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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. DEPARTMENT OF FINANCE

NOTICE OF INTENTION TO AMEND THE CONFLICT−OF−INTEREST CODE OF THE DEPARTMENT OF FINANCE

NOTICE IS HEREBY GIVEN that the **Department of Finance,** pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict−of−interest code. A comment period has been established commencing on May 10, 2019 and closing on June 24, 2019. All inquiries should be directed to the contact listed below.

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

Changes to the conflict−of−interest code include: changes to unit names, addition and deletion of designated positions, and also makes other technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than June 24, 2019, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than June 7, 2019.

The **Department of Finance** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Estella Simoneau, Filing Officer, at (916) 445− 8918 or estella.simoneau@dof.ca.gov.

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)[1] by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulation at a public hearing on or after **June 13, 2019** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **June 11, 2019**.

BACKGROUND/OVERVIEW

Governing Statute: Section 83114(b) charges the Commission with the duty to provide written advice upon request, in a timely manner, to any person with duties under the Act. Where the requestor acts in reliance on the advice provided, or acts in the absence of timely Commission advice, it is (1) a complete defense to an enforcement proceeding by the Commission, and (2) evidence of good faith conduct in any other civil or criminal proceeding. Commission staff provides formal written advice and informal assistance to persons subject to the Act to facilitate compliance with the requirements of the Act pursuant to Section 83114(b). Advice or assistance provided by Commission staff does not establish legal precedent and is not binding on any party, except to the extent formal written advice provides the requestor with immunity within the parameters set forth in Section 83114(b). Written advice is not an Opinion of the Commission under Section 83114(a).

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

Existing Regulation: To facilitate receiving timely compliance assistance, Regulation 18329 sets forth the procedures related to formal written advice, an informal assistance process, as well as corresponding procedures for acknowledging, responding to, or declining to respond to, the request. The regulation was last amended in 1985.

REGULATORY ACTION

Repeal and Adopt 2 Cal. Code Regs. Section 18329: Formal Written Advice and Informal Assistance .

The Commission may consider all provisions of current Regulation 18329 and to repeal and adopt new language concerning, but not limited to, the procedures for requesting, responding, declining, and reconsidering formal written advice and informal assistance. At a minimum, Commission staff anticipates proposing the following:

- Non−substantive changes in language for organization and readability.
- Updated language reflecting current Commission practices and its governance structure regarding formal written advice and informal assistance.
- New language addressing timelines for a requestor to provide additional material facts upon request.
- New language establishing the process for a requestor to withdraw a request, request a reconsideration, or to appeal formal written advice.
- New language for Commission staff procedures in declining requests that implicate a pending Enforcement action.
- New language for Commission staff procedures in declining requests that present a policy issue better addressed through a Commission Opinion, regulatory action or legislation; and for declining requests that are hypothetical.
- New language detailing the Commission's oversight role in the advice process related to requiring reports, taking action on formal written advice, and changes to immunity status as a result of Commission action.

SCOPE

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

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of this regulation is to implement, interpret, and make specific Government Code Section 83114.

CONTACT

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

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments must be received at the Commission offices no later than **5:00 p.m.** on **June 11, 2019.**

BACKGROUND/OVERVIEW

The various regulations below each pertain to the Political Reform Act. Staff proposes various non−substantive changes to these regulations, including correcting and updating cross−references, correcting spelling and grammar, and alternate phrasing and reorganization for the purpose of clarification.

- Regulation 18117 pertains to the duties of filing officers and filing officials, and the effect of non−compliance on filing and disclosure obligations.
- Regulations 18215.1 relates to campaign fund contribution aggregation, and provides that contributions directed and controlled by an individual are aggregated with contributions made by that individual (and any other contributions under the direction and control) of the individual.
- Regulation 18215.3 relates to "behested payments" reporting. It currently provides definitions for when a payment is considered "made at the behest of" certain individuals.
- Regulation 18217 explains under what circumstances a nonprofit organization is considered a controlled committee, along with additional provisions relating to nonprofits as controlled committees.
- Regulation 18219 concerns the term "designated employee," and what types of workers are considered designated employees.
- Regulation 18225.4 provides direction on when independent expenditures should be aggregated, along with definitions for terms relevant to the regulation.
- Regulation 18225.7 pertains to the term "made at the behest of" and distinctions between independent and coordinated expenditures.
- Regulation 18238.5 defines the terms "lobbying firm" and "individual contract lobbyist."
- Regulation 18308.1 concerns the authority of the FPPC, and lays out the various roles that the Commission takes on, such as proposing, adopting, codifying, and monitoring policies for the FPPC.
- Regulation 18308.3 provides that the Commission delegates to the Executive Director responsibility for the operations and management of the agency in conformance with Commission−established policy, and lays out the various authorities entrusted in the Executive Director.
- Regulation 18404.1 relates to the termination and reopening of committees, including when committees must be terminated and under what circumstances they may be reopened.
- Regulation 18466 involves state ballot measure contributions and expenditures, online reports, when reporting is applicable, the reporting threshold for committees supporting multiple state measures on the same ballot, as well as exceptions to Government Code section 84204.5.
- Regulation 18531.61 pertains to the treatment of debts outstanding after an election, including definitions for relevant terms, and provisions on how "net debts outstanding" are to be calculated.
- Regulation 18535 concerns restrictions on contributions between state candidates, including the maximum contribution amount permitted under various circumstances.
- Regulation 18741.1 pertains to the "revolving door" provisions that public state administrative officials must follow after leaving state employment and seeking new employment outside of their former office.
- Regulation 18944 includes provisions regarding payments made to an agency for use by agency officials, including general applicability and various definitions.

REGULATORY ACTION

Amend 2 Cal. Code Regs. Section 18117 by changing a cross−reference from Section 82015(b)(2)(B)(iii) to Section 84224 to reflect statutory renumbering.

Amend 2 Cal. Code Regs. Section 18215.1 by changing a cross−reference from "section 18428" to "Regulation 18428," given that Regulation 18200 provides that "Section" refers to the Government Code and "Regulation" refers to Division 6 of Title 2 of the California Code of Regulations, unless otherwise specified.

Amend 2 Cal. Code Regs. Section 18215.3 by (1) removing a cross−reference to repealed Regulation 18901(c)(2); (2) changing cross−references to Section 82015(b)(2)(B)(iii) and (b)(3) to Sections 82004.5 and 84224, to reflect statutory renumbering; (3) removing superfluous cross−references to renumbered Sections 82015(b)(2)(B)(iii) and (b)(3); and (4) making non−substantive, clarifying changes to phrasing.

Amend 2 Cal. Code Regs. Section 18217 by (1) replacing the phrase "Government Code section" with "Section 82013(a)," given Regulation 18200, noted above and (2) replacing the word "and" with the intended word "an," in the phrase, "[f]or purposes of this regulation, and organization is . . ."

Amend 2 Cal. Code Regs. Section 18219 by changing a cross−reference from Regulation 18701(a)(2) to 18700.3(a) to reflect regulatory renumbering.

Amend 2 Cal. Code Regs. Section 18225.4 by changing a cross−reference from "Section 18225.4" to "Regulation 18225.4" and changing another cross−reference from "Section 18428" to "Regulation 18428," based on Regulation 18200.

Amend 2 Cal. Code Regs. Section 18225.7 by (1) changing a cross−reference from "Section 82015(b)(2)(B)" to "Section 84224" to reflect a statutory renumbering; (2) adding a cross−reference to Section 82041.3 in subdivision (a)(2), given that the definition of "made at the behest" is now also contained in that statute; and (3) implementing non−substantive, clarifying changes in phrasing.

Amend 2 Cal. Code Regs. Section 18238.5 by changing a cross−reference from "Section 18239(d)" to "Regulation 18239(d)," based on Regulation 18200.

Amend 2 Cal. Code Regs. Section 18308.1 by adding hyphens to references to "the Bagley Keene Act" and changing a cross−reference from "Section 18308.1" to "Regulation 18308.1," based on Regulation 18200.

Amend 2 Cal. Code Regs. Section 18308.3 by changing a cross−reference from "Section 18308.1" to "Regulation 18308.1," based on Regulation 18200.

Amend 2 Cal. Code Regs. Section 18404.1 by updating a cross−reference from "Regulation 18531.61(d)" to "Regulation 18531.61(b)(3)," to reflect regulatory renumbering.

Amend 2 Cal. Code Regs. Section 18466 by removing the phrase "Government Code" from references to specific sections of the Government Code, based on Regulation 18200, and changing a cross−reference from "Section 84204.5(b) or (c)" to "Section 84204.5(c) or (d)," to reflect statutory renumbering.

Amend 2 Cal. Code Regs. Section 18531.61 by renumbering subdivisions (b)(3)(A) through (D)(ii) to subdivisions (b)(3)(A)(i)−(iv) and (b)(3)(B)(i)−(ii), and implementing non−substantive, clarifying changes to the language within those subdivisions.

Amend 2 Cal. Code Regs. Section 18535 by updating the stated contribution limit to its current limit and implementing non−substantive, clarifying changes to phrasing.

Amend 2 Cal. Code Regs. Section 18741.1 by changing a cross−reference from "Regulation 18702.1−18702.4" to "Regulation 18704," to reflect regulatory renumbering.

Amend 2 Cal. Code Regs. Section 18944 by changing a cross−reference from "Regulation 18702.4(c)" to "Regulation 18704(d)(5)," to reflect regulatory renumbering.

SCOPE

The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues. The Commission must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

FISCAL IMPACT STATEMENT

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

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

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

AUTHORITY

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

REFERENCE

The purpose of these regulations is to clarify and implement Government Code Sections 81000 through 91014.

CONTACT

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

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH (CAL−OSHA) DIVISION

Proposed Amendments to
California Code of Regulations
Title 8, Division 1, Chapter 7, Subchapter 1,
Article 2, Sections 14300.35, 14300.41,
Appendix B, Appendix E, and Appendix H

PUBLIC PROCEEDINGS: **NOTICE IS HEREBY GIVEN** that the Division of Occupational Safety and Health ("the Division") within the Department of Industrial Relations proposes to amend Sections 14300.35 and 14300.41 of Title 8 of the California Code of Regulations regarding employers' duty to record and report occupational injuries and illnesses. The Division proposes to adopt the proposed amendments described below after considering all comments, objections and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the proposed amendments, on the following date:

Date: **Thursday, June 27, 2010**

Time: **10:00 a.m. to 5:00 p.m.**

Place: **Elihu Harris State Office Building — Room 1304**
1515 Clay Street, Oakland, CA 94612

The State Office Building and meeting rooms are accessible to persons with mobility impairments. Alternate formats, assistive listening systems, sign language interpreters, or other types of reasonable accommodations to facilitate effective communication for persons with disabilities are available upon request. Please contact the State Wide Disability Accommodation Coordinator at 1−866−326−1616 (toll free), or through the California Relay Service by dialing 711 or 1−800−735−2929 (TTY/English) or 1−800−855−3000 (TTY/Spanish) as soon as possible to request assistance. Accommodation requests should be made as soon as possible. Requests for an Assistive Listening System or Communication Access Realtime Translation should be made no later than five (5) days before the hearing.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed amendments described below in the Informative Digest. The Division requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments. Equal weight will be accorded to oral comments and written materials.

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation or at 5:00 p.m., whichever is earlier. If public comment concludes before the noon recess, no afternoon session will be held.

WRITTEN COMMENT PERIOD : Any interested person, or his or her authorized representative, may submit written comments relevant to the Proposed Rulemaking. Written comments, regardless of the method of transmittal, must be received by the Division by 5:00 p.m. on June 27, 2019, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost by dialing 711.

Written comments may be submitted as follows:

1. By email to: wnguyen@dir.ca.gov. It is requested that email transmissions of comments, particularly those with attachments, contain the regulation identifier "Recording and Reporting of Occupational Injuries and Illnesses" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to Willie Nguyen, Staff Counsel, at (510) 286−7039;
3. By mail or hand−delivery to Willie Nguyen, Staff Counsel, at Cal/OSHA Legal Unit, 1515 Clay Street, Suite 1901, Oakland, California 94612.

All comments, regardless of the method of transmittal, should include the commenter's name and U.S. Postal Service mailing address or e−mail address to enable the Division to provide the commenter with notice of any changes to the proposed amendments on which additional comments may be solicited.

AUTHORITY AND REFERENCE CITATIONS

Section 14300.35

Authority cited: Sections 150(b) and 6410, Labor Code. Reference: Section 6410, Labor Code.

Section 14300.41

Authority cited: Sections 150(b) and 6410, Labor Code. Reference: Section 6410, Labor Code.

NOTE: Under California Labor Code § 50.7, the Department of Industrial Relations is the state agency designated to administer the California Occupational Safety and Health Act of 1973 (Cal. Lab. Code § 6300 *et seq.*) The California Division of Labor Statistics and Research ("DLSR"), formerly a division within the Department of Industrial Relations, promulgated 8 CCR §§ 14300.35 and 14300.41. These regulations were

promulgated by DLSR under the authority of California Labor Code §§ 50.7 and 6410 to fulfill the federal mandate established by 29 CFR §§ 1902.3(j); 1902.7, and 1904.37(a) that California's occupational injury and illness recording and reporting requirements under its State plan be "substantially identical" to the federal requirements.

In 2012, Senate Bill 1038 abolished DLSR and amended Labor Code § 150 by transferring its responsibilities under Chapter 7, Subchapter 1, Article 1 of Title 8 of the California Code of Regulations (commencing with Section 14000) to the Division. Labor Code § 150(b), as amended, provides:

> To the extent not in conflict with this or any other section, on the date this subdivision becomes operative, the responsibilities of the Division of Labor Statistics and Research that are specified in Subchapter 1 (commencing with Section 14000) and Subchapter 2 (commencing with Section 14900) of Chapter 7 of Division 1 of Title 8 of the California Code of Regulations are reassigned to the Division of Occupational Safety and Health and the responsibilities of the Division of Labor Statistics and Research that are specified in Subchapter 3 (commencing with Section 16000) of Chapter 8 of Division 1 of Title 8 of the California Code of Regulations are reassigned to the Division of Labor Standards Enforcement.

The Division is now proposing to amend Sections 14300.35 and 14300.41 of Title 8 of the California Code of Regulations under the authority provided in Sections 50.7, 150(b) and 6410 of the Labor Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The federal Occupational Safety and Health Act of 1970 (29 USC § 651 *et seq.*) covers most private sector employers and their employees in all 50 states either directly through the federal Occupational Safety and Health Administration ("OSHA") or through a "State plan" approved by OSHA under 29 CFR 1902 *et seq.* A State plan is an OSHA−approved occupational safety and health program operated by an individual state instead of by OSHA. OSHA approves and monitors all State plans and provides funding for those plans. If OSHA establishes a new or revised standard, a State plan must adopt its own standard that is at least as effective as the new or revised federal standard within six months. With regard to OSHA's standards governing employers' duties to record and report occupational injuries or illnesses, a State plan must adopt standards that are "substantially identical" to the federal standards. (See 29 CFR §§ 1902.3(j), 1902.7, and 1904.37(a).)

On May 12, 2016, OSHA issued a final rule amending the requirements for employers to record and report occupational injuries and illnesses set forth in 29 CFR § 1904.41. The amendments required affected employers to submit electronically certain injury and illness data to OSHA or its designees.

DLSR previously promulgated Section 14300.41 of Title 8 of the California Code of Regulations to ensure that California's occupational injury and illness recording and reporting requirements for employers were "substantially identical" to the federal recording and reporting standard. OSHA has issued a final rule amending the corresponding federal standard. Because the Division has assumed the rulemaking authority for the corresponding standards in California, it must now amend 8 CCR section 14300.41 to ensure that it remains "substantially identical" to the federal regulations. The Division must also make changes to 8 CCR section 14300.35 (1) to clarify existing requirements that employers inform their employees how to report work−related injuries and illnesses and that employers make certain injury and illness records available to their employees and (2) to conform the references to industry codes with other previously amended Title 8 regulations. The minor proposed changes to 8 CCR section 14300.35 are declarative of existing law and do not have any regulatory effect.

§ 14300.35. Employee Involvement.

The proposed amendments of 8 CCR Section 14300.35 clarify existing requirements regarding an employer's obligation to inform workers how to report work−related injuries and to make available certain injury and illness data. The proposed amendments also conform the references to industry codes with other previously amended Title 8 regulations.

The proposed amendments would make the following specific changes to Section 14300.35:

- The phrase "a work−related" is being added to subsection (a)(1) to track the language from 29 CFR Section 1904.35(a)(1) and to clarify that this section applies only to work−related injuries and illnesses.
- In subsection (a)(2), the word "limited" is being deleted, and the phrase "as described in paragraph (b)(2) of this section" is being added to clarify what types of injury and illness records employers must make available to its employees and their representatives.
- In subsections (b)(2), subparagraphs (C) and (E), the SIC Code (or "Standard Industry Code") is being replaced by the NAICS Code (or "North American Industry Classification System" code) for the industry identified in the exception. A formatting change is also being made by adding

the word "seven" before the numeral 7 in the phrase "seven (7) calendar days."

- The "Note: Authority cited" subsection of this regulation is being amended to specify California Labor Code section 150(b) as an additional authority for the regulation. California Labor Code section 150(b) went into effect on June 27, 2012, reassigning the responsibilities of the Division of Labor Statistics and Research specified in Chapter 7, Subchapter 1 of Title 8 of the California Code of Regulations to the Division of Occupational Safety and Health.

§ 14300.41. Electronic Submission of Injury and Illness Records to OSHA.

29 CFR Section 1904.37(a) requires a State plan to adopt rules regarding employer recording and reporting of occupational injuries and illness that are "substantially identical" to the federal regulations. The proposed amendment of 8 CCR Section 14300.41 would generally track the language and format of its corresponding federal counterpart, 29 CFR Section 1904.41

The Proposed Rulemaking would make the following specific changes to Section 14300.41:

- The heading of Section 14300.41 is being changed from "Annual OSHA Injury and Illness Survey" to "Electronic Submission of Injury and Illness Records to OSHA." The language of this proposed amendment tracks the language in the heading of 29 CFR Section 1904.41 and reflects more accurately the topic of Section 14300.41 following the changes described below.
- Subsection (a)(1) is being amended to require employers that had 250 or more employees at any time during the previous calendar year and who are required to keep records to submit electronically certain occupational injury and illness data to OSHA once per year by the date listed in Section 14300.41(c). The language of this proposed amendment tracks federal OSHA's current requirements.
- Subsection (a)(2) is being amended to require employers in designated industries that had 20 to 249 employees at any time during the previous calendar year to submit electronically certain occupational injury and illness data to OSHA once per year by the date listed in Section 14300.41(c). The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(a)(2).
- Subsection (a)(3) is being amended to require employers to submit occupational injury and illness records to OSHA if notified by OSHA to do so. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(a)(3).
- Subsection (a)(4) is being added to require employers to provide the Employer Identification Number ("EIN") for each establishment subject to the electronic reporting requirements. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(a)(4).
- Subsection (b)(1) is being amended to specify which categories of employers must routinely submit their occupational injury and illness data to OSHA. If an employer has 250 or more employees at any time during the preceding calendar year, and is required to keep records, then the employer must submit information on its Form 300A to OSHA once a year. Additionally, if an employer has between 20 and 249 employees and is classified as an industry listed in Appendix H, then it must submit information on its Form 300A to OSHA once a year. Employers who do not fall in either of the preceding categories must submit information from injury and illness records to OSHA only in response to a request from OSHA. The language of this proposed amendment tracks current federal OSHA requirements.
- Subsection (b)(3) is being amended to specify that part−time, seasonal, and temporary workers are included in the count of an employer's number of employees that triggers the requirement to report occupational injury and illness data to OSHA. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(b)(3).
- Subsection (b)(4) is being amended to specify that, if OSHA intends to notify an employer that it must submit occupational injury and illness data as required under Subsection (a)(3), OSHA will notify that employer by mail. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(b)(4).
- Subsection (b)(6) is being added to specify the frequency with which an affected employer must submit its occupational injury and illness data to OSHA. If an employer is required to submit information under paragraph (a)(1) or (a)(2) of Section 14300.41, then it must submit the information once a year. If the employer is submitting information because OSHA notified it to submit information as part of an individual data collection under paragraph (a)(3) of Section 14300.41, then it must submit as often as specified in the notification received. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(b)(5).

- Subsection (b)(7) is being added to specify how an affected employer must submit its occupational injury and illness data to OSHA. It would specify that employers are required to submit the information electronically through a secure website provided by OSHA. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(b)(6).
- Subsection (b)(8) is being added to specify that a partially exempt employer is not required to submit its occupational injury and illness data to OSHA unless OSHA notifies the employer in writing that it must submit such information. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(b)(7).
- Subsection (b)(9) is being added to specify that an affected employer located in a State Plan State (like California) must submit its occupational injury and illness data to OSHA as required under this amended regulation. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(b)(8).
- Subsection (b)(10) is being added to specify that an enterprise or corporate office of an affected employer may submit the occupational injury and illness data for the affected employer to OSHA. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(b)(9).
- Subsections (c)(1) and (2) are being added to specify the reporting date deadlines for affected employers to submit their occupational injury and illness data to OSHA. The language of this proposed amendment tracks the language in 29 CFR Section 1904.41(c)(1) and (2).
- The "Note: Authority cited" subsection of this regulation is being amended to specify California Labor Code section 150(b) as an additional authority for the regulation. California Labor Code section 150(b) went into effect on June 27, 2012, reassigning the responsibilities of the Division of Labor Statistics and Research specified in Chapter 7, Subchapter 1 of Title 8 of the California Code of Regulations to the Division of Occupational Safety and Health.

Appendices B, E, and H for Title 8 Sections 14300−14300.48

- Appendix B for Title 8 Sections 14300−14300.48 is being amended so "Establishment Information" box would require an employer to provide its establishment's industry NAICS Code (or "North American Industry Classification System" code) rather than its SIC Code (or "Standard Industry Code"). This amendment is necessary to conform Appendix B with other sections in this Article that replaced the outdated SIC Code system with the currently used NAICS Code system.
- Appendix E for for Title 8 Sections 14300−14300.48 is being amended so that Section A.4 of this appendix would require an employer to provide its establishment's industry NAICS Code (or "North American Industry Classification System" code) rather than its SIC Code (or "Standard Industry Code"). This amendment is necessary to conform Appendix E with other sections in this Article that replaced the outdated SIC Code system with the currently used NAICS Code system.
- Appendix E is also being amended so that the "Note: Authority cited" subsection would include California Labor Code section 150(b) as an additional authority for the appendix. California Labor Code section 150(b) went into effect on June 27, 2012, reassigning the responsibilities of the Division of Labor Statistics and Research specified in Chapter 7, Subchapter 1 of Title 8 of the California Code of Regulations to the Division of Occupational Safety and Health.
- Appendix H for Title 8 Sections 14300−14300.48 is being added to specify which industries are included in the reporting requirements set forth in Subsection (a)(2) for employers that had 20 to 249 employees at any time in the previous calendar year. The language of this proposed appendix tracks the language of Appendix A to Subpart E of 29 CFR Section 1904.41.

