15210, 15240, 15241, 15242,
Title 25			15250, 15260, 15280, 15290, 15320,
06/04/18	ADOPT: 6932 REPEAL: 6932		15330, Appendix A, Appendix B,
Title 27			Appendix C
08/30/18	REPEAL: 25601, 25602, 25603,		