Anticipated Benefits of the Proposed Rulemaking:

The electronic data−reporting provisions in the proposals will provide more timely and accurate reporting for the occupational injury and illness data that employers are required to record and report under Article 2. These provisions expand OSHA's access to timely, establishment−specific occupational injury and illness data, thus allowing OSHA (and Cal/OSHA) to direct more of its enforcement and compliance assistance resources to those establishments where workers are at greatest risks.

The public disclosure of the electronic data submission required by the proposals could also lead to safer workplaces for workers. The public disclosure of this information could:

- Encourage employers to abate hazards to prevent occupational injuries and illnesses to their workers so as to preserve their reputations as good places to work or do business with;

- Allow establishments to gauge the effectiveness of their injury and illness prevention programs by comparing their occupational injury and illness rates with those of comparable establishments;
- Allow investors to compare occupational injury and illness rates among competing establishments when looking for investment opportunities;
- Allow members of the public to make more informed decisions on what businesses to patronize based on competing establishments' ability to address workplace hazards impacting their workers; and
- Provide better information to job−seekers regarding the occupational injury and illness rates of prospective employers.

Evaluation as to Whether the Proposed Regulations Are Inconsistent or Incompatible with Existing State Regulations: The Division has determined that the proposed amendments are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Division concluded that no other state regulations address the same subject matter.

Explanation of Substantial Differences Between the Proposed Regulations and Comparable Federal Regulations or Statutes: The proposed amendments and additions to Section 14300.41 would make California's regulations substantially identical to corresponding federal regulations being implemented by federal OSHA.

While the table in 29 CFR Section 1904.41(c)(1) suggests that establishments governed by 29 CFR Section 1904.41(a)(1) must submit Forms 300 and 301 for the 2018 submission year, the references to Forms 300 and 301 in 29 CFR Section 1904.41(c)(1) appear to be a mistake. Federal OSHA's original May 12, 2016 final rule did require employers governed by 29 CFR Section 1904.41(a)(1) to submit Forms 300 and 301 data. However, following the January 25, 2019, amendment of the federal rule, employers governed by 29 CFR 1904.41(a)(1) no longer are required to report Form 300 and 301 data. Accordingly, the table included in the proposed amendment to 8 CCR Section 14300.41(c)(1) does not reference Forms 300 or 301.

Forms Incorporated by Reference: None.

MANDATED BY FEDERAL REGULATIONS

The proposed amendments to Section 14300.41 are compatible with 29 CFR Section 1904.41. Because California is a State Plan state under 29 CFR, Part 1902, these proposed amendments essentially are mandated by federal law, which require that California's requirements for employers to record and report occupational injuries and illnesses be "substantially identical" to the corresponding federal requirements. (See 29 CFR §§ 1902.3(j), 1902.7, and 1904.37(a).)

OTHER STATUTORY REQUIREMENTS

There are no other statutory requirements that are specific to the Division or this type of regulation.

LOCAL MANDATE

The proposals do not impose a mandate on local agencies or school districts. The Division has determined that the proposals do not impose a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because they do not constitute a "new program or higher level of service of an existing program" within the meaning of Section 6 of Article XIII B of the California Constitution.

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed amendments do not require any local agency to carry out the governmental function of providing services to the public, nor do they impose unique requirements on local governments that do not apply generally to all entities in the state.

Furthermore, any costs associated with the recording and reporting of occupational injuries and illnesses required by the proposed amendments are costs mandated by the federal government. As such, even if the proposed amendments were held to constitute a "new program or higher level of service of an existing program" under Section 6 of Article XIII B of the California Constitution, any associated costs would not be considered costs mandated by the state. (See Cal.Gov.Code § 17556(c).)

FISCAL IMPACT

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

Costs or savings to any state agency: The cost to an individual state agency to comply with the proposals will be less than or equal to $11.13 per year.

There will be no savings.

Other nondiscretionary costs or savings imposed on local agencies: The cost to an individual local agency to comply with the proposals will be less than or equal to $11.13 per year.

There will be no savings.

Costs or savings in federal funding to the State: None.

HOUSING COSTS

The proposals will not significantly affect housing costs.

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

Although the Proposed Rulemaking will directly affect businesses statewide that have employees, the Division anticipates that the statewide adverse economic impact will be insignificant. The Division anticipates that the proposals will have no effect on the ability of California businesses to compete with business in other states because all Federal OSHA states and other state−plan states will have to adopt substantially identical requirements.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs Within California: The Division concludes that it is unlikely that the proposals will either create or eliminate jobs within California.

Creation of New Business, Elimination of Existing Businesses, or Expansion of Businesses Currently Doing Business in California: The Division concludes that it is unlikely that the proposed amendments will: (1) create new businesses in California; (2) eliminate any existing businesses in California; or (3) result in the expansion of businesses currently doing business in California.

Benefits of the Proposed Amendments to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposals will benefit worker safety and health in California. The electronic data−reporting provisions in the proposals will provide more timely and accurate reporting for the occupational injury and illness data that employers are required to record and report under Article 2. These provisions expand OSHA's access to timely, establishment−specific occupational injury and illness data, thus allowing OSHA (and Cal/OSHA) to direct more of its enforcement and compliance assistance resources to those establishments where workers are at greatest risks.

The public disclosure of the electronic data submission required by the proposals could also lead to safer workplaces for workers. The public disclosure of this information could:

- Encourage employers to abate hazards to prevent occupational injuries and illnesses to their workers so as to preserve their reputations as good places to work or do business with;
- Allow establishments to gauge the effectiveness of their injury and illness prevention programs by comparing their occupational injury and illness rates with those of comparable establishments;
- Allow investors to compare occupational injury and illness rates among competing establishments when looking for investment opportunities;
- Allow members of the public to make more informed decisions on what businesses to patronize based on competing establishments' ability to address workplace hazards impacting their workers; and
- Provide better information to job−seekers regarding the occupational injury and illness rates of prospective employers.

The proposals will not otherwise significantly benefit the health and welfare of California's residents, and will not likely benefit California's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Division has determined that the proposed amendments will have some economic impacts on covered employers, but that these economic impacts will not be significantly adverse.

During its rulemaking process that lead to the May 12, 2016 final rule, OSHA conducted an economic analysis to determine the economic impact on employers to comply with the new requirement to report injury and illness data electronically. According to OSHA, the amendments in their final rule made the following four changes to the prior recording and reporting requirements in 29 CFR, Part 1904:

- Establishments that are required to keep injury and illness records under part 1904 and that had 250 or more employees in the previous year, must electronically submit the required information from the OSHA annual summary form (Form 300A) to OSHA or OSHA's designee, on an annual basis.
- Establishments that are required to keep injury and illness records under part 1904, that had 20 to 249

employees in the previous year, and that are in certain designated industries, must electronically submit the required information from the OSHA annual summary form (Form 300A) to OSHA or OSHA's designee, on an annual basis.

- Employers who receive notification from OSHA, must electronically submit the requested information from their injury and illness records to OSHA or OSHA's designee, with any such notification subject to the approval process established by the Paperwork Reduction Act.

OSHA's final rule did not change an employer's obligation to complete and maintain occupational injury and illness records, nor did it change the recording criteria for the records.

OSHA determined that an employer's electronic submission of occupational injury and illness data to OSHA "would be a relatively simple and quick matter" involving, in most cases, these basic steps:

(1) Logging on to OSHA's web−based submission system;
(2) entering basic establishment information into the system (the first time only);
(3) copying the required injury and illness information from the establishment's records into the electronic submission forms; and
(4) hitting a button to submit the information to OSHA.

OSHA's economic analysis of its final rule determined that the average cost to employers to comply with the electronic reporting of Form 300A data would be $11.13 per year.[1]

BUSINESS REPORT

The proposed regulations will require subject businesses to report occupational injury and illness records to OSHA. This reporting requirement is mandated by federal law. It is necessary for the health, safety, or welfare of the people of the state that the regulation apply to businesses.

[1] OSHA arrived at these cost estimates by multiplying the compensation per hour, including wage and fringe benefits, of the employer's personnel expected to perform the task of electronic submission to OSHA by the time required for the electronic submission. In its calculation, OSHA identified the occupational class of "Industrial Health and Safety Specialists" as the representative class of workers who would be expected to transmit electronically the injury and illness data to OSHA. This class of workers had an estimated total compensation (wages and benefits) of $48.78 per hour. OSHA then determined the amount of time that would be needed per year for covered employers to submit the electronic information.

SMALL BUSINESS DETERMINATION

The Division has determined that the proposed amendments affect small business.

ALTERNATIVES STATEMENT: In accordance with Government Code section 11346.5, subdivision (a)(13), the Division must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Division would be more effective in carrying out the purpose for which the regulations are proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost−effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

No alternatives were considered because the proposed amendments are mandated by federal law. The proposed amendments are compatible with 29 CFR Sections 1904.35 and 1904.41.

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

CONTACT PERSONS: Non−substantive inquiries concerning the proposals or this rulemaking, such as requests for copies of the text of the proposed amendments, and the location of public records, may be directed to Mary Ann David at (510) 286−7348 or mdavid@dir.ca.gov. Inquiries regarding the substance of the proposed amendments may be directed to Willie Nguyen at (510) 286−7348 or wnguyen@dir.ca.gov.

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

The full text of the proposals, and all information upon which the Proposed Rulemaking is based, are available upon request from the contact persons named in this Notice.

As of the date of publication of this Notice, the rulemaking file consists of this Notice, the Initial Statement of Reasons, the proposed text of the regulations, the Economic and Fiscal Impact Statement (Form 399), and a copy of the document entitled "Federal Register, Vol. 81. No. 92, May 12, 2016, pp. 29624−29694." As public comments are received during the rulemaking process, they will be added to the rulemaking file.

The Division's rulemaking file is available for inspection and copying throughout the rulemaking process, Monday through Friday, from 9:00 a.m. to 5:00 p.m., at 1515 Clay Street, Suite 1901, Oakland, CA 94612. The full text of the proposals, and the principle documents upon which the Proposed Rulemaking is based, also may be accessed through the agency's Inter-

net website at www.dir.ca.gov/dosh/rulemaking/dosh_rulemaking_proposed.html.

AVAILABILITY OF CHANGES
FOLLOWING PUBLIC HEARING

After considering all timely and relevant comments received, the Division may adopt the proposed amendments substantially as described in this Notice. If the Division 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 it adopts the amendments as revised. Any such modifications also will be posted on the Division's website.

Please send requests for copies of any modified amendments to the attention of Mary Ann David at the above telephone number or e−mail address. The Division will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE
FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Mary Ann David at the above telephone number or e−mail address. The Final Statement of Reasons may also be accessed on the Division's website at: www.dir.ca.gov/dosh/rulemaking/dosh_rulemaking_proposed.html.

If adopted, the Proposed Rulemaking will appear in Title 8, California Code of Regulations, Sections 14300.35 and 14300.41.

TITLE 11. DEPARTMENT OF JUSTICE

Notice is hereby given that the Department of Justice (Department) proposes to adopt sections 750 through 757 of Title 11, Division 1, Chapter 7.5, of the California Code of Regulations (CCR), concerning the Fair and Accurate Governance of the CalGang Database, pursuant to the authority provided in Penal Code section 186.36.

PUBLIC HEARING

The Department will hold two public hearings to receive public comments on the proposed regulatory action, as follows:

Date: June 26, 2019

Time: 9:00 a.m.−1:00 p.m.

Location: Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

This auditorium is wheelchair accessible. There is no designated parking lot. Parking will need to be found nearby.

Date: June 27, 2019

Time: 9:00 a.m.−12:00 p.m.

Location: Ziggurat Building
707 3rd Street
West Sacramento, CA 95605

This auditorium is wheelchair accessible. Parking will be available for a fee in the structure next to the building.

At either of these hearings, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

The public comment period for this regulatory action will begin on May 10, 2019. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on June 25, 2019. Only comments received by the Department by that time will be considered. Written comments shall be submitted to:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
Email: gangdatabaseGDTAC@doj.ca.gov

Or

Thomas Bierfreund
Associate Governmental Program Analyst
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
Email: gangdatabaseGDTAC@doj.ca.gov

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Subdivisions (*l*), (k), (n), and (o) of Penal Code section 186.36 authorize the Department to adopt proposed regulations sections 750 to 757. The proposed regulatory action will implement, interpret, and make specific the provisions of Penal Code sections 186.34, 186.35, and 186.36 as they relate to the CalGang database.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background:

The CalGang database, a shared gang intelligence database, is designed to enhance officer safety and improve the efficiency of criminal investigations by providing an electronically generated base of statewide gang−related intelligence information. Since the inception of the CalGang database in 1996, local law enforcement has entered intelligence data into the system for the purpose of cross−jurisdictional information sharing.

In 2016, the California State Auditor's Office (State Auditor) determined that the CalGang database needed a different oversight structure to ensure that the information within the database was reliable and all users adhered to requirements that protected a person's rights. The State Auditor recommended that the California Legislature adopt state law assigning the Department responsibility for oversight of the CalGang database and defining the requirements under which the CalGang database shall operate, such as periodic record reviews. At the time the State Auditor performed the audit, maintenance of the database was funded by the Department but the database was governed by uncodified policies and procedures and two informal committees made up of representatives from law enforcement agencies that functioned independently from the state.

Upon release of the State Auditor's report, the Department began working with the law enforcement users of the database to resolve the issues brought to light. This resulted in many positive and critical changes, including the following:

- Enactment of technical mechanisms to prevent children under the age of 10 from being entered into the database and ensure that records are automatically purged at the end of the five−year retention period.
- Posting of information on the Attorney General's website in an effort to provide more transparency.
- Implementation of new user policies, such as requiring new user agreements every two years, password resets on a regular basis, and account deactivation after 180 days of non−use and upon a change in employment status; mandatory online recertification training every two years; and mandatory standardized training.
- Improvement of auditing protocol and review of records by the appropriate supervisory classification.

As a result of the State Auditor's report, the California Legislature introduced Assembly Bill (AB) 90 (Stats. 2017, Ch. 695), which chaptered in October 2017. AB 90 requires the Department to promulgate regulations governing the use, operation, and oversight of any shared gang database, including, among other things, establishing the requirements for entering and reviewing gang designations, the retention period for listed gangs, and the criteria for identifying gang members. Moreover, AB 90 requires the Department to establish the Gang Database Technical Advisory Committee (GDTAC) with specified members to advise the Department in promulgating regulations for the specific purposes of: governing the use, operation, and oversight of shared gang databases. For the CalGang database specifically, AB 90 requires the Department to develop and implement standardized periodic training for all persons with access to the CalGang database, and by January 1, 2020, to promulgate regulations to provide for periodic audits by law enforcement agencies and Department staff to ensure the accuracy, reliability, and proper use of the CalGang database, and to report the results of those audits to the public.

In response to AB 90, the Department has drafted two chapters of proposed regulations — one pertains to the governance of the CalGang database, whereas the other, proposed in a separate rulemaking file, governs any other shared gang database in California. Presently, the Department has determined that the CalGang database is the only shared gang database to exist in the state of California. Hence, the Department wrote two chapters so that it could clearly distinguish the regulations for the only existing shared gang database, the CalGang database, from those that will govern any other shared gang databases that may arise in the future.

The Department is statutorily mandated to promulgate regulations no later than January 1, 2020, for periodic audits of each CalGang node and user agency to ensure the accuracy, reliability, and proper use of the CalGang database (Pen. Code, § 186.36, subd. (n)). Instead of only promulgating regulations for periodic audits, the Department chose to promulgate regulations for a majority of the topics required by AB 90 because: (1) it wanted to ensure that a complete set of regulations are in place to govern the CalGang database so that CalGang database users are implementing the required changes as soon as possible to address the concerns brought up by the State Auditor, and (2) the Department

wanted to actively implement the advice that it sought from the GDTAC for the text of the regulations during the five public meetings that were held in 2018.

The Department is committed to continuously working to improve the effectiveness of the database, balancing the need of law enforcement users, and at the same time protecting individual's rights. Even after the regulations are adopted, the Department will continue collecting data and conducting empirical research to evaluate the effectiveness of the database. The Department will engage in a separate rulemaking process upon the conclusion of the empirical research to further bolster the oversight of the CalGang database and to enhance the quality and integrity of the data.

Effect of the Proposed Rulemaking:

The proposed regulations codify and update existing policies and procedures governing the CalGang database and provide significant changes to previous guidelines for entry of data into the CalGang database. Specifically, the regulations increase the minimum age for entry into the database, make the criteria for designating an individual as a gang member or associate more robust, and limit the circumstances when a tattoo may be used as a way to designate an individual as a gang member or associate. In addition, they expand training requirements to address best practices for gathering criminal intelligence, how to mitigate the entry and release of inaccurate data, implicit bias, and the negative impact of releasing data for unauthorized purposes. They implement the requirement that an individual be notified of his or her inclusion in the database. They increase the number of required audits of records in the database both for individuals and gangs and implement an audit requirement in relation to proxy queries. Enhanced record keeping of source documents. Lastly, these regulations require node and user agencies to include additional justification when utilizing specific criteria for entry into the database and maintain source documentation and other pertinent information for specified periods of time.

Proposed California Code of Regulations, Title 11, Division 1, Chapter 7.5, interprets and details the specifics of these laws as follows:

Article 1 specifies the title and scope of the new chapter, which is to govern the policies and procedures of the CalGang database.

Article 2 specifies the purpose of the CalGang database, which is to provide law enforcement agencies with an accurate, timely, and electronic statewide database of gang−related intelligence information, and direct the user to the user agency who supplied the information. It also defines the terms used throughout the new chapter.

Article 3 specifies who may have access to the CalGang database and the process and requirements for gaining access. It specifies the responsibilities of the Department in handling requests from an out−of−state or federal agency for access to CalGang records, and specifies the purpose for which CalGang records may be used by an out−of−state or federal agency. It specifies the responsibilities of a node agency and Node Administrator, considerations taken by the Department in approving a request to become a node agency, and the process by which an agency is designated a node agency. It specifies the responsibilities of a user agency's point of contact and the parameters and process for suspending, revoking, and deactivating user accounts. It also permits node and user agencies to establish more restrictive policies and procedures than those outlined in the regulations. Finally, it specifies the process by which a non−user may request a proxy query for information contained within the CalGang database. It also specifies when information from the CalGang database may be disseminated to non−users.

Article 4 relates to user training. It requires users to take a certification exam prior to utilizing the CalGang database and a recertification exam once every two years. It also specifies the requirements for becoming an approved CalGang database instructor.

Article 5 specifies the standard and criteria for entry into the CalGang database as a gang member or gang associate, including the minimum age of entry.

Article 6 requires supervisory review of data entered into the CalGang database and establishes a process for deleting records from the database. It also specifies that the node or user agency must engage with other node or user agencies that have entered additional information related to the record to be deleted prior to deleting it.

Article 7 specifies the means by which a person may be notified of his or her inclusion in the CalGang database, the components that must and may be included in the notification, guidance for determining when the notification requirement has been met, and requirements for documenting that the notice has been sent.

Article 8 relates to information requests. It establishes that agencies may develop a form for the purpose of verifying the identity of an individual who wants to request information regarding his or her designation in the CalGang database. It establishes the requirements for responding to a request for information regarding an individual's designation in the CalGang database, as well as the components that must be included in an agency's response. It also specifies that an agency must respond to a request from an individual seeking removal from the CalGang database.

Article 9 establishes the length of time that records in the CalGang database must be retained, including when the retention period may be reset. It establishes the length of time that notifications sent to individuals prior to their inclusion in the CalGang database must be retained. It establishes the length of time that requests for information regarding an individual's designation in the CalGang database and the associated responses must be retained. It also specifies who is responsible for maintaining source documents related to information entered into the CalGang database and requirements for removing criteria for which supporting source documents are missing or incomplete.

Article 10 establishes requirements for peer audits of CalGang records, including frequency and substance of the audits. It specifies that the Department must include a summary of the peer audits in its annual report. It establishes requirements for auditing criminal street gangs designated in the CalGang database, including who is responsible for conducting them and frequency and substance of the audits. It establishes the Department's authority to conduct audits of records in the CalGang database. It also specifies that agencies who audit their own records must report the results to the Department.

Article 11 specifies restrictions for the sharing of information contained in the CalGang database. It specifies conditions under which information from the CalGang database may be printed or duplicated. It specifies data components that must be reported to the Department by each user agency annually and the date by which it must be reported.

Article 12 relates to system security. It specifies the requirements for storing equipment that transmits or receives CalGang database information and any associated printouts. It specifies that the Department must be granted access to any such equipment to ensure compliance with the storage requirements. It establishes notification requirements for any missing equipment that could compromise the confidentiality and security of the CalGang database. It specifies the requirements for investigating and reporting any potential misuse of the CalGang database or the information contained therein. It also specifies that the Department must approve new user accounts with the same level of access as that of Node Administrators.

Article 13 specifies the actions that may be taken by the Department against a User who violates any statute or regulation governing the CalGang database.

Comparable Federal Regulations:

Penal Code section 186.36, subdivision (m) requires that the CalGang database operate in compliance with Code of Federal Regulations, Title 28, Part 23 governing criminal intelligence systems operating policies. This regulation is consistent with those federal regulations.

Anticipated Benefits of the Proposed Regulations:

The objective of the proposed rulemaking action is to clarify the requirements of the Fair and Accurate Gang Database Act of 2017 (Act), as outlined in Penal Code sections 186.34 through 186.36, inclusive. The Act, and these regulations by extension, are meant to ensure that information contained in the CalGang database is controlled, substantiated, and safeguarded.

The Department anticipates that these regulations will benefit the health and welfare of California residents because they will protect the integrity of the CalGang database and the information contained therein. By detailing the requirements for access and use, these regulations will ensure that the information in the CalGang database is only used to direct users to the law enforcement agency who entered it, and not in court proceedings or for housing, employment, or immigration purposes. They will also provide as much transparency as possible to the public, implement safeguards against entry of unsupported records into the database, and provide a system of checks and balances in the form of increased auditing by both peers and the Department.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations in the California Code of Regulations and has determined that no other regulations address criminal intelligence information or shared gang databases in California. Hence, these proposed regulations are not inconsistent or incompatible with existing state regulations. This determination is based on the fact that the proposed regulations specify new legislation that was enacted recently and are unconnected to any previous regulations.

Documents Incorporated by Reference:

Documents will be incorporated in the regulation by reference as specified by the following sections:

1. CalGang User Agreement, February 2019, subdivision (d) of section 750.6.
2. CalGang Proxy Query Agreement, March 2019, section 751.6.

Mandated by Federal Law or Regulations:

The proposed regulations are not mandated by federal law or regulations.

Other Statutory Requirements:

Penal Code section 186.36 requires the Department to obtain the advice of GDTAC when promulgating reg-

ulations governing the CalGang database (Pen. Code, § 186.36, subds. (k), (n) and (o).) The Department worked closely with GDTAC in drafting these regulations. In 2018, GDTAC held five public meetings throughout the state to consider, discuss and receive public input on the regulations.

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: These regulations could result in additional costs to State government, specifically the Department, of approximately $2,431,000. The Department received an ongoing appropriation and position authority for 11.0 new positions, beginning in the Fiscal Year 2017−2018, in relation to an audit conducted by the California State Audit regarding the CalGang database and Assembly Bill 90 (2017), which requires the CalGang regulations. This appropriation, based on input from the Department, was designed to enable the Department to address the following areas of responsibility:

- Drafting regulations to establish parameters for usage, data governance, etc.
- Providing administrative support to the technical advisory committee.
- Overseeing the review of the approximately 200,000 individual records currently in the system.
- Developing marketing materials such as Information Bulletins to increase both agency usage and knowledge and understanding of regulations.
- Developing, implementing, and maintaining training and audits.
- Conducting system user outreach to discuss enhancements and additional features to better meet agency needs.
- Creating and publishing quarterly and annual reports.
- Ensuring implementation of audit recommendations and legislative mandates.
- Building safeguards to protect against entry of incomplete and unverified records, as well as those for which criteria for entry has not been met.
- Ensuring that individuals are notified prior to being designated in the CalGang system.
- Generating relevant CalGang statistics.
- Facilitating coordination between the California Gang Node Advisory Committee, technical advisory committee, and technical and administrative teams within the Department, as well as all associated meeting.

In developing the regulations, the Department has determined that it will need one Associate Governmental Program Analyst (AGPA) in addition to the resources already appropriated. The AGPA is needed to address the expanded audit and training responsibilities of the Department, as outlined in these regulations. There are currently three positions dedicated to performing the administrative functions outlined above; however, the demand for training has exceeded their capabilities, as has the need to conduct back−end audits of new and existing data within the CalGang database.

The Department is not currently pursuing a Budget Change Proposal for the necessary position, but may do so in the future. The estimate provided above is based on the salary and benefits of one AGPA position.

Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500 through 17630: The Department has determined that the proposed regulatory action could result in additional approximate costs to local agencies ranging from $548,000 to $1,813,000 in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and sections 17500 et seq. of the Government Code because this regulation.

These regulations could result in additional costs to local government to the extent that California law enforcement agencies choose to participate in the CalGang database. However, it is difficult to approximate the potential fiscal effect these proposed changes may have, due to the fact that participation in the CalGang database is voluntary. The Department has determined that most of the California law enforcement agencies that currently participate in the CalGang database already meet most of the proposed standards and would experience little to no fiscal impact.

California Law Enforcement Agencies that Currently Participate in the CalGang Database

The Department of Justice identified two main areas that could potentially result in costs to California law enforcement agencies that choose to participate in the CalGang database (hereafter referred to as user agencies): updating and reprinting field interview cards, training persons who will have direct access to the CalGang database. These regulations increase the documentation that must be created and maintained by user agencies. While it is not a requirement set forth in these regulations, some user agencies may choose to update their field interview cards that are used, for the purposes

of the CalGang database, to document interactions with suspected gang members or gang associates. After conferring with existing user agencies, the Department determined that updating and reprinting field interview cards would cost a user agency approximately $13 per booklet.

There are more than 800 law enforcement agencies in California, 187 (or approximately 23%) of which were CalGang user agencies as of April 4, 2019. According to the 2017 Crime in California report published by the Department, there were 78,715 sworn law enforcement personnel in California in 2017. If the agencies of approximately 25% of those sworn law enforcement personnel update and reprint field interview cards as a result of these regulations, the Department estimates that local agencies could incur a cost of approximately $266,000.

In addition, user agencies may incur an unknown cost as a result of the list of components that must be included in user training, as outlined in section 751.8 of these regulations. Currently, individuals who require direct access to the CalGang database must undergo training prior to being granted access. The existing training is standardized; however, these regulations add new components that must be incorporated into all training. Expanding the training requirements could result in user agencies needing to dedicate more work hours to participating in and/or teaching the training if it is conducted by users of the CalGang database. As the manner in which individuals satisfy the training requirements will differ across user agencies, it is difficult to estimate the potential cost that expanding the training requirements would pose to each user agency or the user agency community as a whole.

As of April 4, 2019, there were approximately 3,000 active CalGang users, all of whom would need to adhere to the new training requirements. The Department estimates that these requirements could result in as few as two and as many as eight additional hours of training being required of existing active users. Many of the existing users are employed at the Detective classification, so the Department is using that as the basis for estimating the cost of additional staff hours. According to the California Employment Development Department, the median salary for a Detective in California was approximately $98,000 annually, or $47 hourly, in 2018 (Retrieved April 26, 2019, from https://www.labormarketinfo.edd.ca.gov/OccGuides/Detail.aspx?Soccode=333021&Geography=0604000073). Using this data, the Department estimates that local agencies could incur an approximate cost ranging from $282,000 to $1,128,000.

It should be noted that Penal Code section 186.36 requires specified data elements to be included in the annual report published by the Department. The information specified in the regulation is not currently captured in the CalGang database; thus, it was requested from user agencies in 2017 and 2018. While all user agencies provided the information, there was no mandate in place for them to do so. As all were able to do so, this requirement of the regulation should not result in additional costs to existing user agencies.

Existing user agencies that choose to withdraw from the CalGang database as a result of these regulations would incur non−fiscal impact in the form of decreased access to cross−jurisdictional gang−related intelligence information. The CalGang database is a statewide, low−cost, securely networked intelligence database that houses data on suspected members and associates of criminal street gangs, descriptions, tattoos, vehicles, and field interviews. Withdrawing from the CalGang database would eliminate the easy accessibility of the information housed therein, and require an agency to reach out to each jurisdiction in order to obtain the data.

In summary, the Department estimates that existing user agencies could incur costs ranging from $548,000 to $1,394,000 in order to fully comply with these regulations.

California Law Enforcement Agencies that Do Not Currently Participate in the CalGang Database

It is unknown how many, if any, California law enforcement agencies who do not currently participate would choose to participate in the CalGang database after these proposed regulations are adopted. The Department is assuming that it will receive requests from 10 agencies annually for the purposes of estimating the cost of these regulations.

Such agencies could incur costs as a result of some of the requirements outlined in these regulations, most of which would be related to staff time. For example, agencies that want to begin participating in the CalGang database would be required to designate a point of contact. This individual would be responsible for facilitating training, retrieving source documents, and updating CalGang records, as necessary. The extent of the staff time that would need to be dedicated to this role would depend on the number of individuals who will require direct access to the CalGang database and the records therein, the level of suspected gang activity in the area, and the level of participation in the database, among other factors. The Department estimates that these activities would occupy no more than 10% of the designated individual's time. Assuming the responsibility would be assigned to a Detective, the Department estimates that a new user agency could incur a cost of approximately $9,800 annually for the performance of the point−of−contact duties. This would result in local agencies incurring a cost of $98,000 annually.

Pursuant to Penal Code section 186.36, any individual with access to the CalGang database or the records contained therein are required to undergo the comprehensive training. The Department estimates that required training hours could range from four to 16, depending on the method of instruction and length of each component instituted by the Node Administrator. Based on the number of existing user agencies (187) and active users (3,000), the Department estimates that approximate 16 individuals per new user agency would need to participate in training. The Department estimates that local agencies could incur approximate costs ranging from $30,000 to $120,000 in staff time as a result of attending training.

As noted above, the training is typically provided by node or user agencies; however, the agencies could also choose to work with an outside vendor to provide some specific components of the required training, such as database security or implicit bias. The costs resulting from contracted training would depend on the components being taught, the number of participants, and the length of the class(es), and would vary widely. As such, the Department cannot estimate the potential cost to local agencies.

Pursuant to Penal Code sections 186.34, user agencies are required to notify an individual prior to designating him/her as a gang member or gang associate in the CalGang database. It also authorizes an individual to request information from a law enforcement agency as to whether s/he is designated in the CalGang database, requires the agency receiving the request to respond, except as specified, and outlines a process by which an individual can contest his/her designation in the database. While the specific information that must be contained in the designation notifications and information request responses are delineated in Sections 753.6, 754, and 754.2 of the regulation, the statute implements the requirements on local agencies. As such, the associated costs are not a result of the regulations. In an effort to alleviate impact to user agencies, the Department has made every attempt to enact performance standards rather than prescribing actions, as often as possible.

In summary, the Department estimates that local agencies could incur approximate costs ranging from $128,000 to $218,000 annually as a result of new user agencies being added after enactment of these regulations.

Agencies seeking to become node agencies would incur more costs than those that simply want to participate as user agencies. Section 751 of these regulations stipulates the requirements to become a node agency, including the ability to provide technical support and pay costs associated with training of users, designation of staff to manage the node, and travel expenses for participation in meetings that occur three times per year. Also included in a node agency's responsibilities are account management for the user agencies it services and coordination of any requests for CalGang statistics from external entities.

The Department funds a contract with the vendor responsible for maintenance of the CalGang database, including any systematic changes. As such, technical support services required of node agencies is limited to assisting users in navigation of the database and communicating needs to the Department, the costs of which would be staff time.

Travel expenses for participation in meetings would vary, depending on meeting location. The triannual meetings last three days each, occur in different locations throughout the state, and are attended by Node Administrators or their designees. Taking into account potential airfare, hotel, and per diem costs, the Department estimates that travel costs would average $2,000−$2,500 annually for any new node agency.

The Department estimates that each node agency could potentially need one−half to one position dedicated to the Node Administrator duties, depending on the size of the node for which the node agency would have oversight responsibilities and the number of user agencies therein. That individual would be responsible for the technical support, user training, and account management duties identified above. The individual would also be responsible for conducting peer audits as required by these regulations, at each triannual meeting noted above. As there are currently no node agencies located in Northern California, the Department estimates that there could be a need for approximately two more node agencies. If two new node agencies were established and each new node agency appointed one Node Administrator at the Detective classification, then the state could incur additional costs of approximately $196,000 annually.

In summary, the Department estimates that local agencies could incur costs totaling approximately $201,000 annually if two new node agencies were established after enactment of these regulations.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State : None.

Significant Effect on Housing Costs: None.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete: The Department has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Results of the Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Section 11346.3, Subdivision (b):

Effect on Jobs/Businesses:

The Department has determined that the proposed regulatory action would not affect the creation or elimination of jobs or businesses within the State of California or the expansion of businesses currently doing business within the State of California. This determination is based on the fact that this proposed action only applies to law enforcement agencies who choose to voluntarily participate in the CalGang database. Furthermore, this proposed action would have no impact on any other businesses or jobs. The Department does not require businesses to participate in the use of the CalGang database in any way, and training is typically provided by personnel within the node or user agencies. It is possible that existing or new user agencies could choose to contract with a private business to conduct the training; however, it is not possible for the Department to anticipate how many user agencies may do so or what the scope of the training would be.

Benefits of the Proposed Regulation:

The regulations proposed in this rulemaking action would standardize the procedures and processes for obtaining access to the CalGang database and the information therein. They would eliminate ambiguity and confusion surrounding use of the CalGang database, as well as create as much transparency as possible into its workings.

In addition, the proposed regulatory action will positively impact the privacy of California residents by establishing policies and responsibilities for those engaged with the CalGang database. This will enable the Department to be more closely involved in the business of the CalGang database and its users, as well as ensure that all user and node agencies are adhering to policies and procedures necessary to protect the information contained in the CalGang database.

Cost Impacts on Representative Private Persons 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:

These regulations do not require a report that applies to businesses.

Small Business Determination:

The Department has determined, pursuant to CCR, Title 1, Section 4, that the proposed regulatory action would not affect small business, because it pertains only to California law enforcement agencies that voluntarily participate in the CalGang database, not the general public.

CONSIDERATION OF ALTERNATIVES

Before taking final action on the amendments, 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, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost−effective to affected persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments, with respect to alternatives, to the proposed regulations during the 45−day written comment period.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−4296

The backup contact person for these inquiries is:

Thomas Bierfreund
Associate Governmental Program Analyst
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−3451

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the "express terms"), the Initial Statement of Reasons, and the information upon which the proposed rulemaking is based are available at the Department's website at http://oag.ca.gov/. Copies may also be obtained by contacting:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−4296

AVAILABILITY OF CHANGED OR MODIFIED TEXT

This regulatory proceeding will be conducted in accordance with the California Administrative Procedure Act, Government Code, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340).

After the Department analyzes all timely and relevant comments received during the 45−day public comment period, the Department will either adopt the regulations as described in this notice, or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the original text of the proposed regulations, the amended text, with the changes clearly indicated, will be made available for an additional 15−day public comment period, before the Department adopts the regulations. The Department will accept written comments on the modifications to the regulations during the 15−day public comment period.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department's website at http://oag.ca.gov/. You may also obtain a written copy of the final statement of reasons by contacting:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−4296

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department's website at http://oag.ca.gov/.

TITLE 11. DEPARTMENT OF JUSTICE

Notice is hereby given that the Department of Justice (Department) proposes to adopt sections 770 through 775.8 of Title 11, Division 1, Chapter 7.6, of the California Code of Regulations (CCR), concerning the Fair and Accurate Governance of Shared Gang Database Systems, pursuant to the authority provided in Penal Code section 186.36.

PUBLIC HEARING

The Department will hold two public hearings to receive public comments on the proposed regulatory action, as follows:

Date: June 26, 2019

Time: 9:00 a.m.−1:00 p.m.

Location: Office of the Attorney General
300 South Spring Street
Los Angeles, CA 90013

This auditorium is wheelchair accessible. There is no designated parking lot. Parking will need to be found nearby.

Date: June 27, 2019

Time: 9:00 a.m.−12:00 p.m.

Location: Ziggurat Building
707 3rd Street
West Sacramento, CA 95605

This auditorium is wheelchair accessible. Parking will be available for a fee in the structure next to the building.

At either of these hearings, any person may present oral or written comments regarding the proposed regulatory action. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

The public comment period for this regulatory action will begin on May 10, 2019. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. The written comment period closes at 5:00 p.m. on June 25, 2019. Only comments received by the Department by that time will be considered. Written comments shall be submitted to:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
Email: gangdatabaseGDTAC@doj.ca.gov

Or

Thomas Bierfreund
Associate Governmental Program Analyst
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
Email: gangdatabaseGDTAC@doj.ca.gov

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Subdivisions (k), (*l*), and (q) of Penal Code section 186.36 authorize the Department to adopt proposed regulations sections 770 to 775.8. The proposed regulatory action will implement, interpret, and make specific the provisions of Penal Code sections 186.34, 186.35, and 186.36 as they relate to any shared gang databases in California, other than the CalGang database, in which California law enforcement agencies participate (shared gang databases).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background:

The CalGang database, a shared gang intelligence database, is designed to enhance officer safety and improve the efficiency of criminal investigations by providing an electronically generated base of statewide gang−related intelligence information. Since the inception of the CalGang database in 1996, local law enforcement has entered intelligence data into the system for the purpose of cross−jurisdictional information sharing.

In 2016, the California State Auditor's Office (State Auditor) determined that the CalGang database and, by extension, shared gang databases needed a different oversight structure to ensure that the information within the database was reliable and all users adhered to requirements that protected a person's rights. The State Auditor recommended that the California Legislature adopt state law assigning the Department responsibility for oversight of the CalGang database and defining the requirements under which the CalGang database shall operate, such as periodic record reviews. At the time the State Auditor performed the audit, maintenance of the database was funded by the Department but the database was governed by uncodified policies and procedures and two informal committees made up of representatives from law enforcement agencies that functioned independently from the state.

Upon release of the State Auditor's report, the Department began working with the law enforcement users of the database to resolve the issues brought to light. This resulted in many positive and critical changes, including the following:

- Enactment of technical mechanisms to prevent children under the age of 10 from being entered into the database and ensure that records are automatically purged at the end of the five−year retention period.
- Posting of information on the Attorney General's website in an effort to provide more transparency.
- Implementation of new user policies, such as requiring new user agreements every two years, password resets on a regular basis, and account deactivation after 180 days of non−use and upon a change in employment status; mandatory online recertification training every two years; and mandatory standardized training.
- Improvement of auditing protocol and review of records by the appropriate supervisory classification.

As a result of the State Auditor's report, the California Legislature introduced Assembly Bill (AB) 90 (Stats. 2017, Ch. 695), which chaptered in October 2017. AB 90 requires the Department to promulgate regulations governing the use, operation, and oversight of shared gang databases, including, among other things, establishing the requirements for entering and reviewing gang designations, the retention period for listed gangs, and the criteria for identifying gang members. Moreover, AB 90 requires the Department to establish the Gang Database Technical Advisory Committee (GDTAC) with specified members to advise the Department in promulgating regulations for the specific purposes of governing the use, operation, and oversight of shared gang databases. For shared gang databases specifically, AB 90 requires the Department to promulgate regulations to provide for system integrity of a shared gang database, require all users of a shared gang database to undergo comprehensive and standard-

ized training on the use of a shared gang database and related policies and procedures, ensure that proper criteria are established for supervisory reviews of all shared gang database entries and regular reviews of records entered into a shared gang database, establish reasonable measures to be taken to locate equipment related to the operation of a shared gang database in a secure area, require user agencies to notify the Department of any missing equipment that could potentially compromise a shared gang database, limit access to a shared gang database, ensure that records contained in a shared gang database are not disclosed for specified purposes. It also requires the regulations to establish policies and procedures for entering, reviewing, and purging documentation; criteria for designating a person as a gang member or gang associate; retention periods for information contained in a shared gang database; criteria for designating an organization as a criminal street gang; policies and procedures for sending a notice to a person who will be designated in a shared gang database; policies and procedures for responding to an information request, request for removal, or petition for removal from a shared gang database; and policies and procedures for sharing information from a shared gang database with a federal or out−of−state agencies.

In response to AB 90, the Department has drafted two chapters of proposed regulations — one pertains to the governance of the CalGang database, whereas the other, proposed in a separate rulemaking file, governs shared gang databases. Presently, the Department has determined that the CalGang database is the only shared gang database to exist in the state of California. Hence, the Department wrote two chapters so that it could clearly distinguish the regulations for the only existing shared gang database, the CalGang database, from those that will govern shared gang databases that may arise in the future.

The Department is committed to continuously working to improve the effectiveness of any shared gang database in California, balancing the need of law enforcement users, and at the same time protecting individual's rights. Even after the regulations are adopted, the Department will continue collecting data and conducting empirical research to evaluate the effectiveness of the CalGang and any other shared gang database. The Department will engage in a separate rulemaking process upon the conclusion of the empirical research to further bolster the oversight of the CalGang and any other shared gang database and to enhance the quality and integrity of the data.

Effect of the Proposed Rulemaking:

The proposed regulations codify and update existing policies and procedures governing the CalGang database, which, as noted, is currently the only shared gang database in California, and provide significant changes to previous guidelines for entry of data into the CalGang database. Specifically, the regulations increase the minimum age for entry into the database, make the criteria for designating an individual as a gang member or associate more robust, and limit the circumstances when a tattoo may be used as a way to designate an individual as a gang member or associate. In addition, they expand training requirements to address best practices for gathering criminal intelligence, how to mitigate the entry and release of inaccurate data, implicit bias, and the negative impact of releasing data for unauthorized purposes. They implement the requirement that an individual be notified of his or her inclusion in a shared gang database. They increase the number of required audits of records in a shared gang database both for individuals and gangs and implement an audit requirement in relation to proxy queries. Lastly, these regulations require user agencies to include additional justification when utilizing specific criteria for entry into a shared gang database and maintain source documentation and other pertinent information for specified periods of time.

Proposed California Code of Regulations, Title 11, Division 1, Chapter 7.6, interprets and details the specifics of these laws as follows:

Article 1 specifies the title and scope of the new chapter, which is to govern the policies and procedures of shared gang databases.

Article 2 defines the terms used throughout the new chapter.

Article 3 specifies who may have access to a shared gang database and the process and requirements for gaining access. It also specifies the responsibilities of System Administrators in handling requests from an out−of−state or federal agency for access to shared gang database records, and specifies the purpose for which shared gang database records may be used by an out−of−state or federal agency. It further specifies the process by which a non−user may request a proxy query for information contained within a shared gang database, and when information from a shared gang database may be disseminated to non−users.

Article 4 relates to user training. It requires users to take a certification exam prior to utilizing a shared gang database and a recertification exam once every two years.

It also specifies the requirements for becoming an approved shared gang database instructor.

Article 5 specifies the standard and criteria for entry into a shared gang database as a gang member or gang associate, including the minimum age of entry.

Article 6 requires supervisory review of data entered into a shared gang database and establishes a process for

deleting records from the database. It also specifies that the user agency must engage with other user agencies that have entered additional information related to the record to be deleted prior to deleting it.

Article 7 specifies the means by which a person may be notified of his or her inclusion in a shared gang database, the components that must and may be included in the notification, guidance for determining when the notification requirement has been met, and requirements for documenting that the notice has been sent.

Article 8 relates to information requests. It establishes that user agencies may develop a form for the purpose of verifying the identity of an individual who wants to request information regarding his or her designation in a shared gang database. It establishes the requirements for responding to a request for information regarding an individual's designation in a shared gang database, as well as the components that must be included in an agency's response. It also specifies that an agency must respond to a request from an individual seeking removal from a shared gang database.

Article 9 establishes the length of time that records in a shared gang database must be retained, including when the retention period may be reset. It establishes the length of time that notifications sent to individuals prior to their inclusion in a shared gang database must be retained. It establishes the length of time that requests for information regarding an individual's designation in a shared gang database and the associated responses must be retained. It also specifies who is responsible for maintaining source documents related to information entered into a shared gang database and requirements for removing criteria for which supporting source documents are missing or incomplete.

Article 10 establishes requirements for System Administrator audits of shared gang database records, including frequency and substance of the audits. It establishes requirements for auditing criminal street gangs designated in a shared gang database, including who is responsible for conducting them and frequency and substance of the audits. It establishes the Department's authority to conduct audits of records in a shared gang database.

Article 11 specifies restrictions for the sharing of information contained in a shared gang database.

Article 12 relates to system security. It specifies the requirements for storing equipment that transmits or receives shared gang database information and any associated printouts. It specifies that the Department must be granted access to any such equipment to ensure compliance with the storage requirements. It establishes notification requirements for any missing equipment that could compromise the confidentiality and security of a shared gang database. It also specifies the requirements for investigating and reporting any potential misuse of a shared gang database or the information contained therein.

Article 13 specifies the actions that may be taken by a System Administrator against a user who violates any statute or regulation governing a shared gang database.

Comparable Federal Regulations:

Penal Code section 186.36, subdivision (m) requires that the CalGang database operate in compliance with Code of Federal Regulations, Title 28, Part 23 governing criminal intelligence systems operating policies. This regulation is consistent with those federal regulations.

Anticipated Benefits of the Proposed Regulations:

The objective of the proposed rulemaking action is to clarify the requirements of the Fair and Accurate Gang Database Act of 2017 (Act), as outlined in Penal Code sections 186.34 through 186.36, inclusive. The Act, and these regulations by extension, are meant to ensure that information contained in shared gang databases is controlled, substantiated, and safeguarded.

The Department anticipates that these regulations will benefit the health and welfare of California residents because they will protect the integrity of shared gang databases and the information contained therein. By detailing the requirements for access and use, these regulations will ensure that the information in shared gang databases is only used to direct users to the law enforcement agency who entered it, and not in court proceedings or for housing, employment, or immigration purposes. They will also provide as much transparency as possible to the public, implement safeguards against entry of unsupported records into a shared gang database, and provide a system of checks and balances in the form of increased auditing by both peers and the Department.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

Pursuant to Government Code section 11346.5, subdivision (a)(3)(D), the Department shall evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has reviewed existing regulations in the California Code of Regulations and has determined that no other regulations address criminal intelligence information or shared gang databases. Hence, these proposed regulations are not inconsistent or incompatible with existing state regulations. This determination is based on the fact that the proposed regulations specify new legislation that was enacted recently and are unconnected to any previous regulations.

Documents Incorporated by Reference:

None.

Mandated by Federal Law or Regulations:

The proposed regulations are not mandated by federal law or regulations.

Other Statutory Requirements:

Penal Code section 186.36 requires the Department to obtain the advice of GDTAC when promulgating regulations governing shared gang databases in California (Pen. Code, § 186.36, subds. (k), (n) and (o).) The Department worked closely with GDTAC in drafting these regulations. In 2018, GDTAC held five public meetings throughout the state to consider, discuss and receive public input on the regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATION

The Department has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Cost or Savings to Any State Agency: These regulations could result in additional costs to State government, specifically the Department, of approximately $2,431,000. The Department received an ongoing appropriation and position authority for 11.0 new positions, beginning in the Fiscal Year 2017−2018, in relation to an audit conducted by the California State Audit regarding the CalGang database and Assembly Bill 90 (2017), which requires the CalGang regulations. This appropriation, based on input from the Department, was designed to enable the Department to address the following areas of responsibility:

- Drafting regulations to establish parameters for usage, data governance, etc.
- Providing administrative support to the technical advisory committee.
- Overseeing the review of the approximately 200,000 individual records currently in the system.
- Developing marketing materials such as Information Bulletins to increase both agency usage and knowledge and understanding of regulations.
- Developing, implementing, and maintaining training and audits.
- Conducting system user outreach to discuss enhancements and additional features to better meet agency needs.
- Creating and publishing quarterly and annual reports.
- Ensuring implementation of audit recommendations and legislative mandates.
- Building safeguards to protect against entry of incomplete and unverified records, as well as those for which criteria for entry has not been met.
- Ensuring that individuals are notified prior to being designated in the CalGang system.
- Generating relevant CalGang statistics.
- Facilitating coordination between the California Gang Node Advisory Committee, technical advisory committee, and technical and administrative teams within the Department, as well as all associated meeting.

In developing the regulations, the Department has determined that it will need one Associate Governmental Program Analyst (AGPA) in addition to the resources already appropriated. The AGPA is needed to address the expanded audit and training responsibilities of the Department, as outlined in these regulations. There are currently three positions dedicated to performing the administrative functions outlined above; however, the demand for training has exceeded their capabilities, as has the need to conduct back−end audits of new and existing data within the CalGang database.

Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500 through 17630: The Department has determined that the proposed regulatory action could result in additional approximate costs to local agencies ranging from $2,395,100 to $4,082,600 in the current State Fiscal Year which are reimbursable by the State pursuant to Section 6 of Article XIII B of the California Constitution and sections 17500 et seq. of the Government Code. However, it is difficult to approximate the potential fiscal effect these proposed changes may have, due to the fact that participation would be voluntary and there the CalGang database is currently the only shared gang database in California. It is unknown how many, if any, California law enforcement agencies would choose to participate if a shared gang database other than the CalGang database was created. As of April 4, 2019, there 187 user agencies participating in the CalGang database. The Department is using this number to estimate potential costs to local agencies that may result if a new shared gang database was created.

Such agencies could incur costs as a result of some of the requirements outlined in these regulations, most of which would be related to staff time. For example, agencies that want to begin participating in the CalGang database would be required to designate a point of contact. This individual would be responsible for facilitating training, retrieving source documents, and updating CalGang records, as necessary. The extent of the staff time that would need to be dedicated to this role would depend on the number of individuals who will require

direct access to the CalGang database and the records therein, the level of suspected gang activity in the area, and the level of participation in the database, among other factors. The Department estimates that these activities would occupy no more than 10% of the designated individual's time. Many of the existing users of the CalGang database are employed at the Detective classification, so the Department is using that as the basis for estimating the cost of additional staff hours. According to the California Employment Development Department, the median salary for a Detective in California was approximately $98,000 annually, or $47 hourly, in 2018 (Retrieved April 26, 2019, from https://www.labormarketinfo.edd.ca.gov/OccGuides/Detail.aspx?Soccode=333021&Geography=0604000073). Assuming the responsibility would be assigned to a Detective, the Department estimates that a new user agency could incur a cost of approximately $9,800 annually for the performance of the point−of−contact duties. This would result in local agencies incurring a cost of $1,832,600 annually.

Pursuant to Penal Code section 186.36, any individual with access to the CalGang database or the records contained therein are required to undergo the comprehensive training. The Department estimates that required training hours could range from four to 16, depending on the method of instruction and length of each component instituted by the System Administrator. Based on the number of existing user agencies (187) and active users (3,000) of the CalGang database, the Department estimates that approximate 16 individuals per new user agency would need to participate in training. The Department estimates that local agencies could incur approximate costs ranging from $562,500 to $2,250,000 in staff time as a result of attending training.

As noted above, the training is typically provided by node or user agencies; however, the agencies could also choose to work with an outside vendor to provide some specific components of the required training, such as database security or implicit bias. The costs resulting from contracted training would depend on the components being taught, the number of participants, and the length of the class(es), and would vary widely. As such, the Department cannot estimate the potential cost to local agencies.

Pursuant to Penal Code sections 186.34, user agencies are required to notify an individual prior to designating him/her as a gang member or gang associate in a shared gang database. It also authorizes an individual to request information from a law enforcement agency as to whether s/he is designated in a shared gang database, requires the agency receiving the request to respond, except as specified, and outlines a process by which an individual can contest his/her designation in the database. While the specific information that must be contained in the designation notifications and information request responses are delineated in Sections 753.6, 754, and 754.2 of the regulation, the statute implements the requirements on local agencies. As such, the associated costs are not a result of the regulations. In an effort to alleviate impact to user agencies, the Department has made every attempt to enact performance standards rather than prescribing actions, as often as possible.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Significant Effect on Housing Costs: None.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete : The Department has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

Results of the Economic Impact Analysis/Assessment Prepared Pursuant to Government Code Section 11346.3, Subdivision (b):

Effect on Jobs/Businesses:

The Department has determined that the proposed regulatory action would not affect the creation or elimination of jobs or businesses within the State of California or the expansion of businesses currently doing business within the State of California. This determination is based on the fact that this proposed action only applies to law enforcement agencies who choose to voluntarily participate in a shared gang database. Furthermore, this proposed action would have no impact on any other businesses or jobs. The Department does not require businesses to participate in the use of a shared gang database in any way, and training for the CalGang database, the only existing shared gang database in California, is typically provided by personnel within the node or user agencies. It is possible that user agencies could choose to contract with a private business to conduct the training; however, it is not possible for the Department to anticipate how many user agencies may do so or what the scope of the training would be.

Benefits of the Proposed Regulation:

The regulations proposed in this rulemaking action would standardize the procedures and processes for obtaining access to a shared gang database and the information therein. They would prevent ambiguity and confusion that was found to be surrounding use of the CalGang database, which is currently the only shared gang database in California, as well as create as much transparency as possible into its workings.

In addition, the proposed regulatory action will positively impact the privacy of California residents by establishing policies and responsibilities for those engaged with a shared gang database. This will enable the Department to be more closely involved in the business of a shared gang database and its users, as well as ensure that all user agencies are adhering to policies and procedures necessary to protect the information contained in a shared gang database.

Cost Impacts on Representative Private Persons 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:

These regulations do not require a report that applies to businesses.

Small Business Determination:

The Department has determined, pursuant to CCR, Title 1, Section 4, that the proposed regulatory action would not affect small business, because it pertains only to users of shared gang databases, not the general public.

CONSIDERATION OF ALTERNATIVES

Before taking final action on the amendments, 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, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost−effective to affected persons and equally effective in implementing the statutory policy or other provision of law.

The Department invites interested persons to present statements or arguments, with respect to alternatives, to the proposed regulations during the 45−day written comment period.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action may be directed to:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−4296

The backup contact person for these inquiries is:

Thomas Bierfreund
Associate Governmental Program Analyst
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−3451

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. The text of the proposed regulation (the "express terms"), the Initial Statement of Reasons, and the information upon which the proposed rulemaking is based are available at the Department's website at https://oag.ca.gov/. Copies may also be obtained by contacting:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and
Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−4296

AVAILABILITY OF CHANGED OR MODIFIED TEXT

This regulatory proceeding will be conducted in accordance with the California Administrative Procedure Act, Government Code, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340).

After the Department analyzes all timely and relevant comments received during the 45−day public comment period, the Department will either adopt the regulations as described in this notice, or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the original text of

the proposed regulations, the amended text, with the changes clearly indicated, will be made available for an additional 15−day public comment period, before the Department adopts the regulations. The Department will accept written comments on the modifications to the regulations during the 15−day public comment period.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Upon completion, the Final Statement of Reasons will be available on the Department's website at https://oag.ca.gov/. You may also obtain a written copy of the final statement of reasons by contacting:

Shayna Rivera, CalGang Unit Manager
Bureau of Criminal Identification and Investigative Services
California Justice Information Services Division
4949 Broadway
Sacramento, CA 95820
(916) 210−4296

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format, as well as the Final Statement of Reasons once completed, are available on the Department's website at https://oag.ca.gov/.

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED ELECTRIC VEHICLE SUPPLY EQUIPMENT STANDARDS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the time and place noted below to consider approving for adoption the proposed standards for Electric Vehicle Supply Equipment (EVSE).

DATE: June 27, 2019

TIME: 9:00 a.m.

LOCATION: California Environmental Protection Agency
California Air Resources Board
Byron Sher Auditorium
1001 I Street
Sacramento, California 95814

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., June 27, 2019, and may continue at 8:30 a.m., on June 28, 2019. Please consult the agenda for the hearing, which will be available at least ten days before June 27, 2019, to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on May 10, 2019. Written comments not physically submitted at the hearing must be submitted on or after May 10, 2019, and received by June 24, 2019. CARB requests that, when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

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

Electronic submittal:
http://www.arb.ca.gov/lispub/comm/bclist.php

Please note that under the California Public Records Act (Gov. Code, § 6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections

39600, 39601, 43016, 44268, and 44268.2. This action is proposed to implement, interpret, and make specific sections 44268 and 44268.2 of the Health and Safety Code.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW
(GOV. CODE, § 11346.5, subd. (a)(3))

Sections Affected: Proposed adoption to California Code of Regulations, Title 13, sections 2360, 2360.1, 2360.2, 2360.3, 2360.4, 2360.5

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

The following documents and test procedures would be incorporated in the regulation by reference as specified by section:

- "Payment Card Industry (PCI) Data Security Standard — Requirements and Security Assessment Procedures" published by PCI Security Standards Council (Version 3.2.1) (May 2018), Section 2360.
- "California Open Charge Point Interface Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes", [Insert Adoption Date], Section 2360.3.

The above−listed document is also being adopted by this regulation and thus the adoption date would be the date that the regulation is adopted by CARB.

Background and Effect of the Proposed Regulatory Action:

CARB proposes to add and adopt the California Code of Regulations, Title 13, Chapter 8.3, Section 2360, to establish hardware and software standards for EVSE. The proposed regulation affects publicly accessible Level 2 and direct current fast charger (DCFC) EVSE. Under the proposed regulation, electric vehicle service providers (EVSP) will be required to install and maintain credit card readers and mobile payment technology on publicly accessible EVSE, post signs for all fees associated with charging, attach a Code of Federal Regulations (CFR) Title 16 Part 309 sticker, and adopt an interoperable billing standard. The proposed regulation imposes specific reporting requirements for EVSPs including annual reporting to CARB, the National Renewable Energy Laboratory's (NREL) Alternative Fuels Data Center (AFDC), and an initial statement of compliance for new models of EVSE.

Background

CARB and the State of California are committed to the growth of the zero emission vehicle market. These vehicles are critical to meeting the State's health−based air quality and climate change targets. As increasing numbers of plug−in electric vehicles (PEV) are added to California roads, public charging infrastructure to support the vehicles is also being added.

Existing public charging infrastructure is often confusing to PEV drivers due to varying access and payment modes. Drivers have encountered EVSE being non−functioning upon arrival, toll−free numbers not being staffed, inconsistent charging session prices, and not being able to find EVSE at a given location. The proposed regulation will address these problems so drivers will have greater confidence in charging infrastructure.

The California Legislature adopted Senate Bill (SB) 454, "Electric Vehicle Charging Stations Open Access Act," in 2013. The purpose of SB 454 was to set EVSE performance standards allowing for open access. California Health and Safety Code sections 44268 and 44268.2 gave authority to CARB to implement the requirements.

The proposed regulation establishes six requirements for publicly accessible EVSE:

1. Public chargers must be accessible to drivers regardless of membership in an EVSP network.
2. EVSPs must operate credit card readers and mobile payment options on Level 2 and DCFC EVSE allowing payment by members and non−members.
3. EVSPs must place, on each EVSE, a sticker informing drivers of voltage (V) and amperage (A) capabilities of that EVSE.
4. EVSPs must post all fees associated with a charging session.
5. EVSPs must install the interoperable billing standard Open Charge Point Interface (OCPI) on each EVSE. In addition, other interoperable billing standards may also be used.
6. EVSPs must report new, current, and decommissioned EVSE locations and access information to the NREL AFDC and CARB. The information reported will include pricing, EVSE model and location information.

EVSPs will also be subject to initial statement of compliance requirements for EVSE models and annual location and usage reporting requirements.

Staff have continued stakeholder engagement on the proposed regulatory requirements. Should compromises on areas of contention be reached before the board

hearing, additional modifications resulting from this coordination will be presented at the Public Hearing.

Objectives and Benefits of the Proposed Regulatory Action:

The proposed regulation's primary objective is to address consumer access to publicly available EVSE. Access to an EVSE includes finding the location of an EVSE, identifying fees associated with use, and paying for a charging session.

Implementation of the proposed regulation will: (1) enable drivers to more readily locate public EVSE, (2) provide drivers charging session pricing before use, (3) provide drivers convenient and simple payment methods for charging sessions, (4) provide standardized power information on each EVSE, and (5) facilitate EVSP roaming agreements.[1] Consumer benefits of the proposed regulation include familiar payment methods, clear pricing information, and uniform station location.

Timeline

This proposed regulation does not require EVSE to be installed for public use; it establishes hardware and software requirements for new and existing EVSE. New DCFC installations shall be fully compliant starting July 1, 2020. Existing DCFC EVSE must meet necessary hardware and software requirements by July 1, 2024, depending on installation date. New Level 2 EVSE installations shall be fully compliant starting July 1, 2023. Existing Level 2 EVSE must meet necessary hardware and software requirements by July 1, 2027, depending on installation date.

Credit Card and Mobile Technology

The proposed regulation requires EVSPs to ensure that all EVSE have a physical credit card reader and a physical near field communications (NFC) reader (to accept mobile payment). EVSPs may install the credit card reader and NFC reader either on the EVSE itself or at a nearby kiosk that services one or more EVSE at the site. This provision is to comply with SB 454's requirement that an EVSE "shall allow a person desiring to use the station to pay via credit card or mobile technology, or both."[2] The objective of this proposed requirement is to ensure consumers convenient charging session payment access. The benefit of this proposed requirement is to provide public charging access for all consumers including those who may not have smart phones or may not be familiar with using public charging infrastructure.

Disclosure of Fees

The proposed regulation requires EVSPs to provide the user a complete listing of all fees that the user may incur at the time of a charging session. The fees may include, but are not limited to, the kilowatt−hour (kWh) or megajoule (MJ) cost of electricity, credit card fees, parking fees, non−membership plug−in fees, increased charges after plug−in session ends, and any other fees chargeable to the PEV user. Fees must be displayed at the point of sale to ensure the fee structure is transparent to the driver. Consumers paying for a charging session must be billed for electricity by the $/kWh or $/MJ. The Electric Power Research Institute completed a study of National Charging Costs,[3] which found over 350 unique charging cost structures. As a result, there is ongoing confusion for drivers today when paying for charging. This proposed requirement will align with California Department of Food and Agriculture Division of Measurement Standards[4] proposed regulation for EVSE charging as well as give customers confidence that all fees will be displayed ahead of starting a charging session. The purpose of this proposed requirement is to ensure consumers know exactly what they will be paying at the time of starting a charging session. The benefit of this proposed section of the code is that drivers will be able to see clearly what they will be charged for a charging session.

Payment Card Industry Data Security Standard Level 1 Compliance

The proposed regulation requires that credit card reader and near field communications (NFC) reader payment systems must be Payment Card Industry Data Security Standard (PCI−DSS) Level 1 compliant to secure the payment transactions and protect PEV consumers' personally identifiable information.[5] PCI−DSS Level 1 compliance requires a third party to inspect annually the EVSE and requires the service provider or network operator to use data encryption from the EVSE to the EVSP and back. PCI−DSS Level 1 compliance is industry standard for curbside parking meters and most DCFCs that currently have credit card readers. For example, this technology is commonly re-

[1] Roaming agreements are contracts between EVSPs that allow members to seamlessly use the networks covered by the contract.

[2] Cal. Health & Safety Code § 44268.2(a)(1).

[3] Dunckley, Jamie, December 2017. Electric Power Research Institute "National Charging Costs"

[4] DMS, 2018. California Department of Food and Agriculture. "ISOR: Electric Vehicle Fueling Systems" https://www.cdfa.ca.gov/dms/pdfs/regulations/EVSE_ISOR.pdf

[5] Control Scan, 2018. "What's the point of PCI DSS compliance requirements?" https://www.controlscan.com/data−sheet−pci−dss−compliance−solutions/?utm_source=pcicomplianceguide.org&utm_medium=referral&utm_campaign=pcicg−overview, Accessed September 10, 2018

quired as a minimum security measure on parking meters that use credit card readers or other payment technologies.[6] The purpose of this proposed requirement is to ensure that users' information will be protected from exposure. The second purpose of this proposed requirement is to ensure that EVSPs are using the highest form of security for handling driver payment information. The benefit of this proposed requirement is to provide secure charging session payment transactions at public EVSE locations.

Interoperable Billing Standard

SB 454 authorizes CARB to adopt interoperable billing standards for EVSE network roaming payment methods. Roaming enables a member of one EVSP to use that membership credential on a different EVSP. Upon completing the charging session, the two EVSPs send and receive billing information to complete the transaction. Drivers benefit from roaming by using one membership card or mobile device application (app) at other networked EVSE.

Open Charge Point Interface (OCPI), an open source communication protocol−enabling driver roaming, is used by many domestic and international charging infrastructure providers. A number of EVSPs announced roaming agreements using OCPI in 2018.[7,8,9] As no national interoperability billing standards have been adopted, CARB is proposing the use of OCPI 2.1.1, as incorporated in "California Open Charge Point Interface Interim Test Procedures for Networked Electric Vehicle Supply Equipment for Level 2 and Direct Current Fast Charge Classes." CARB supports the use of open source communication protocols and acknowledges that other products are currently in development. Proposal of the OCPI standard ensures at least one common communications protocol is in use by all EVSE to facilitate roaming agreements, but does not preclude the use of additional communications protocols that would enable roaming. The proposed standard is being used widely in industry today. The benefit of this proposed requirement is that EVSPs should see increased EVSE use from non−members once a roaming agreement is in place. Another benefit of this proposed requirement is for drivers by providing confidence in quickly starting a charging session through a roaming agreement.

Labeling Requirement

The proposed regulation requires EVSPs to label each EVSE in accordance with CFR Title 16 Part 309 label. CFR Title 16 includes Commercial Practice rules and regulations set by federal agencies. Part 309.17 describes labeling requirements for electric vehicle fuel dispensing systems. The label must indicate the type of fuel (electricity), if the method of delivery is conductive or inductive, and the voltage, amperage and kilowatt (kW) capabilities of the EVSE. The Federal Trade Commission adopted Section 309.17 on April 23, 2013. The purpose of this proposed requirement is to implement proper signage on the EVSE in accordance with the CFR.

Data Reporting

The proposed regulation requires each EVSP to disclose to NREL the station's geographic location, schedule of fees, accepted payment methods, and the amount of network roaming fees charged to non−members.[10] Through the AFDC website,[11] NREL provides information and tools to help transportation decision−makers reduce petroleum consumption through the use of alternative and renewable fuels, advanced vehicles, and other measures. The AFDC website also includes an Alternative Fueling Station Locator.[12] Largely through collaboration with infrastructure service providers, NREL gathers and verifies EVSE data. The AFDC website and mobile applications disseminate information on EVSE location, fees, and other relevant data to PEV owners. Requiring a central resource of information for a PEV driver will help provide confidence that infrastructure is ready for drivers to use. The purpose and benefit of this proposed requirement is to provide consumers with uniform information on public charging infrastructure.

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[6] City of Sacramento, May 29, 2013. "Request for Proposal: Parking Meter Procurement" http://dockets.sandiego.gov/sirepub/cache/2/3lh0hxykr0stpot3e3bz2hpx/678426111420181105325 95.PDF

[7] Greenlots, 2018. "Greenlots and ChargePoint Partner to Increase Access to EV Charging Throughout North America." December 20, 2018. https://greenlots.com/greenlots−and−chargepoint−partner−to−increase−access−to−ev−charging−throughout−north−america/

[8] Moran, 2018. Mike Moran. "Network Interoperability Agreements announced with EV network providers EV Connect, Greenlots and SemaConnect" October 18, 2018. https://www.electrive.com/wp−content/uploads/2018/10/2018−10−Electrify−America_Interoperability.pdf

[9] ChargePoint, 2018. "ChargePoint and EVBox Pave the Way for Fully Electric Future with Forward−Thinking Partnership" October 9, 2018. https://www.chargepoint.com/about/news/chargepoint−and−evbox−pave−way−fully−electric−future−forward−thinking−partnership/

[10] NREL is a federally affiliated organization that collects and distributes information on energy efficiency, sustainable transportation, and renewable power technologies. U.S. Department of Energy National Renewable Energy Laboratory, 2018. https://www.nrel.gov/. Accessed July 25, 2018.

[11] Alternative Fuels Data Center, 2018. https://www.afdc.energy.gov/. Accessed July 25, 2018.

[12] Alternative Fueling Station Locator, 2018. https://www.afdc.energy.gov/stations#/find/nearest?fuel=ELEC, Accessed July 1, 2018.

Public Process for Development of the Proposed Regulation

CARB staff has engaged with stakeholders via forums and public processes from the onset of the proposed rulemaking. Initially, outreach and input focused on stakeholder forum settings to define potential actions by CARB on SB 454. On December 8, 2017, CARB staff hosted the first forum with industry stakeholders to discuss requirements as stipulated by the legislation and to introduce other regulatory considerations CARB was investigating. During the forum, CARB staff sought input on factors for developing open access charging infrastructure requirements for PEVs, including payment for use, data reporting, network roaming and interoperable billing, and that pose barriers for electric vehicle consumer adoption. On March 30, 2018, CARB staff hosted a second forum to further discuss and seek input on the regulatory framework, definitions, proposed data format, and proposed compliance timelines. At this time, CARB staff solicited stakeholders for alternatives to the proposed regulation.

CARB staff also gathered public feedback on the proposed regulation through public workshops and a webinar. Staff distributed notice of the May 30, 2018, workshop through a public listserv that includes 5,000+ recipients and posted notice[13] of the public meeting. Information regarding the workshop[14] and associated materials were also posted on the SB 454 website.[15] This public workshop, which was webcast, solicited stakeholder feedback on the proposed regulation and the regulatory process. CARB staff also sought public input regarding alternatives to the proposed regulation. Subsequent to this workshop, CARB staff hosted a public webinar on June 21, 2018, to present proposed definitions for regulated parties and to discuss reporting requirements. CARB staff held a second public workshop[16] on November 7, 2018, during which CARB staff presented draft regulatory language and requested feedback from stakeholders. CARB staff held a second public webinar on April 2, 2019, to present the draft regulatory text updated based on stakeholder feedback from the November 7 workshop.

Comparable Federal Regulations:

CARB is implementing SB 454, which was created and signed into law by the California State Legislature in 2013. SB 454 requires EVSE to be labeled in accordance with CFR Title 16 Part 309.[17] The proposed regulation effects that requirement. With that exception, there are no other federal regulations at this time that address the same issues as the proposed regulation.

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

During the process of developing the proposed regulatory action, CARB conducted a search of any similar regulations on this topic and concluded these regulations are neither inconsistent nor incompatible with existing State regulations.

MANDATED BY FEDERAL LAW OR REGULATIONS (Gov. Code, §§ 11346.2, subd. (c), 11346.9)

CFR Title 16 Part 309 mandates that EVSE have a label identifying that the EVSE conducts electricity, at a specified voltage, amperage, and kilowatt. As stated above, SB 454 requires EVSE to be labeled in accordance with CFR Title 16 Part 309.[18] The proposed regulation effects that requirement.

DISCLOSURES REGARDING THE PROPOSED REGULATION

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

The determinations of the Board's Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below.

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs but not savings to State agencies, would not create costs or savings in federal funding to the State, would create costs (but not a mandate) to any local agency or school district, which would not be reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), and would not create any other nondis-

[13] CARB, 2018. Public Workshop Notice to Discuss Implementation of the Electric Vehicle Charging Stations Open Access Act. https://www.arb.ca.gov/msprog/mailouts/ecars1803/ecars1803.pdf. Accessed July 25, 2018.

[14] CARB, 2018. Public Workshop to Discuss Implementation of the Electric Vehicle Charging Station EVSE Open Access Act (Senate Bill 454, Statutes of 2013). https://ww2.arb.ca.gov/public−workshop−discuss−implementation−electric−vehicle−charging−stations−open−access−act−senate. Accessed July 25, 2018.

[15] CARB, 2018. Electric Vehicle Charging Station EVSE Open Access (Senate Bill 454). https://ww2.arb.ca.gov/our−work/programs/electric−vehicle−charging−stations−open−access−senate−bill−454. Accessed July 25, 2018.

[16] CARB, 2018. Mail−Out ECARS #18−06. "Public Workshop to Discuss the Implementation of the Electric Vehicle Charging Stations Open Access Act." https://www.arb.ca.gov/msprog/mailouts/ecars1806/ecars1806.pdf

[17] Health & Safety Code § 44268.2(c).

[18] Health & Safety Code § 44268.2(c).

cretionary costs nor savings to State or local agencies. The proposed regulation does not create a mandate for several reasons: Operating vehicle charge equipment is generally a discretionary decision for local governments, so the costs are not required; moreover, the proposed amendments apply generally to all entities operating electrical vehicle supply equipment rather than applying specific mandates to local governments. Because they do not impose unique new requirements on local agencies, they are not a reimbursable mandate for this reason as well (County of Los Angeles v. State of California, 42 Cal. 3d 46 (1987)).

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

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

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

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

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

MAJOR REGULATION: Statement of the Results of the Standardized Regulatory Impact Analysis (SRIA) (Gov. Code, § 11346.3, subd. (c)):

(A) The creation or elimination of jobs within the state.

CARB staff anticipates that the proposed regulation will have a small impact on employment growth in California. Directly impacted industries such as EVSPs and site hosts may see negative impacts to employment due to increased costs of compliance. Because the EVSP industry is currently facing an expansion of the market and major shift in technology, employees of the EVSPs that may reduce jobs are likely to be hired by larger EVSPs looking for qualified employees.

Various indirectly impacted industries that supply goods and services to EVSPs, such as businesses that replace Level 2 EVSE and businesses that supply credit card readers, mobile payment, and interoperability compatibility, may see an increase in demand as a result of the proposed amendments and may also see some employment growth, particularly in years where many Level 2 EVSE need to be replaced. Based on the Regional Economic Models, Inc. (REMI) analysis in the Standardized Regulatory Impact Assessment (SRIA), the overall impact of the proposed regulation from 2020 to 2030 is a reduction in job growth of about 460 jobs by 2030. This change in employment is small relative to the California economy, corresponding to a change of less than −0.01 percent.

(B) The creation of new businesses or the elimination of existing businesses within the state.

Overall, staff expects the proposed regulation to have a small impact on business creation or elimination. Some EVSP businesses, including some small businesses, may struggle with the increased compliance costs and be eliminated.

The compliance costs incurred for the installation of equipment and other items may result in increases in demand for industries supplying those goods and services. Increases in demand for Level 2 replacements may result in an increase in the number of electrical contractors and other wiring installation contractors. A decrease in individual contractors offering their services to EVSPs may result due to EVSPs hiring larger electrician firms to help maintain the EVSE as a larger account versus individual work orders. Increased demand for maintenance on the EVSE may create new businesses in the EVSE maintenance industry.

(C) The competitive advantages or disadvantages for businesses currently doing business within the state.

EVSPs that support networked EVSE (Level 2 and DCFCs) that require fee for service are subject to the same proposed requirements. Businesses that predominantly support Level 2 EVSE will have a higher per EVSE compliance cost compared to those that primarily support DCFCs. The potential price impacts for Level 2 chargers is estimated to be larger than for DCFCs; however, the business models for these charger types are often different. DCFCs are charging−focused, providing a draw to drivers due to their fast charging speeds. Level 2 chargers are slower and less desirable for public charging, but can benefit site hosts who install these chargers. Many site hosts provide Level 2 charging for free in order to attract customers; thus, charging revenue is not always a primary goal for Level 2 EVSE. These varied business models may mitigate some of the impacts of differential compliance costs.

PEV owners primarily charge their vehicles within the range of their residence; thus, CARB staff anticipates little competition for charging services across state lines. CARB staff does not anticipate compliance costs for California EVSE to impact competitiveness with out−of−state businesses.

(D) The increase or decrease of investment in the state.

The proposed amendment would likely have small impacts on private investment growth, resulting in less than 0.01 of baseline private investment. The modeling

results suggest a slight decrease of investment growth from 2020 to 2030, likely driven by cost of compliance for the proposed regulation.

(E) The incentives for innovation in products, materials, or processes.

The proposed regulation could provide incentives to improve EVSE and network operations to reduce compliance costs. The proposed regulation does require certain technology types to be used; there may be technology innovation from multiple parties to ensure the hardware and software is properly integrated. Due to the proposed regulation, CARB staff anticipates growth in the monetary authorities, credit intermediation, and related activities industry, which will provide the credit card reader, mobile payment hardware, and PCI compliance. As EVSPs integrate the proposed interoperable billing standard, staff expects innovation to streamline operations and reduce costs.

(F) The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.

The proposed regulation is intended to make public charging more consistent, transparent, accessible and easy for consumers to use. CARB staff anticipates multiple benefits because of the proposed regulation, which are described in this section.

Emissions benefits

CARB staff do not anticipate this proposed regulation alone to increase the population of PEVs on the road or increase the number of EVSE installed compared to the baseline. This regulation is one initial piece of a multipronged strategy, which sets the stage to allow broader PEV adoption once other actions are in place. The proposed regulation is also complementary to and supports realization of the statewide emission benefits expected from the existing ZEV Regulation that increases in stringency to 2025.[19,20] The proposed regulation also supports realization of California's 2030 greenhouse gas (GHG) target of 40 percent emissions reductions below 1990 levels.[21]

The proposed regulation is anticipated to increase driver access to EVSE and allow a more consistent and transparent charging experience. This increased access is anticipated to result in drivers having confidence to transition more of their driving miles to PEVs, which could increase electric vehicle miles traveled (eVMT) statewide and provide emissions benefits. Consumers have a wide variety of mobility and charging options, which results in a complex matrix of consumer choices with vastly different emissions profiles. Currently, there is insufficient data available to understand how increased access will quantitatively change eVMT statewide, and therefore reduce emissions.

The proposed regulation is anticipated to increase utilization of public charging, which will likely increase eVMT. To estimate the emissions benefits, it would be necessary to quantitatively identify how much of this eVMT is new miles traveled that would not have otherwise occurred, substitution of gasoline vehicle miles traveled (VMT) for eVMT, or simply a shift in charging behavior resulting in no emissions difference (i.e., less home charging and more public charging). Increased eVMT that is new VMT that would not have otherwise occurred could result in a slight increase in emissions due to increased electricity use. Substitution of eVMT for other modes could result in increased emissions or significant emissions benefits. For example, if increased confidence in charging causes a consumer to use an electric vehicle in place of walking or public transit, then emissions may increase. Where consumers are substituting personal conventional vehicle use for eVMT the emissions benefits are significant.

Given that approximately 75 percent of trips in California use a personal vehicle,[22] CARB staff anticipate the proposed regulation to result in net statewide emissions benefits, but there is insufficient data currently to quantify the results. Substitution of transit, walking or biking for eVMT is likely a small proportion of the change, as the CARB staff expects the majority of substituted miles to be from a conventional personal gasoline vehicle since these trips dominate mode share in California. This will decrease tailpipe emissions and emissions from production of fossil fuels resulting in decreased emissions of GHGs, particulate matter (PM), oxides of nitrogen (NOx) and other air pollutants. Reductions of these pollutants provide climate and health benefits.

[19] CARB, 2011. California Environmental Protection Agency Air Resources Board. Staff Report: Initial Statement of Reasons Advanced Clean Cars 2012 Proposed Amendments to the California Zero Emission Vehicle Program Regulation. Page 78 accessed September 1, 2018.

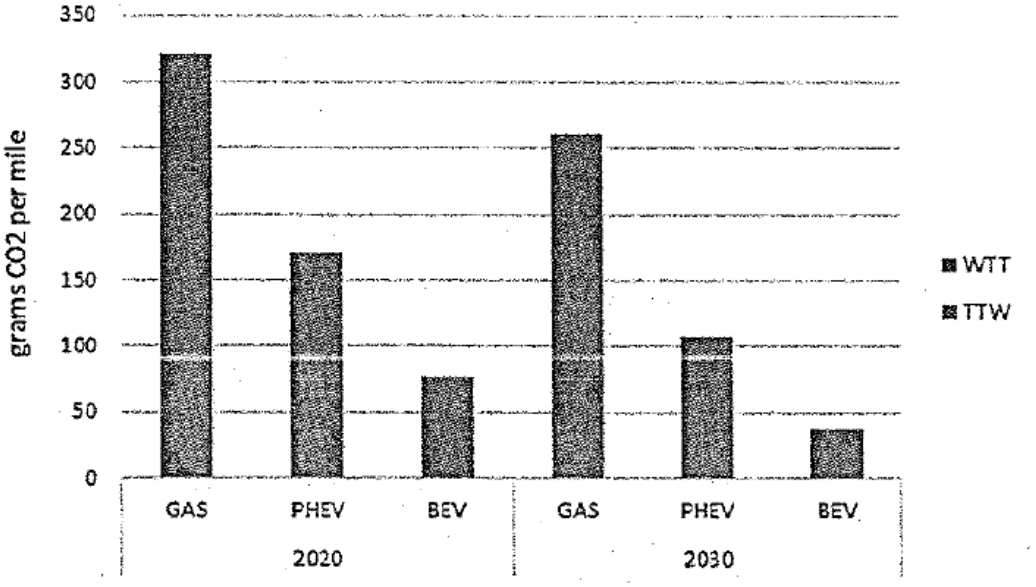
[20] Projections of the statewide fleet emission benefits were recently updated to support the LEV III regulation changes for the "Deemed to Comply" provision. CARB, August 7, 2018. "Public Hearing to Consider Proposed Amendments to the Low−Emission Vehicle III Greenhouse Gas Emission Regulation: Staff Report: Initial Statement of Reasons" https://www.arb.ca.gov/regact/2018/leviii2018/leviiiisor.pdf

[21] https://www.arb.ca.gov/cc/scopingplan/scoping_plan_2017.pdf

[22] CalTrans, 2013. 2010−2012 California Household Travel Survey Final Report. Table 1.2.3 on pg 4. http://www.dot.ca.gov/hq/tpp/offices/omsp/statewide_travel_analysis/Files/CHTS_Final_Report_June_2013.pdf

To convey the potential scale of emissions reductions from trips that switch to electric miles, CARB staff have quantified the marginal difference in GHG emissions between driving a mile with a gasoline conventional vehicle compared to an electric drive vehicle. Figure 1 shows the GHG emissions per mile for a gasoline vehicle (GAS) compared to a PHEV and battery electric vehicle (BEV) in California in two time periods. The data displays both the tailpipe emissions ("tank to wheel" or TTW) and upstream emissions associated with producing and delivering the fuel to the vehicles ("well to tank" or WTT). Combined, this is called a well−to−wheel emissions analysis comparing varying vehicle technologies.

Figure 1 -Greenhouse gas emission factors (grams of CO2/mile) for three technology types on new passenger cars, accounting for direct vehicle emissions (TTW) as well as fuel production and delivery emissions (WTT)



In addition to comparing emissions between technology types, the analysis also compares new passenger vehicles in two different years to account for improved vehicle efficiency and fuel carbon content (both electricity and gasoline) over time. CARB staff estimated emissions from vehicles using the most current CARB on−road vehicle inventory, the Emission Factor (EMFAC) 2017 model approved by the United States Environmental Protection Agency (U.S. EPA) for state implementation plan (SIP) purposes. Emissions from producing gasoline in 2020 and 2030 account for the anticipated lower carbon fossil and renewable fuel blends expected in the market due to the recently adopted Low Carbon Fuel Standard (LCFS) amendments. CARB staff based emissions from producing electricity on California's power generation mix in 2020 and 2030 under the SB 100[23] renewable requirements (a 60 percent renewable portfolio standard by 2030) and the phase−out of coal generation. These assumptions, therefore, account for the unique conditions in California and show that driving an electric vehicle produces significantly lower GHG emissions, as compared to other states or regions with different vehicle and fuel policies. The well−to−wheel GHG emissions from a new BEV are anticipated to be about 75 percent lower than a new gasoline (GAS) vehicle in 2020, and 85 percent lower in 2030.

In addition to GHG emissions, CARB staff evaluated other pollutants in this analysis. In 2020, the BEV has approximately 80 percent lower NOx emissions than the conventional vehicle, and in 2030, CARB staff expects the difference to be even slightly larger. For PM pollutants, the difference is slightly smaller at approximately 50−percent−reduced emissions compared to a conventional vehicle. These values represent the full well−to−wheel emissions factor.[24]

Fuel Cost Savings

If the proposed regulation reduces conventional personal vehicle use and replaces this with eVMT then vehicle operators could enjoy fuel cost savings. CARB staff could not quantify these potential cost savings for the reasons described in the last section, but staff qualitatively discusses these savings here. As above, the substitution of conventional personal vehicles for eVMT is

[23] Cal. Health & Safety Code §§ 399.11, 399.15, 399.30 and 454.53 to the Public Utilities Code

[24] Emissions Factor is a representative value that attempts to relate the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant.

only one of the possible outcomes of the proposed regulation, but CARB staff expect it represents the majority of the substitution choices.

On average, electric vehicles are estimated to save consumers between $440 and $1,340 per year on fuel, relative to a conventional vehicle, if all the annual VMT is shifted to the electric vehicle.[25] Thus, substitution of a portion of conventional VMT for eVMT would likely result in small fuel savings for consumers. The range is large because savings depend on the relative prices of gasoline and electricity, as well as the fuel economy of the conventional vehicle. The annual savings of $440 assumes a low gasoline price and high fuel economy conventional vehicle, and the $1,340 represents the high gasoline price and low fuel economy conventional vehicle. CARB staff anticipate gasoline prices to increase in the future relative to today,[26] which could increase the potential fuel cost savings to consumers.

Benefits to a typical business

CARB staff anticipate the proposed regulation will increase consumer confidence in public charging and result in increased utilization of public chargers. These public chargers could be located at or near any number of businesses including retail locations and work places. In addition, compliance with the proposed regulation will increase demand for credit card and mobile payment equipment and electrical contracting services from businesses within California.

The proposed regulation may provide a benefit to EVSE operators from increased utilization of public charging stations. Easier access to EVSE and a transparent pricing structure could reduce barriers to public charging, enabling drivers to confidently use their PEVs for longer trips or switch some charging from home to public locations. This could result in increased revenue to some of these businesses.

Additionally, compliance with this proposed regulation, would enable EVSE to be eligible for the new LCFS amendments generating marketable credits for new EVSE installations.[27] These credits would go to the station owner, which in the proposed regulation could be the EVSPs or site hosts such as retail centers. The recent change to the LCFS program requires all DCFCs seeking LCFS credit to be able to accept credit cards. The proposed regulation defines how the DCFCs should accept credit cards.

Benefits to Small Business

Small businesses may obtain benefits similar to those described for typical businesses. Some small businesses in California may choose to provide EVSE to attract PEV drivers to their businesses or may obtain increased revenue from higher use of existing EVSE. Some electricians and contractors that retrofit or replace EVSE are small businesses, and will see increased demand.

Benefits to Individuals

Individuals will benefit from increased access, transparency, and ease of use of EVSE in public locations. Transparency in pricing will help consumers make informed decisions about the costs of charging at different locations compared to home charging. Ease of access will reduce anxiety about charging and could save consumers time in searching for, and traveling to, a useable charging location. The ability to use standard payment methods such as credit card readers will simplify payment and allow individuals with limited mobile technology to utilize public chargers seamlessly.

Individuals from multiple income groups will benefit from the proposed regulation because they will have greater accessibility to EVSE. The proposed regulation will allow for lower−income groups to pay for fueling a PEV by requiring credit card and mobile payment options on EVSE. With the required reporting to AFDC, drivers from all income groups will be able to see how many existing EVSE stations are available. Knowing where to fuel a PEV in public is very important for drivers. As drivers see more EVSE in public, they will have more confidence in their ability to charge in public if they need to.

CARB staff expect no quantifiable benefits relating to worker safety as a result of this regulation.

(G) Department of Finance Comments and Responses.

Finance generally concurs with the methodology used to estimate impacts of proposed regulations, with one exception.[28] The SRIA must include a quantitative analysis of increased purchase of electric vehicles and some quantification of statewide benefits from the regulations. Implementing common billing standards is a key unlocking mechanism for broad deployment of electric vehicles and for advancing towards the state goal of five million zero emission vehicles on the road by 2030. Electric vehicles are expected to be four million of the goal. One of the barriers to electric vehicle adoption is access to charging infrastructure, and lowering this barrier should provide higher benefits than the SRIA estimates. If there are other barriers to in-

[25] CEC 2017. Preliminary Analysis of Benefits from 5 million Passenger Vehicles in California. https://www.energy.ca.gov/2017publications/CEC−999−2017−008/CEC−999−2017−008.pdf

[26] DOF 2018. Consumer Price Index Forecast — Annual & Monthly. http://www.dof.ca.gov/Forecasting/Economics/ Eco_Forecasts_Us_Ca/documents/FRCPI0418.xlsx

[27] Page 93. https://www.arb.ca.gov/regact/2018/lcfs18/frolcfs. pdf

[28] http://www.dof.ca.gov/Forecasting/Economics/Major_Regulations/Major_Regulations_Table/documents/ARB%20Electric%20Vehicle%20Charging%20−%20Finance%20Comments%202019.pdf

creased adoption that would prevent this regulation from having these benefits, the SRIA should discuss how this regulation fits in with future regulations to remove those other barriers.

CARB Response

CARB continues to conclude that the proposed regulation may not incentivize adoption of new electric vehicles and will not increase the number of chargers in the state due to significant remaining barriers, which remain to be addressed through other means. The proposed regulation implements the statutory mandates in SB 454 (Corbett, Chapter 418, Statutes of 2013) but is not designed to address all of the remaining barriers to adoption of electric vehicles necessary to meet the 2030 goals. As described in the SRIA, while CARB anticipates there will be emissions benefits as a result of the proposed regulation, the current data is insufficient to quantify the statewide benefits and quantification by CARB would be speculative and difficult to support. Further detail is provided in the following paragraphs.

Remaining Barriers

The proposed regulation is anticipated to increase driver access to charging stations and allow a more consistent and transparent charging experience. This increased access is anticipated to result in drivers having confidence to transition more of their driving miles to electric vehicles, which could increase electric vehicle miles traveled statewide and provide emissions benefits. There are multiple unquantified benefits of this access, which the SRIA describes in detail. While the proposed regulation lowers barriers, there are multiple remaining barriers to widespread adoption of electric vehicles, which must be addressed through other mechanisms including the number of chargers and the cost of electric vehicles.

CARB staff expects the benefits of the proposed regulation to be magnified once future actions or regulations address these barriers. Because these actions or regulations are not yet defined or adopted, CARB could not estimate the likely magnifying effects of the current proposal. Additional information on the remaining barriers and actions to address those barriers follows.

Infrastructure Needs

While the proposed regulation makes infrastructure easier to use, the number of charges in California is still far too low to support widespread electric vehicle adoption. The California Energy Commission (Energy Commission) estimates California needs 229,000 to 279,000 connectors[29] to support 1.5 million ZEVs by 2025.[30] To date, the state has approximately 18,000 connectors installed, representing only 7 percent of the anticipated future need. The proposed regulation does not require installation of additional EVSE, and there is no evidence that the proposed regulation will indirectly incentivize providers to install more EVSE.

Additional electric vehicle infrastructure is being rolled out statewide with support from several funding programs, including the Energy Commission's Assembly Bill (AB) 118 (Núñez, Chapter 750, Statutes of 2007) program and the subsequent AB 8 (Perea, Chapter 401, Statutes of 2013) legislation. The Energy Commission has allocated or awarded more than $80 million to support plug−in electric vehicle infrastructure and has allocated an additional $134.5 million through 2019 to help support the governor's 2025 goal of 250,000 connectors and 200 hydrogen−fueling stations. SB 350 (de Leòn, Chapter 547, Statutes of 2015) also authorizes electric utilities to undertake transportation electrification activities. In 2016, the California Public Utilities Commission (CPUC) approved charging infrastructure pilot programs to install up to 12,500 connectors for a combined budget of $197 million.

In 2012, the State of California reached a settlement with Dynegy which provides over $100 million for the installation of 200 public direct current fast charging "Freedom Stations" and the infrastructure to support 10,000 lower level charging stations. These projects, developed by EVgo Services, formerly, NRG EV Services LLC, and overseen by the CPUC, are nearing completion. In addition, Volkswagen, through its subsidiary Electrify America, has agreed to invest $800 million over a 10−year period for zero emission vehicle (ZEV) infrastructure, education, and access in California as part of a settlement with CARB. In the first 30−month cycle of the settlement, Electrify America is expected to invest $45 million in community chargers in major metropolitan areas and $75 million in highway fast charging throughout California. In the second 30−month cycle of the settlement, Electrify America is expected to invest up to $145 million in community and highway charging infrastructure.

[29] Connectors, also known as ports, are the number of locations that an electric vehicle may charge at a given location. There are typically one or two ports at each distinct charging location.

[30] CEC 2018. 2018 California Plug−In Electric Vehicle Infrastructure Projections: 2017−2025. https://www.nrel.gov/docs/fy18osti/70893.pdf

These investments are significant but are not anticipated to meet the Energy Commission's estimated infrastructure needs. CARB staff conducted a high−level analysis of existing, in progress, and proposed charging infrastructure projects and concluded that there remains an estimated infrastructure connector gap of 46 percent by 2025.[31] CARB staff projects the charging infrastructure gap to grow to approximately 86 percent by 2030. Additional actions will be needed to address this gap, and the State is working to do so. For example, the Governor's Office of Business and Economic Development (GO−Biz) is working with local governments and businesses to streamline the infrastructure permitting process and provide subject matter expertise. Additionally, CARB has shepherded new California Green Building Code standards requiring greater percentages of charge ready installations in new construction, and the California Department of Housing and Community Development is continuing to increase the number of PEV−capable parking spaces in new residential buildings and assessing strategies to increase PEV charging options in existing residential buildings.

Vehicle Cost

California's Advanced Clean Cars Midterm Review[32] finds that "battery technology has improved and battery costs (as well as other component costs) have fallen dramatically (largely due to reduced material costs, manufacturing improvements, and higher manufacturing volumes), leading to an increase [in model availability] from 25 plug in hybrid electric vehicle and battery electric vehicle models offered today to manufacturer announcements of more than 70 unique models to be released over the next 5 model years."

Despite this cost reduction, advanced technology vehicles still cost more than comparable internal combustion engine vehicles, which represents a remaining barrier to adoption. CARB continues to develop future Advanced Clean Cars regulations, which will help transition the California light−duty vehicle fleet towards zero emission technology. These planned regulations join actions by a host of other countries and jurisdictions and will help drive down zero emission technology costs in the future.

Quantification of Statewide Emissions Benefits

For the reasons described above, CARB does not anticipate the proposed regulation alone will incentivize significant additional ZEV adoption. As described in the SRIA, the proposed regulation does lower some barriers, and for this reason, CARB anticipates some emissions benefits. CARB anticipates these emissions benefits will primarily take the form of increased eVMT from the vehicles already on the road.

However, quantification of statewide emissions benefits from the proposed regulation is complex and would require data that is not currently available. CARB staff expect the proposed regulation to increase access to charging infrastructure but it may also slightly increase public charging prices. Consumers have many options for vehicle charging including charging at home, charging at work, free public charging, and paid public charging. There are no studies or data that CARB is aware of which quantifies increased consumer use in context of increased access, particularly in context of this complex set of consumer options. Further, the consumer response to the competing effects of minor price increases versus enhanced access have not been studied. Some of this data will be collected because of the reporting required in the proposed regulation and may better constrain these effects. CARB recommends additional research in this area to inform future regulations and other actions.

Quantification of benefits is complicated further by the inability to predict what percentage of eVMT would be a substitution for other charging options or would be VMT that is a substitution for internal combustion miles. Substitution for other charging options means that an electric vehicle driver uses a public charger impacted by the proposed regulation rather than another charging option. The increased access provided by the proposed regulation would benefit the consumer by providing more charging options but would not result in new eVMT or emissions benefits. It is only in the case that a consumer substitutes conventional VMT for eVMT that emissions benefits would occur. In this case, consumers would drive their electric vehicles in place of their conventional vehicles, resulting in emissions benefits. The data necessary to estimate the substitution of eVMT with conventional VMT because of the increased access provided by the proposed regulation is not currently available.

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

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

In order to know with accuracy which EVSE will need to be retrofitted or replaced for the proposed requirements, staff proposes an initial reporting of current

[31] CARB, 2018. Staff Assessment of Electrify America's Cycle 2 Zero Emission Vehicle Investment Plan. https://www.arb.ca.gov/msprog/vw_info/vsi/vw−zevinvest/documents/cycle_2_staff_analysis_110918.pdf

[32] CARB, 2017. California's Advanced Clean Cars Midterm Review. https://www.arb.ca.gov/msprog/acc/mtr/acc_mtr_finalreport_full.pdf

EVSE models. This information will also enable tracking of EVSE that are currently operating in the State of California. Staff expects new models to be designed at any point in time during a calendar year and would need to know how they comply with the proposed regulation before it is installed. This is to ensure the requirements of the proposed regulation are being met.

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

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The proposed regulation does not result in direct compliance costs to individuals in California. Individuals may incur increased charging costs if EVSPs and site hosts are able to pass on compliance costs. If compliance costs were passed on, then the costs to regulated businesses described above would be less.

Staff estimated the direct compliance cost per kWh of EVSE utilization to estimate a potential price impact if all of the compliance costs are passed through to end−users. This represents an upper bound impact, which is not anticipated to occur in practice, as some of the costs may be absorbed by the EVSP or site host.

To estimate the potential price impact, CARB staff first divided annual compliance costs for Level 2 and DCFC chargers by the corresponding population of EVSE averaged for 2020 through 2030. This provided the average annual cost of $152 per DCFC and $493 per Level 2 EVSE. Staff then estimated the cost per kWh by dividing this annual cost by the annual energy utilization per EVSE. The energy utilization for an EVSE depends on many factors and may vary significantly; it may also change as the industry grows in the future. However, based on reports and data available to staff,[33] the annual average utilization of a typical EVSE is estimated to be 19,600 kWh per DCFC and 6,400 kWh per Level 2 EVSE.[34] Staff estimate the price increase as a result of the proposed regulation to be $0.01 per kWh for DCFCs and $0.08 per kWh for Level 2 chargers. The average market rates in California for Level 2 and DCFC EVSE are $0.36 per kWh and $0.41 per kWh respectively.[35] Staff estimate the upper bound price impact to be 2 percent for DCFC and 21 percent for Level 2 EVSE.

Based on the current EVSE business model, it is not likely that all Level 2 EVSE compliance costs would be passed through to end−users. Currently 1,245 EVSE[36] do not require payment for public use. While some of these free chargers could be subsidized by incentives, a proportion are operated by businesses as a means to attract customers. These businesses absorb the costs to own and operate the EVSE along with the annual electricity necessary to provide free charging. Using the typical charging rates and electricity prices cited in the previous paragraph, the annual electricity costs absorbed by these businesses would be approximately $2,304 for a Level 2 EVSE. This is over four times larger than the typical annual compliance cost that results from the proposed regulation. Given that these levels of costs are routinely absorbed, and that this is an increasingly competitive industry, full compliance costs may not be passed through to consumers.

Even if the compliance costs were fully passed on to end−users, it is unlikely that driving habits or the adoption of PEV technology would change significantly. The price change calculated for Level 2 chargers above would only constitute a portion of total annual charging costs. To demonstrate the change in overall annual charging prices, staff calculated the average increase in total annual charging costs that could result from the Low PEV Scenario. Typical charging behavior indicates approximately 65 percent home charging[37] and 35 percent of public charging. Of the public charging, approximately 20 percent is at free Level 2 EVSE, 71 per-

[33] Based on information received from a survey of stakeholders one submitted as business confidential information on the utilization of Level 2 charging.

[34] Southern California Edison. Charge Ready and Market Education Program Pilot Report. April 2018. EVSE California utilization reporting data. 2016−2017.

[35] Dunckley, 2017. Jamie Dunckley, Electric Power Research Institute. "National Charging Costs"

[36] AFDC, 2018. Alternative Fuels Data Center. "Alternative Fueling Station Locator: Advanced Filters Downloaded Results" June, 2018.

[37] Menser, 2018. Paul Menser for INL Public Affairs and Strategic Initiatives. "Large Nation Studies Analyze EV Infrastructure Needs". December 19, 2018.

cent is at for pay Level 2 EVSE, and 9 percent is at for pay DCFC.[38]

Using these typical charging behaviors, Staff estimates the total cost for charging in one year is $1,190 on average. This assumes a PEV is driven 15,000 miles per year,[39] consumes 0.3 kW of electricity per mile driven, and that charging prices are $0.19 per kWh for residences,[40] $0.36 per kWh for public Level 2,[41] and $0.41 per kWh for DCFC.[42] This also includes costs for home charging infrastructure ($1,616),[43] annualized over 10 years at a 5 percent interest rate. Assuming all the costs were passed through to the end user, the new total cost for charging would be $1,280 under the proposed regulation. The end user would see an increase of $79 per year or about 6.6 percent of total cost.

Although Level 2 public charging is a relatively small portion of the total charging needs for PEV drivers, it provides an important service. Making Level 2 more accessible enables more usage by drivers who do not have memberships to EVSPs and also supports PEV drivers who do not have home charging options.

Effect on Small Business (Cal. Code Regs., tit. 1, § 4, subds. (a) and (b)):

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. For the purposes of this regulation, CARB staff defined a small business as having fewer than 100 employees and not dominant in its industry. Of the seven EVSPs operating in California, six meet the definition of a small business, and one of these small businesses is headquartered in California.

To calculate the costs to a typical small EVSP, staff first calculated the costs borne by all EVSPs operating in California from 2020 through 2030. EVSPs are responsible for the replacement costs of EVSE for which they are the site hosts and are responsible for all the other costs of the regulation. EVSPs are the site hosts for 58 percent of the Level 2 EVSE and are therefore assumed to bear 58 percent of the Level 2 replacement costs.

Next, staff separated out the costs borne by the small business EVSPs for Level 2 replacement, credit card and mobile payment, signage, and the CFR Title 16 Part 309 sticker based on market share. Small business EVSPs are the service providers for approximately 85 percent[44] of the total Level 2 EVSE and 19 percent[45] of the total DCFC EVSE. CARB staff averaged the total costs borne for Level 2 replacement, credit card, mobile payment, signage, and Title 16 sticker requirements among the six small businesses to arrive at the cost for a typical small business.

PCI−DSS Level 1 compliance includes an annual $8,125 per EVSP cost for all required checks from the PCI governing body and a one−time $25,000 per EVSE model cost for PCI compliance certification. CARB staff estimates 30 new EVSE models each year so that the annual cost is $750,000. Staff assumed this cost would be spread evenly across all seven EVSPs. In total, the annual cost for PCI−DSS Level 1 compliance for one EVSP is approximately $115,268.

A small business EVSP will also be required to implement the OCPI interoperability standard. As discussed above, this requires a one−time cost of $120,000 that would occur in 2020.

Table 1 summarizes the annual and total direct costs of the proposed regulation for a typical small business providing EVSEs. The initial cost for a typical small business is $0.24 million in 2020 and an average of $1.26 million each year from 2021 through 2030.

[38] AFDC, 2018. Alternative Fuels Data Center. "Alternative Fueling Station Locator: Advanced Filters Downloaded Results" June, 2018.

[39] FuelEconomy.gov, 2018. "Electric Vehicles: Learn More About the Label". https://www.fueleconomy.gov/feg/label/learn−more−electric−label.shtml

[40] U.S. Energy Information Administration, 2018. Electric Power Monthly. March 2018−October 2018 reports. Average yearly cost of residential electricity cents per kilowatt hour, California.

[41] Dunckley, 2017. Jamie Dunckley, Electric Power Research Institute. "National Charging Costs — L2: Average cost by state".

[42] Dunckley, 2017. Jamie Dunckley, Electric Power Research Institute. "National Charging Costs — DCFC: Average cost by state".

[43] CARB, 2017. California Air Resources Board. "California's Advanced Clean Cars Midterm Review Report: Appendix D: Zero Emission Vehicle Infrastructure Status in California and Section 177 ZEV States". January 18, 2017.

[44] Alternative Fuels Data Center, Alternative Fueling Station Locator, https://afdc.energy.gov/stations#/analyze. Accessed June 2018. Low Carbon Fuel Standard Ownership, 2018. Data Dashboard, Underlying Data Table. Accessed August 6, 2018. https://www.arb.ca.gov/fuels/lcfs/dashboard/dashboard.htm

[45] Ibid.

Table 1 — Costs for a Typical Small Business providing EVSEs (Million 2018$)

Year	Level 2 Replace-ment Costs	Credit Card and Mobile Payment Costs	Signage Costs	Title 16 Part 309 Costs	PCI−DSS Level 1 Costs	Inter−operability Costs	Grand Total
2020	0.00	0.00	0.00	0.00	0.12	0.12	0.24
2021	0.00	0.01	0.00	0.00	0.12	0.00	0.12
2022	0.00	0.01	0.00	0.00	0.12	0.00	0.12
2023	0.65	0.54	0.02	0.01	0.12	0.00	1.34
2024	0.66	0.64	0.03	0.01	0.12	0.00	1.45
2025	0.68	0.75	0.03	0.01	0.12	0.00	1.58
2026	0.67	0.86	0.04	0.02	0.12	0.00	1.70
2027	0.68	0.99	0.04	0.02	0.12	0.00	1.84
2028	0.30	1.03	0.04	0.02	0.12	0.00	1.51
2029	0.25	1.07	0.04	0.02	0.12	0.00	1.50
2030	0.18	1.10	0.05	0.02	0.12	0.00	1.47
Total	4.07	7.01	0.29	0.13	1.27	0.12	12.89

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

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

Alternative 1: Compliance timeline lengthened to seven years from date of installation.

This alternative would require any new installation of DCFC from January 1, 2020, and Level 2 January 1, 2023, to be fully compliant with the hardware and software requirements. Any installation that occurs prior to January 1, 2020, for DCFC and January 1, 2023, for Level 2 would have seven years from date of installation to become compliant with the hardware and software requirements (as compared to five years in the proposed regulation). This alternative would result in significantly fewer compliant Level 2 and DCFC EVSE in the early years of implementation. Specifically, in 2023, there would be less than half the number of compliant Level 2 EVSE under this alternative. It is important to have as many compliant EVSE in the ground and operational as possible. The PEV market is changing monthly and adoption rates are steadily increasing in California. It is imperative that drivers have confidence that charging infrastructure is available and easy to use. Having a robust infrastructure will provide driver and regulatory confidence for future ZEV regulation development. CARB staff rejected alternative one because it did not provide the maximal benefits, which can be achieved through the proposed regulation.

Alternative 2: Compliance timeline shortened to three years from date of installation.

This alternative would require any new installation of DCFC from January 1, 2020, and Level 2 January 1, 2023, to be fully compliant with the hardware and software requirements. Any installation that occurs prior to January 1, 2020, for DCFC and January 1, 2023, for Level 2 would have three years from date of installation to become compliant with the hardware and software requirements (as compared to 5 years in the proposed regulation). CARB staff rejected alternative 2 because it would not be feasible for all regulated parties. There are thousands of locations that have EVSE installed. It will take time and coordination to bring all the non−compliant EVSE into compliance. This will put a strain on the supply chain, which is already struggling to keep up with the fast−paced demand. While the goal is to get open access EVSE into the market as quickly as possible, forcing the EVSE to be compliant in three years may not be feasible. This proposed alterative could lead to non−compliance issues and place strain on enforcement activities. By speeding up the compliance time requirement, consumers will have publicly available open access to EVSE more quickly. Open access for consumers is vital, but industry needs sufficient time to retrofit or replace existing EVSE or there will likely be non−compliance, requiring enforcement action. CARB staff also rejected this alternative because it is less cost−effective, and the implementation timeline may not be feasible for all regulated parties.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the proposed regulation, has concluded that this action is exempt from the California Environmental Quality Act (CEQA), as described in CEQA Guidelines §15061, because the action is both an Action Taken by Regulatory Agencies for Protection of the Environment (as described in CEQA Guidelines §15308 for "class 8" exemptions); and it is also exempt as described in CEQA Guidelines §15061(b)(3) ("common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter VII of the Staff Report.

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y

- Una acomodación razonable relacionados con una incapacidad.

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Stephanie Palmer, Air Resources Engineer, ZEV Implementation Section, at (916) 322−7620 or (designated back−up contact) Elise Keddie, Manager, ZEV Implementation Section, at (916) 323−8974.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Staff Report: Initial Statement of Reasons for Electric Vehicle Supply Equipment (EVSE) Standards.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on CARB's website listed below or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on or after May 7, 2019.

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

HEARING PROCEDURES

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

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

The public may request a copy of the modified regulatory text from CARB's Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at https://ww2.arb.ca.gov/rulemaking/2019/evse2019.

TITLE 23. STATE WATER RESOURCES CONTROL BOARD

Title 23. Waters
Division 3. State Water Resources Control Board and Regional Water Quality Control Boards
Chapter 16. Underground Storage Tank Regulations

Underground Storage Tank Biodiesel Regulations

NOTICE IS HEREBY GIVEN that the State Water Resources Control Board (State Water Board) proposes to amend, adopt, or repeal the underground storage tank (UST) regulations described below after considering all comments, objections, and recommendations regarding the proposed regulatory action.

PROPOSED REGULATORY ACTION

The State Water Board proposes to amend California Code of Regulations, title 23, division 3, chapter 16 (California UST Regulations), article 3, sections 2631 and 2631.2 (proposed amendments). The proposed amendment to section 2631 provides that diesel containing up to 20 percent biodiesel meeting the American Society of Testing and Materials International (ASTM) standard D7467 (B20) shall be recognized as equivalent to diesel for the purpose of complying with existing approval requirements for double−walled USTs unless any material or component of the UST system has been determined to not be compatible with B20. This proposed amendment allows double−walled UST owners and operators that wish to store B20 to comply with these California UST Regulations. The State Water Board also proposes to delete section 2631.2, which provided a temporary variance for biodiesel blends from June 1, 2009 to June 1, 2012, because it is inoperative.

PUBLIC HEARING

A public hearing has not been scheduled for this proposed regulatory action. However, as provided in Government Code section 11346.8, any interested person, or his or her duly authorized representative, may request a public hearing if the request is submitted in writing in the manner described below to the State Water Board no later than 15 days prior to the close of the written comment period. If a request for a public hearing is made, the State Water Board shall, to the extent practicable, provide notice of the time, date, and place of the hearing in accordance with Government Code section 11346.4 by mailing the notice to every person who has filed a request for notice with the State Water Board. In addition, as prescribed by Government Code section 11340.85, notice may be provided by means of electronic communication to those persons who have expressly indicated a willingness to receive notice by this means.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board. The written comment period closes on June 25, 2019 at 12:00 p.m. The State Water Board will only consider comments received by that time.

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

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

Please also indicate in the subject line, **"Comment Letter — Proposed UST Regulations."** Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341−5600. Due to the limitations of the email system, emails larger than 15 megabytes are rejected and cannot be delivered or received by the State Water Board. Therefore, the State Water Board requests that comments larger than 15 megabytes be submitted under separate emails.

To be added to the mailing list for this rulemaking and to receive notification of updates of this rulemaking, you may subscribe to the listserve for **"Program Requirements and Guidance"** by going to: http://www.waterboards.ca.gov/resources/email_subscriptions/ust_subscribe.shtml. You also may call Ms. Laura Fisher at (916) 341−5870 or email her at laura.fisher@waterboards.ca.gov. **Persons who receive this notice by mail or electronic mail already are on the mailing list.**

AUTHORITY AND REFERENCE

Health and Safety Code section 25299.3 authorizes the State Water Board to adopt regulations to implement chapter 6.7 of division 20 of the Health and Safety Code. References to specific code sections are identified in the proposed amendments to the UST Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The State Water Board proposes to amend California UST Regulations, article 3, sections 2631 and 2631.2. The proposed amendment to section 2631 provides that B20 shall be recognized as equivalent to diesel for the purpose of complying with existing approval requirements for double−walled USTs. This proposed amendment allows double−walled UST owners and operators that wish to store B20 to comply with these California UST Regulations. The State Water Board also proposes to delete section 2631.2, which provided a temporary variance for biodiesel blends from June 1, 2009 to June 1, 2012, because it is inoperative.

Biodiesel is a renewable fuel that can be manufactured from new and used vegetable oils, animal fat, and recycled restaurant grease. Biodiesel's physical properties are similar to those of diesel, but biodiesel produces fewer greenhouse gas (GHG) emissions and other toxic air pollutants, which pose a threat to human health and welfare and the environment. One hundred percent biodiesel conforms to the voluntary consensus technical standard of the ASTM D6751. Biodiesel can be blended with diesel and used in many different concentrations according to ASTM. For example, ASTM D975 allows diesel to contain up to five percent biodiesel and ASTM D7467 allows diesel to contain up to 20 percent biodiesel. Unfortunately, independent testing and approvals for USTs has not kept up with the introduction of and desire to use B20 in order to reduce GHG emissions and other toxic air pollutants.

California UST Regulations require that the primary and secondary containment, leak detection equipment, and all other UST equipment that comes into contact with the stored substance be approved for the storage of a specific hazardous substance. California UST Regulations require an approval from an independent testing organization for primary containment and any secondary containment that is integral to the primary containment. If the independent testing organization approval for the primary containment does not cover the specific hazardous substance to be stored, the manufacturer of the primary containment may provide an affirmative statement of compatibility. California UST Regulations require secondary containment that is not integral to the primary containment be designed and constructed to prevent structural weakening due to contact with the stored hazardous substance; and be in accordance with a nationally recognized industry code or standard or an engineering specification approved by a California registered professional engineer. California UST Regulations require leak detection equipment be certified by an independent third−party testing laboratory. California UST Regulations require an approval for all other UST components that come into contact with the stored substance (e.g., spill containers, overfill prevention equipment, and ancillary equipment) from an independent testing organization, manufacturer of the equipment, or California registered professional engineer for the storage of a specific hazardous substance.

Underwriter's Laboratory (UL) is an independent testing organization that has issued approvals for primary and secondary containment for USTs that are used in California. UL approvals do not always cover B20. In 2009, UL began material compatibility testing for biodiesel and biodiesel blends in USTs. On January 7, 2009, UL determined that diesel containing up to five percent biodiesel fell within existing approvals covering diesel. Section 2631.2 of the California UST Regulations provided a temporary variance for UST owners and operators of double−walled USTs to lawfully store B20 from June 1, 2009 to June 1, 2012.

Effective June 1, 2012, sections 2631(j) and (k) of the California UST Regulations provided a permanent option to double−walled UST owners and operators to store any hazardous substance including biodiesel and biodiesel blends containing more than five percent biodiesel USTs. Sections 2631(j) and (k) provide that if the independent testing organization approval does not cover the specific hazardous substance to be stored in a double−walled UST, a manufacturer's affirmative statement of compatibility for that specific hazardous substance may be used. As of April of 2019, UL still has not completed material compatibility testing for biodiesel and biodiesel blends in USTs.

The State Water Board has collected and posted on its website many manufacturers' affirmative statements of compatibility for B20 to assist double−walled UST owners and operators in obtaining these manufacturers' affirmative statements of compatibility so that they may store B20. It is not always possible, however, to identify the manufacturer of all primary containment components of USTs and sometimes the manufacturer is no longer in business. As a result, some UST owners and operators cannot store B20 in their existing USTs. Not only does this result in a delay in reductions in GHG emissions and other toxic air pollutants, it reduces the competitiveness of those UST owners and operators who are unable to comply with existing independent testing and approval requirements to store B20 and hinders the biodiesel industry in California.

Recognizing B20 as equivalent to diesel for the purpose of complying with existing approval requirements allows double−walled UST owners and operators to store B20 lawfully resulting in expeditious reductions in GHG emissions and other toxic air pollutants, increasing the likelihood of securing and maintaining a permanent source of biodiesel for California in the future. The proposed amendments allow double−walled UST owners and operators to store B20 in a manner that does not create any significant risk of adverse impacts to water quality. The State Water Board believes the proposed amendments are consistent with existing California UST statutes and reduces air quality impacts that are harmful to health, safety and general welfare without posing any additional risk to beneficial uses of California waters.

Part 280.32 of Title 40 of the Code of Federal Regulations (Federal UST Regulations) requires compatibility of USTs be demonstrated only when the hazardous substance to be stored contains greater than 20 percent biodiesel. The proposed amendments to the California UST Regulations are more stringent than the Federal UST Regulations because the proposed amendments

limit the storage of B20 to double−walled USTs. The State Water Board believes that allowing the storage of B20 in single−walled USTs is not sufficiently protective of the public health and safety and the environment.

The State Water Board relied upon the technical, theoretical, or empirical studies, reports, and documents discussed in the Initial Statement of Reasons in proposing these amendments to the California UST Regulations. The State Water Board also relied on an Economic and Fiscal Impact Statement (Form 399) and an Economic Impact Analysis/Assessment prepared pursuant to Government Code section 11346.3, subdivision (b) in proposing these amendments to the California UST Regulations. The specific purpose and the basis for the State Water Board's determination of the necessity of each amendment are explained in the Initial Statement of Reasons.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The State Water Board has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the State Water Board has concluded that these are the only regulations that concern the design and construction approval requirements for double−walled USTs.

LOCAL MANDATE

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

COST OR SAVINGS TO STATE AGENCIES

The State Water Board has determined that there are no fiscal impacts on any State agency or program because the regulations apply to owners and operators of USTs that are regulated by Unified Program Agencies who implement the UST program on the State Water Board's behalf.

COST OR SAVINGS IMPOSED ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The State Water Board has determined that there is no cost or savings imposed on school districts as a result of the proposed regulatory action, or other nondiscretionary costs or savings imposed on local agencies or school districts.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

The State Water Board has determined that there is no cost or savings in Federal funding to the State as a result of the proposed regulatory action.

EFFECT ON HOUSING COSTS

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

BUSINESS IMPACT/SMALL BUSINESS

The proposed action amends California UST Regulations, article 3, sections 2631 and 2631.2. The proposed amendment to section 2631 provides that B20 shall be recognized as equivalent to diesel for the purpose of complying with existing approval requirements for double walled USTs. This proposed amendment allows double−walled UST owners and operators that wish to store B20 to comply with these California UST Regulations.

As a result, this regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Nor will the proposed regulatory action adversely affect small businesses in California.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The State Water Board has determined that the cost for a typical UST facility in California to comply with the proposed amendments are zero.

Assessment Regarding Effect on Jobs and Businesses/Small Businesses

The proposed regulatory action recognizing B20 as equivalent to diesel for the purpose of complying with existing approval requirements for double−walled USTs unless any material or component of the UST system has been determined to not be compatible with B20, allows more businesses that own or operate USTs to store B20.

The proposed regulatory action will not have an effect on the creation or elimination of jobs within the State of California. Nor will the proposed regulatory action have an effect on the creation of new businesses, the elimination of existing businesses, or the expansion of existing businesses doing business within the State of California.

Benefit of the Regulation for Public Health, Safety, and Welfare

The proposed amendments will benefit double−walled UST owners and operators that choose to store B20 by reducing the cost to satisfy existing UST requirements. The proposed amendments will benefit double−walled UST owners and operators by increasing the competitiveness of those UST owners and operators who are unable to comply with existing independent testing and approval requirements to store B20. The proposed amendments may benefit the health and welfare of California residents and the State's environment by reducing GHG emissions and other toxic air pollutants. The proposed amendments also may benefit the biodiesel industry in California by increasing the State's competitiveness of those biodiesel manufacturers within the State.

BUSINESS REPORTING REQUIREMENT

The State Water Board has determined that the proposed regulatory action will have no effect on reporting requirements to businesses.

CONSIDERATION OF ALTERNATIVES

The State Water Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention: 1) would be more effective in carrying out the purpose for which the regulatory action is proposed; 2) would be as effective and less burdensome to affected private persons than the proposed regulatory action; 3) would be more cost−effective to affected private persons and equally effective in implementing the statutory policy or other provision of law; or 4) more consistent with California's existing requirements and groundwater protection policies.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, ECONOMIC AND FISCAL IMPACT STATEMENT (FORM 399), AND THE RULEMAKING FILE

The State Water Board has prepared an Initial Statement of Reasons, which includes an Economic Impact Analysis/Assessment prepared pursuant to Government Code section 11346.3, subdivision (b), and an Economic and Fiscal Impact Statement (Form 399) for the proposed regulatory action. The Initial Statement of Reasons includes the specific purpose for the regulation proposed for adoption and the rationale for the State Water Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulation is proposed. All the information upon which the proposed regulation is based is contained in the rulemaking file. The Initial Statement of Reasons, including the Economic Impact Analysis/Assessment, the express terms of the proposed regulations, Form 399, the technical, theoretical, or empirical studies, reports, and documents upon which the State Water Board relied in proposing these amendments, and the rulemaking file are available from the contact person listed below or at the website listed below.

The documents relating to this proposed regulatory action may be found on the State Water Board's website at the following address: http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

CONTACT PERSONS

Requests for copies of the text of the proposed regulatory action, the Statement of Reasons, or other information upon which the rulemaking is based, or other inquiries should be addressed to the following:

Name:	Laura S. Fisher, Chief
Address:	State Water Resources Control Board Division of Water Quality 1001 "I" Street Sacramento, CA 95814
Telephone No.:	(916) 341−5870
E−mail address:	laura.fisher@waterboards.ca.gov

The backup contact person is:

Name:	Cory Hootman
Address:	State Water Resources Control Board Division of Water Quality 1001 "I" Street Sacramento, CA 95814
Telephone No.:	(916) 341−5668
E−mail address:	cory.hootman@waterboards.ca.gov

The documents relating to this proposed regulatory action may also be found on the State Water Board's website at the following address: http://www.waterboards.ca.gov/water_issues/programs/ust/adm_notices/bio_regs/.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

NOTICE OF SECOND 45−DAY PUBLIC COMMENT PERIOD AND ADDITIONAL PUBLIC HEARING CONCERNING AMENDED REGULATIONS FOR THE PROPOSED DUNGENESS CRAB TRAP GEAR RETRIEVAL PROGRAM

DEPARTMENT OF FISH AND WILDLIFE
ORIGINAL 45−DAY NOTICE PUBLISHED ON FEBRUARY 15, 2019
(NOTICE REGISTER 2019, 7−Z)

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife has made changes to the original Notice (Z−2019−0201−01) which follows:

Section 132.2, Title 14, CCR is proposed for additional amendment in subsections limiting specified derelict trap gear retrieval to Dungeness crab permitted vessels. Section 132.7, Title 14, CCR is proposed for amendment modifying the requirement for use of certified mail.

Amendments are proposed to DFW1059 (allowing logbooks to be submitted within a specified time period, correcting the spelling of "USCG" in item 1, and updating the regulatory section referenced in item 13 to align with the amended text of Section 132.7, Title 14, CCR) and DFW1078a (adding in the fee specified in Section 705, Title 14, CCR and correcting an incorrect reference to the Fish and Game Commission).

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department) proposes to adopt regulations implementing the program described in Section 9002.5 of the Fish and Game Code. Section 9002.5 authorizes the Department to establish a program which incentivizes the removal of commercial Dungeness crab trap gear that remains in the ocean after the end of the fishing season, reducing entanglement risk, other threats to marine life, and navigational hazards.

The program would rely on Retrieval Permittees to ensure that retrieval operations are conducted by competent individuals, and to negotiate with Responsible Vessel Permitholders to return the trap gear upon appropriate reimbursement for costs incurred during gear retrieval operations.

After consideration of all public comments, objections, and recommendations regarding the proposed ac-

tion, the Department may adopt the proposed regulations.

PUBLIC HEARING

The Department held a public hearing on **April 2, 2019, from 9:00 a.m. to 11:30 a.m.,** at:

State Office Justice Joseph A. Rattigan Building
Conference Room 405 (Fourth Floor)
50 D Street, Santa Rosa, California

The Department will hold a second public hearing regarding the amended proposed regulations on **June 25, 2019, from 10:00 a.m. to 12:00 p.m. at:**

California Department of Fish and Wildlife
Monterey Office Large Conference Room
20 Lower Ragsdale Drive, Suite 100
Monterey, California

The Conference Room is wheelchair accessible. At the public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that the persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to the Department. Comments may be submitted at the hearing, by mail, or by email. The supplemental written public comment period closes at **5:00 p.m.** on **JUNE 25, 2019.** The Department will only consider comments received by that time.

Submit comments to:

California Department of Fish and Wildlife
Marine Region
Attn: Morgan Ivens−Duran
Environmental Scientist
20 Lower Ragsdale Blvd., Suite 100
Monterey, CA 93940
Email: Morgan.Ivens−Duran@wildlife.ca.gov

AUTHORITY AND REFERENCE

Section 132.2
Authority cited: Sections 8276.5 and 9002.5, Fish and Game Code.
Reference: Sections 8276.5 and 9002.5, Fish and Game Code.

Section 132.7
Authority cited: Sections 9002.5 Fish and Game Code.
Reference: Sections 8276.5, 8277 and 9002.5, Fish and Game Code.

Section 705
Authority cited: Sections 713, 1050 and 9002.5 Fish and Game Code.
Reference: Sections 713, 1050 and 9002.5, Fish and Game Code.

Amended Informative Digest/Policy Statement Overview

Under current regulations, retrieval of commercial Dungeness crab traps associated with other vessels is only allowed under specific circumstances (Section 132.2, Title 14, CCR). Following the close of the commercial Dungeness crab season, it is unlawful for traps to remain in ocean waters (Fish and Game Code Section 8276(d)). There are currently limited incentives for eligible fishermen to retrieve such gear, and regulations do not specify a mechanism by which individuals can be reimbursed for costs incurred during the retrieval of lost or abandoned trap gear.

The proposed regulation would amend Section 132.2 to clarify that vessels operating under the authority of the Trap Gear Retrieval Program or a waiver issued by the Department do not need to hold a Dungeness crab vessel permit, which is otherwise required to retrieve Dungeness crab trap gear.

The additional amendment to Section 132.2 specifies that retrieval activities must be conducted by Dungeness crab permitted vessels unless specifically authorized by the Department, either under a waiver or under the program authorized by Section 132.7.

The proposed regulation would also add Section 132.7 to Title 14, CCR to create a program under which qualified individuals can retrieve lost or abandoned commercial Dungeness crab traps, and the accompanying surface lines and buoys, and be reimbursed for costs incurred during retrieval operations. Permitting a broader range of individuals to retrieve trap gear is a necessary step to reduce the risk of whale entanglement with trap gear and the navigational and aesthetic impacts of persistent marine debris. The following is a summary of the new and amended regulations proposed in Section 132.7:

- Define commercial Dungeness crab traps that are left in ocean waters after the close of the season to be lost or abandoned and subject to retrieval by permitted individuals
- Define applicants for a Retrieval Permit as charitable organizations, sport or commercial fisherman associations, or a government entity in California

- Specify the form upon which interested entities will apply for a Retrieval Permit (DFW1078, New 01/23/19) and subsequently amend that permit (DFW1078a, New 01/23/19).
- Specify minimum requirements for Designated Retrievers who are authorized to conduct retrieval operations
- Specify the period during which gear retrieval operations may be conducted, and that gear located in an area where take of Dungeness crab by trap is prohibited may not be retrieved without authorization from CDFW Law Enforcement Division
- Specify a logbook form (DFW1059, New 01/23/19) upon which Designated Retrievers and Retrieval Permittees will document trap retrieval operations and whether a Responsible Vessel Permitholder has paid a Retriever Trap Fee for their retrieved gear.
- Specify the Department authority to inspect vessels and facilities to ensure compliance
- Establish criteria for suspension or revocation of a Retrieval Permit
- Establish timelines for contact, title transfer, and disposition of retrieved traps
- Establish a per−trap fee the Department will pay to a Retrieval Permittee if a Responsible Vessel Permitholder does not pay the Retriever Trap Fee
- Levy a per−trap fee for all Responsible Vessel Permitholders who do not pay the Retriever Trap Fee, and allow the Department to suspend renewal or transfer of the Dungeness crab vessel permit until all owed fees are paid

Amending Section 705 will set the Lost or Abandoned Trap Gear Retrieval Permit Application, Lost or Abandoned Trap Gear Retrieval Permit Amendment, and Lost or Abandoned Department Trap Gear fees. The Application and Amendment fees are necessary to recover Department costs to process and oversee activities authorized by a Retrieval Permit. The Department Trap Fee would be paid by a Dungeness crab vessel permittee to recover Department costs associated with non−payment of the Retriever Trap Fee.

The proposed regulations will encourage removal of lost or abandoned Dungeness crab trap gear and therefore reduce the risk of marine life entanglement, improve the aesthetics of coastal waters, and remove navigation hazards from ocean waters. In addition, the amount of the freely−negotiated Retriever Trap Fee paid to the Retrieval Permittee is expected to be less than the market price of purchasing new traps and associated surface gear (lines and buoys). Thus, the program is also expected to benefit the Dungeness crab fishing fleet by reducing costs from replacing lost gear.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated the Department authority to implement a commercial Dungeness crab trap gear retrieval program (Section 9002.5 of the Fish and Game Code). The Department has reviewed existing regulations in Title 14 of the California Code of Regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations.

FORMS INCORPORATED BY REFERENCE

The following forms are incorporated by reference in the proposed regulations:

- DFW1059, Trap Gear Retrieval Logbook, New 04/25/19
- DFW1078, Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Application, New 04/25/19
- DFW1078a, Lost or Abandoned Commercial Dungeness Crab Trap Gear Retrieval Permit Amendment, New 01/23/19

DISCLOSURES REGARDING THE PROPOSED ACTION

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed action is anticipated to prompt some additional job opportunities associated with the gear retrieval program at the end of the commercial Dungeness crab season until September 30. The gear retrieval program may enable the creation of some new businesses or enable the expansion of existing businesses. The proposed action is not anticipated to result in the elimination of jobs or existing businesses. The

health and welfare of California residents and worker safety will not be directly impacted. The State's environment should be positively impacted by the removal of gear that could be hazardous to marine life.

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

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

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Department would issue gear Retrieval Permits and amendments; Responsible Vessel Permits, enforce the program in the field; and reimburse Retrieval Permittees for non−payment by a Responsible Vessel Permittee. The Department will reimburse the Retrieval Permittee and assess trap fees against the non−paying Responsible Vessel Permit holder. All fees are established to recover the reasonable administrative costs of fulfilling each action. It is difficult to anticipate the resulting change in Department revenues until the program is in place for at least one year. The proposed action will not affect Federal funding to the state.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

(i) Effect on Small Business: The proposed regulations affect small businesses specifically involved in the Dungeness crab trap fishery and crab trap retrieval.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department concludes that it is (1) likely the program will create additional job opportunities and enable creation of some new, or expansion of existing, businesses engaged in gear retrieval operations; (2) unlikely to result in the elimination of commercial fishing jobs or existing businesses; and (3) likely to benefit the commercial Dungeness crab fishery through returning lost or abandoned gear at a cost lower than replacing the gear.

BENEFITS TO THE STATE'S ENVIRONMENT

The Department anticipates the cumulative effects of the changes to be positive with regard to the state's environment. The proposed regulations establish a program which will reduce the amount of lost or abandoned commercial Dungeness crab trap gear left in the water after the close of the fishing season, thereby reducing the risk of marine life entanglements.

CONSIDERATION OF ALTERNATIVES

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

MITIGATION MEASURES REQUIRED BY REGULATORY ACTION

The proposed regulatory action will have no negative impact on the environment; therefore, no mitigation measures are needed.

CONTACT PERSONS

Inquiries concerning the proposed administrative action should be directed to:

California Department of Fish and Wildlife
Marine Region
Attn: Morgan Ivens−Duran
Environmental Scientist
20 Lower Ragsdale Blvd., Suite 100
Monterey, CA 93940
Phone: (831) 649−2811
Email: Morgan.Ivens−Duran@wildlife.ca.gov

The backup contact person is:

California Department of Fish and Wildlife
Marine Region
Attn: Christy Juhasz, Environmental Scientist
5355 Skylane Blvd., Suite B
Santa Rosa, CA 95403
Phone: (707) 576−2887
Email: Christy.Juhasz@wildlife.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Morgan Ivens−Duran (see above for contact information).

AVAILABILITY OF
DOCUMENTS ON THE INTERNET

The rulemaking file is available online at: https://www.wildlife.ca.gov/Notices/Regulations

AVAILABILITY OF AMENDED DOCUMENTS
AND CHANGED OR MODIFIED TEXT

ADDITONAL AMENDMENT OF SECTIONS 132.2 AND 132.7: The amendments to Section 132.2 and 132.7 are available online at the above website. The proposed revisions to the rulemaking file consist of the following documents:

- 45−day Notice
- Amended Regulatory Text of Section 132.2 and 132.7, Title 14, CCR
- Amended Initial Statement of Reasons (ISOR)
- Amended DFW1059 and DFW1078 forms

After holding the hearing and considering all timely and relevant comments received by the Department, 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 the regulations as revised. Please send requests for copies of any modified regulations to the attention of Morgan Ivens−Duran (see above for further contact information). The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE
FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Morgan Ivens−Duran (see above for further contact information).

DEPARTMENT OF PUBLIC HEALTH

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (PHHSBG) STATE PLAN FOR FEDERAL FISCAL YEAR (FFY) 2019

ACTION: NOTICE OF PUBLIC HEARING FOR THE FFY 2019 STATE PLAN

SUBJECT

The Centers for Disease Control and Prevention anticipates making funds available to the California Department of Public Health (CDPH) to support public health infrastructure, address emerging health issues, maintain emergency medical services, and optimize the health and well−being of the people in California. The purpose of this hearing is to discuss and receive comments on the FFY 2019 PHHSBG State Plan, which identifies all program activities that will be funded during State Fiscal Year 2019−20 (July 1, 2019 — June 30, 2020).

PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a Public Hearing commencing at 10:00 a.m. and ending at 12:00 p.m. PDT on Thursday, May 30, 2019 in Room 74.553 (Cosumnes River Round Conference Room), 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. If you plan to attend the Public Hearing, please bring government−issued photo identification so the security guard can admit you into the building.

WEBINAR: Please register for the PHHBG Public Hearing, scheduled on Thursday, May 30, 2019 from 10:00 a.m.−12:00 p.m. at: https://global.gotomeeting.com/join/237980101 . After registering, you will receive a confirmation e−mail containing information about joining the webinar. Please contact (916) 552−9900, if you experience technical difficulties.

AVAILABILITY OF
INFORMATION FOR REVIEW

The Agenda and the FFY 2019 State Plan will be available for review in the CDPH lobby located at 1616 Capitol Avenue, Sacramento, California from 9:00 a.m. to 6:00 p.m., May 20, 2019 through May 30, 2019.

The documents will also be available on the following website: The California Department of Public Health beginning May 20, 2019. In addition, this notice will be made available in appropriate alternative formats, upon request by any person with a disability as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the applicable federal rules and regulations. Please submit any requests for such information to CDPH (PHHSBG@cdph.ca.gov) by May 23, 2019. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG" in the Subject Line.

WRITTEN STATMENTS

The CDPH — Chronic Disease Control Branch, 1616 Capitol Avenue, MS 7208, P.O. Box 997377, Sacramento, California, 95899−7377 must receive any written statements or arguments by 5:00 PM on May 31, 2019, which is hereby designated as the close of the written comment period. Submit written statements or arguments via e−mail to PHHSBG@cdph.ca.gov no later than 5:00 p.m. on May 31, 2019. With any inquiries, please identify the action by using the Department Control letters "PHHSBG" in the Subject Line of the e−mail.

CONTACT

Direct inquiries concerning the action described in this notice to Rebecca Horne at (916) 552−9899; Rebecca.Horne@cdph.ca.gov or the PHHSBG Team at (916) 552−9900; PHHSBG@cdph.ca.gov. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG", in the Subject Line of the e−mail.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

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

File# 2019−0315−02
BOARD OF BARBERING AND COSMETOLOGY
Removal of Duplicative Title 26 Toxics Regulations

This action by the Board of Barbering and Cosmetology removes regulations contained in title 26 of the California Code of Regulations that are duplicative of regulations contained in title 16.

Title 26
REPEAL: 16−979, 16−980, 16−981, 16−982, 16−983, 16−984
Filed 04/29/2019
Agency Contact:
Kristy Underwood (916) 575−7100

File# 2019−0319−04
BOARD OF REGISTERED NURSING
Advanced Practice Registered Nurses (APRN) Applications Letterhead

In this change without regulatory effect, the Board amends its regulation to update the revision date of three application forms incorporated by reference, which are changed to reflect the new Governor, Gavin Newsom, on the letterhead of the forms.

Title 16
AMEND: 1483
Filed 04/24/2019
Agency Contact: Dean Fairbanks (916) 574−7684

File# 2019−0321−02
BUREAU OF HOUSEHOLD GOODS AND SERVICES
Removal of Duplicative Title 26 Toxics Regulations

This action by the Bureau of Household Goods and Services removes regulations contained in title 26 of the California Code of Regulations that are duplicative of regulations contained in title 4.

Title 26
REPEAL: 4−1251, 4−1255, 4−1256
Filed 05/01/2019
Agency Contact: Diana Godines (916) 999−2068

File# 2019−0315−01
CENTRAL VALLEY FLOOD PROTECTION BOARD
Permit and Inspection Fees

This action adopts fees for permitting and inspection activities with respect to project encroachments upon the flood control system under the jurisdiction of the Central Valley Flood Protection Board.

Title 23
ADOPT: Appendix B
AMEND: 8
Filed 04/29/2019
Effective 07/01/2019
Agency Contact: Preston Shopbell (916) 574−1437

File# 2019−0314−02
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Amend Commission Regulation 1052 Requirements for Course Certification

This action by the Commission on Peace Officer Standards and Training amends requirements for course certification and establishes two types of certification requests.

Title 11
AMEND: 1052(a), 1052(b), 1052(b)(1)−(4), 1052(b)(6), 1052(e), 1052(f), 1052(i), 1052(k), 1052(*l*)
Filed 04/24/2019
Effective 07/01/2019
Agency Contact: David Cheng (916) 227−4855

File# 2019−0328−04
COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Requirements for Course Certification

The Commission on Peace Officer Standards and Training filed this action to clarify requirements in a regulation for requesting, approving, and implementing a course pilot program.

Title 11
AMEND: 1052
Filed 04/24/2019
Effective 07/01/2019
Agency Contact: Jennifer Hardesty (916) 227−3917

File# 2019−0318−01
DEPARTMENT OF CONSERVATION
Removal of Title 26 Toxics Regulations

This action by the Department of Conservation, Division of Oil, Gas, and Geothermal Resources, removes regulations contained in title 26 of the California Code of Regulations that are duplicative of regulations contained in title 14.

Title 26
REPEAL: 14−1724.6, 14−1724.7, 14−1724.8, 14−1724.10, 14−1743, 14−1760, 14−1770, 14−1771, 14−1773, 14−1774, 14−1775, 14−1776, 14−1778, 14−1779
Filed 04/29/2019
Agency Contact: Justin Turner (916) 322−6733

File# 2019−0321−04
DEPARTMENT OF CORRECTIONS AND REHABILITATION
Non−Substantive Changes — Sections 3090 and 3375.2

In these changes without regulatory effect, the Department modifies sections in the California Code of Regulations to correct cross−references to other regulations.

Title 15
AMEND: 3090, 3375.2
Filed 05/01/2019
Agency Contact: Sarah Pollock (916) 445−2308

File# 2019−0321−03
DEPARTMENT OF FOOD AND AGRICULTURE
Removal of Duplicative Title 26 Toxics Regulations

This action by the Department of Food and Agriculture removes regulations contained in title 26 of the California Code of Regulations that are duplicative of regulations contained in title 3.

Title 26
REPEAL: 3−300
Filed 04/29/2019
Agency Contact: Michele Dias (916) 654−0466

File# 2019−0328−01
DEPARTMENT OF FOOD AND AGRICULTURE
Peach Fruit Fly Eradication Area

This certificate of compliance makes permanent the emergency action that established Contra Costa County as an eradication area with respect to the peach fruit fly, Bactrocera zonata. (See OAL file no. 2018−0928−01E.)

Title 3
AMEND: 3591.12
Filed 05/01/2019
Effective 05/01/2019
Agency Contact: Rachel Avila (916) 403−6813

File# 2019−0415−04
DEPARTMENT OF FOOD AND AGRICULTURE
Industrial Hemp Cultivation Registration Fees

The California Department of Food and Agriculture is establishing an annual registration and registration renewal fee for growers of industrial hemp for commercial purposes and seed breeders of hemp. The DFA is also establishing how long a registrant has to renew before the registration is forfeited and the procedure for restoring a forfeited registration.

Title 3
ADOPT: 4900
Filed 04/25/2019
Effective 04/25/2019
Agency Contact: Rachel Avila (916) 403−6813

File# 2019−0319−03
DEPARTMENT OF PUBLIC HEALTH
Removal of Title 26 Toxics Regulations

This action by the Department of Public Health removes regulations contained in title 26 of the California Code of Regulations that are duplicative to regulations contained in titles 17 and 22.

Title 26
REPEAL: 17−7925, 17−12255, 17−30055, 17−30056, 17−30056.1, 17−30056.2, 17−30056.3, 17−30056.4, 17−30056.5, 17−30058, 17−30061, 17−30100, 17−30104, 17−30108, 17−30110, 17−30111, 17−30115, 17−30118, 17−30125, 17−30126, 17−30145, 17−30146, 17−30180, 17−30190, 17−30191, 17−30194, 17−30195, 17−30196, 17−30205, 17−30210, 17−30225, 17−30230, 17−30231, 17−30235, 17−30237, 17−30252, 17−30253, 17−30254, 17−30255, 17−30256, 17−30257, 17−30275, 17−30278.1, 17−30293, 17−30295, 17−30305, 17−30306, 17−30307, 17−30308, 17−30309, 17−30310, 17−30311, 17−30312, 17−30313, 17−30314, 17−30330, 17−30331, 17−30332, 17−30333, 17−30334, 17−30336, 17−30337, 17−30345.1, 17−30345.2, 17−30345.3, 17−30346, 17−30346.1, 17−30346.2, 17−30346.3, 17−30346.4, 17−30346.5, 17−30346.6, 17−30346.7, 17−30346.8, 17−30346.9, 17−30346.10, 17−30348.1, 17−30348.2, 17−30348.3, 17−30348.4, 17−30348.5, 17−30350, 17−30350.1, 17−30350.2, 17−30350.3, 17−30353, 17−30373, 17−30400, 17−30402, 17−30403, 17−30404, 17−30405, 17−30408, 17−30440, 17−30442, 17−30443, 17−30444, 17−30447, 17−30450, 17−30451, 17−30455.1, 17−30460, 17−30461, 17−30462, 17−30463, 17−30464, 17−30465, 17−30466, 17−30467, 17−30468, 17−30470, 17−30471, 17−30473, 17−30475, 17−30477, 17−30479, 17−30481, 17−30483, 17−30485, 17−30487, 17−30489, 17−30491, 17−30493, 17−30495, 17−30497, 17−30499, 22−60303, 22−60305, 22−60315, 22−60320.5, 22−60321, 22−60323, 22−60325, 22−60327, 22−60329, 22−60331, 22−60333, 22−60335, 22−60337, 22−60339, 22−60341, 22−60343, 22−60345, 22−60347, 22−60349, 22−60351, 22−60353, 22−60355, 22−64211, 22−64212, 22−64213, 22−64214, 22−64215, 22−64216, 22−64217, 22−64401, 22−64412, 22−64414, 22−64415, 22−64417, 22−64421, 22−64422, 22−64423, 22−64423.1, 22−64424, 22−64425, 22−64426, 22−64426.1, 22−64427, 22−64430, 22−64431, 22−64433, 22−64443, 22−64444, 22−64445, 22−64445.1, 22−64445.2, 22−64447, 22−64449.2, 22−64449.4, 22−64449.5, 22−64463, 22−64463.1, 22−64465, 22−64466, 22−64469, 22−64470, 22−64481, 22−64483, 22−64555, 22−64560, 22−64570, 22−64600, 22−64602, 22−64604, 22−64654, 22−64686, 22−65600, 22−65601, 22−65602, 22−65603, 22−65604, 22−65610, 22−65611, 22−65612, 22−65613, 22−65614, 22−65619, 22−65620, 22−65621, 22−65622, 22−65623, 22−65624, 22−65625, 22−65628
Filed 04/29/2019
Agency Contact: Keith Van Wagner (916) 445−2012

File# 2019−0321−01
DEPARTMENT OF WATER RESOURCES
Annual Fees — Dam Safety Program

This action makes permanent and revises the emergency regulatory method used by the Department of Water Resources (DWR) to determine the annual fees necessary to cover the DWR's reasonable budgetary costs for the statewide regulation of dam safety pursuant to Part 1 of Division 3 of the Water Code.

Title 23
AMEND: 315, 316
Filed 05/01/2019
Effective 05/01/2019
Agency Contact:
Marcelino Alcantar (916) 227−4640

File# 2019−0419−01
OCCUPATIONAL SAFETY AND HEALTH (CAL−OSHA) DIVISION
Recording and Reporting of Occupational Injuries and Illnesses

The Division of Occupational Safety and Health submitted this emergency action to conform regulations addressing the electronic recording and reporting of occupational injuries and illnesses with corresponding federal Occupational Safety and Health Administration regulations.

Title 8
AMEND: 14300.35, 14300.41
Filed 04/25/2019
Effective 05/01/2019
Agency Contact: Willie N. Nguyen (510) 286−7348

CCR CHANGES FILED WITH THE SECRETARY OF STATE WITHIN November 28, 2018 TO May 1, 2019

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

Title 2

04/15/19 ADOPT: 18998 AMEND: 18994
04/11/19 AMEND: 57200
04/10/19 AMEND: 599.752.1
03/21/19 ADOPT: 579.9
03/07/19 AMEND: 35101
02/27/19 AMEND: 80225
02/27/19 AMEND: 11087, 11095, 11097
02/25/19 ADOPT: 18360.1, 18360.2
02/21/19 ADOPT: 574
02/20/19 AMEND: 18702.2
02/13/19 AMEND: 54700
01/31/19 ADOPT: 59840
01/24/19 AMEND: 1859.194, 1859.196
01/22/19 AMEND: 1859.51(e)
01/14/19 AMEND: 18756
01/07/19 AMEND: 60802, 60803, 60807, 60808, 60824, 60825, 60827, 60831, 60832, 60833, 60835, 60840, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855, 60856, 60858, 60860, 60861, 60863, 61120
12/18/18 AMEND: 1859.76
12/14/18 ADOPT: 1860, 1860.1, 1860.2, 1860.3, 1860.4, 1860.5, 1860.6, 1860.7, 1860.8, 1860.9, 1860.10, 1860.10.1, 1860.10.2, 1860.10.3, 1860.11, 1860.12, 1860.13, 1860.14, 1860.15, 1860.16, 1860.17, 1860.18, 1860.19, 1860.20, 1860.21
12/12/18 AMEND: 2970
12/12/18 AMEND: 18545, 18700, 18730, 18940.2
12/05/18 REPEAL: 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445
12/04/18 AMEND: 1897
11/29/18 ADOPT: 1896.83, 1896.85 AMEND: 1896.60, 1896.61, 1896.62, 1896.70, 1896.71, 1896.72, 1896.73, 1896.74, 1896.75, 1896.76, 1896.77, 1896.78, 1896.81, 1896.82, 1896.84, 1896.88, 1896.90, 1896.91, 1896.92, 1896.95, 1896.96, 1896.97

Title 3

05/01/19 AMEND: 3591.12
04/25/19 ADOPT: 4900
04/22/19 AMEND: 6502, 6540
04/15/19 AMEND: 3591.12
03/21/19 AMEND: 3591.13
03/13/19 AMEND: 3591.2
03/06/19 AMEND: 3601
02/28/19 ADOPT: 4920
02/21/19 AMEND: 3591.2
02/20/19 AMEND: 3591.2
02/04/19 AMEND: 1180.3.1
01/30/19 AMEND: 6860
01/17/19 REPEAL: 1305.00, 1305.01, 1305.02, 1305.03, 1305.04, 1305.06, 1305.07, 1305.08, 1305.09, 1305.10, 1305.11, 1305.12
01/16/19 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, 8609
01/07/19 AMEND: 3439
12/18/18 ADOPT: 4921
11/29/18 AMEND: 3899

Title 4

04/12/19 ADOPT: 7000, 7001, 7002, 7003, 7003.1, 7004, 7004.1, 7005, 7006, 7006.1, 7007, 7007.1, 7008, 7008.1, 7009, 7010, 7011, 7012, 7013, 7013.1, 7013.2, 7014, 7015, 7016, 7017
04/11/19 AMEND: 10032, 10036
04/04/19 AMEND: 10092.1, 10092.2, 10092.3, 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12
03/14/19 AMEND: 10325

03/12/19 ADOPT: 1842.1 AMEND: 1588
02/20/19 AMEND: 1843.2
02/07/19 AMEND: 10315, 10317, 10322, 10325, 10326, 10327, 10328, 10335, 10337
01/22/19 AMEND: 1374, 1374.3
01/16/19 ADOPT: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229
01/16/19 AMEND: 5000, 5033, 5060, 5100, 5170, 5260, 5350, 5450, 5500, 5540, 5600 REPEAL: 5361, 5362, 5363, 5380, 5560, 5570, 5571, 5572, 5573, 5580, 5590
01/02/19 AMEND: 12200, 12201, 12220, 12221
12/17/18 ADOPT: 10092.1, 10092.2, 10092.3 10092.4, 10092.5, 10092.6, 10092.7, 10092.8, 10092.9, 10092.10, 10092.11, 10092.12, 10092.13, 10092.14
12/12/18 ADOPT: 10200, 10200.1, 10200.2, 10200.3, 10200.4, 10200.5, 10200.6, 10200.7

Title 4, 16
03/19/19 AMEND: title 4: 1101, 1126, 1373.2, 1374, 1374.3, 1379; title 16: 2721, 2723, 2775

Title 5
04/03/19 AMEND: 58310
04/03/19 REPEAL: 1030.5, 1030.6, 1030.7, 1030.8, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1039, 1039.1, 1039.2, 1039.3
03/19/19 AMEND: 71398
03/07/19 AMEND: 80048.8, 80048.8.1, 80413, 80523
02/21/19 AMEND: 19810
02/19/19 REPEAL: 1200, 1202, 1203, 1204, 1204.5, 1205, 1206, 1207, 1207.1, 1207.5, 1208, 1209, 1210, 1211, 1211.5, 1215, 1215.5, 1216, 1216.1, 1217, 1218, 1218.6, 1219, 1220, 1225
02/15/19 AMEND: 55200, 55202, 55204, 55206, 55208
02/15/19 AMEND: 55800
01/31/19 AMEND: 850, 854.1, 854.2, 854.3, 854.4, 859, 862, 863
12/31/18 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
12/05/18 AMEND: 19810

Title 8
04/25/19 AMEND: 14300.35, 14300.41
04/22/19 AMEND: 4412
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02/28/19 AMEND: 3295
02/14/19 AMEND: 9789.39
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03/28/19 AMEND: 2773
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03/27/19 AMEND: 2498.5
03/26/19 AMEND: 2498.4.9
03/25/19 AMEND: 2498.6
03/07/19 ADOPT: 2915
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12/31/18 AMEND: 2632.5, 2632.11
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04/24/19 AMEND: 1052
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04/15/19 AMEND: 3352.2(a)(1)(4) and (5) amended and renumbered as 3999.364; 3352.2(a)(2) and (3) deleted as duplicative of section 3999.98; 3352.2(b)(c)(d) amended and renumbered as 3999.365(a)(b)(c); 3352.3 amended and renumbered as 3999.366;3354(a) amended and renumbered as 3999.132(a); 3354(b) amended and renumbered as 3999.426(a); 3354(c) amended and renumbered as 3999.207(a); 3354(d) amended and renumbered as 3999.402(a); 3354(e) amended and renumbered as 3999.429(a); 3360 amended and renumbered as 3999.330(a)(b)(c);3361(a) amended and renumbered as 3999.330(d); 3361(b) amended and renumbered as 3999.207(b); 3361(c) amended and renumbered as 3999.330(e); 3362 amended and renumbered as 3999.330(f); 3364 amended and renumbered as 3999.344; 3364.1(a)(1)−(5) and (8)−(11) amended and renumbered as 3999.345(a)(1)−(9); 3364.1(a)(6)−(7) amended and renumbered as 3999.98;3364.2 amended and renumbered as 3999.346; 3367 amended and renumbered as 3999.349; 3368 amended and renumbered as 3999.350; 3369 amended and renumbered as 3999.348; 3369.1 amended and is renumbered as 3999.342;3999.98 is amended; 3999.99 is amended and relocated; 3999.202 is amended; 3999.225 is amended; 3999.226 is amended; 3999.227 is amended; 3999.228 is amended; 3999.229 is amended; 3999.230 is amended;
3999.231 is amended; 3999.232 is amended; 3999.233 is amended; 3999.235 is amended; 3999.236 is amended; 3999.237 is amended; 3999.320 is amended; 3999.410 amended and renumbered as 3999.432;3999.411 amended and renumbered as 3999.425; 3999.440 amended and renumbered as 3999.417
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03/05/19 AMEND: 66250, 66250.1, 66250.2
02/27/19 AMEND: 72329.2
02/14/19 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
12/31/18 AMEND: 66272.62
12/19/18 AMEND: 66262.41
12/19/18 AMEND: 72329.2
12/13/18 ADOPT: 51002.5 AMEND: 51003.1
12/04/18 ADOPT: 69511.3 AMEND: 69511
12/04/18 AMEND: 20100.5
11/29/18 ADOPT: 96060, 96061, 96062, 96065, 96070, 96071, 96075, 96076, 96077, 96078, 96080, 96081, 96082, 96083, 96084, 96085, 96086, 96087

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01/15/19 ADOPT: 35064 AMEND: 31−002, 35000, 35001, 35129, 35129.1, 35152.1, 35152.2, 35177, 35179, 35181, 35183, 35211, 35215, 35315
01/08/19 AMEND: 87224, 87412
01/02/19 ADOPT: 85175, 85318, 85320, 85340, 85342, 85364, 85368.1, 85368.4, 85370, 85387, 85390, 85102, 85161, 85168, 85168.3, 85169 AMEND: 85000, 85068.2, 85375, 85100, 85101, 85118, 85120, 85122, 85140, 85142, 85164, 85165, 85168.1, 85168.2, 85168.4, 85170, 85187, 85190, 85300, 85301, 85302, 85322, 85361, 85365, 85368, 85368.2, 85368.3, 85369

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04/19/19 ADOPT: 3979.11
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03/04/19 ADOPT: 3929.17
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02/19/19 ADOPT: 3949.15
01/15/19 AMEND: 597
12/19/18 AMEND: 315, 316
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12/13/18 ADOPT: 3939.55
11/29/18 ADOPT: 335, 335.2, 335.4, 335.6 [renumbered to 335.16], 335.8 [renumbered from 335.12(a)], 335.10 [renumbered to 335.12], 335.12 [335.12(a) renumbered to 335.8; 335.12(b)−(c) renumbered to 335.6], 335.14 [renumbered to 335.10], 335.16 [renumbered to 335.14], 335.18, 335.20 AMEND: 310
11/29/18 ADOPT: 3919.18

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04/29/19 REPEAL: 14−1724.6, 14−1724.7, 14−1724.8, 14−1724.10, 14−1743, 14−1760, 14−1770, 14−1771, 14−1773, 14−1774, 14−1775, 14−1776, 14−1778, 14−1779
04/29/19 REPEAL: 17−7925, 17−12255, 17−30055, 17−30056, 17−30056.1, 17−30056.2, 17−30056.3, 17−30056.4, 17−30056.5, 17−30058, 17−30061, 17−30100, 17−30104, 17−30108, 17−30110, 17−30111, 17−30115, 17−30118, 17−30125, 17−30126, 17−30145, 17−30146, 17−30180, 17−30190, 17−30191, 17−30194,

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