



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:**

Allan Hancock Joint Community College District

A written comment period has been established commencing on April 17, 2020 and closing on June 1, 2020. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than June 1, 2020. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING  
COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-5854.

**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)<sup>1</sup> 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 regulations at a public hearing on or after **May 20, 2020**, by teleconference, commencing at approximately **10:00 a.m.** You may also listen to and participate in this meeting by teleconference by calling: (877) 411-9748 access code 723284. Written comments must be received at the Commission offices no later than **5:00 p.m. on May 18, 2020**.

BACKGROUND/OVERVIEW

Section 82047 of the Act requires the disclosure of a person who makes a campaign contribution, defining “person” broadly to include limited liability companies (LLCs). Under Sections 82013(b) and (c), respectively, an LLC that makes independent expenditures totaling \$1,000 or more in a calendar year qualifies as an Independent Expenditure (“IE”) Committee, while an LLC that makes contributions totaling \$10,000 or more in a calendar year qualifies as a Major Donor Committee. IE Committees and Major Donors must complete Form 461 (Major Donor and Independent Expenditure Committee Campaign Statement), which provides a summary of all contributions and expenditures made, as well as information regarding the filer, such as the filer’s name and mailing address, responsible officer, and business interests.

<sup>1</sup> 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.

However, neither the Act nor the Commission Regulations define “responsible officer,” allowing an LLC filer to simply list its registered agent, attorney, or accountant on Form 461, as opposed to the individual(s) responsible for directing and controlling the LLCs contributions and expenditures. Another impediment to truthful disclosure of LLC political activities is that recipient committees who receive contributions from an LLC generally list only the name of the LLC, as opposed to the individual or individuals who funded or directed the LLCs contributions or expenditures. Further complicating matters is the fact that the California Corporations Code permits an LLC to list another corporate entity as its registered agent and/or manager and therefore no individual is identified.<sup>2</sup>

The lack of information about the individuals responsible for the political activity attributed to LLCs makes investigation of suspicious activity extremely challenging and burdensome, leaving the public no way to determine the source of LLC political activity.

REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18402.2 — Limited Liability Companies, Responsible Officer.

*Adoption of Regulation 18402.2.* The Commission may consider adopting new Regulation 18402.2. At a minimum, Commission staff anticipates proposing the following:

- Defining “responsible officer” for LLCs that qualify as IE Committees or Major Donors as “the individual primarily responsible for approving the political activity of the limited liability company.”
- Providing that, if one or more individuals share primary responsibility for the LLC’s political activity, at least one such individual must be listed as the LLC’s responsible officer.

Adopt 2 Cal. Code Regs. Section 18421.10 — Reporting Contributions from Limited Liability Companies.

*Adoption of Regulation 18421.10.* The Commission may consider adopting new Regulation 18421.10. At a minimum, Commission staff anticipates proposing the following:

- Detailing the information a committee that receives a contribution from an LLC must include

<sup>2</sup> On an LLCs Articles of Organization (Form LLC1), filed with the Secretary of State’s Office, an LLC must designate an agent and a manager, and list the name and address of both. An LLC must also indicate whether it is member-managed (i.e. managed by its investors) or manager-managed (i.e. professionally managed by an outsider). Many LLCs remain anonymous by appointing a professional agent and manager, such as an attorney or accountant, thereby never having to reveal their members or the sources of capital contributions (i.e. funding).

as part of a contributor's "name" on its campaign statements and reports, including:

- Requiring a committee that receives a contribution from an LLC to provide the name of the individual responsible for the LLC's political activity.
- Providing that, if more than one individual shares in the primary responsibility for approving a contribution, a committee must report at least one such individual; and
- For contributions of \$100 or more received from an LLC that has qualified as a recipient committee, requiring that the "name" must include the LLC's principal officer.

#### SCOPE

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

#### FISCAL IMPACT STATEMENT

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

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

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

#### AUTHORITY

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

#### REFERENCE

The purpose of these regulations is to implement, interpret, and make specific Government Code Sections 81004, 82013, 82015, 82047.6, 84211, 83116.5, and 84302.

#### CONTACT

Any inquiries should be made to Toren Lewis, 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 15. CALIFORNIA PRISON INDUSTRY AUTHORITY

**NOTICE IS HEREBY GIVEN** that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) pursuant to the authority granted by Penal Code (PC) Sections 2808 and 2809 in order to implement, interpret and make specific Penal Code 2808, propose to amend Section 8004.2 Article 3, of the California Code of Regulations (CCR), Title 15, Division 8, Inmate Work/Training and Education, concerning Recruitment and Appointment Process, after considering all comments, objections, and recommendations regarding the proposed action.

#### PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed adoption to regulations. Anyone may request a public hearing by contacting the Contact Person set forth below. Requests for public hearings must be made no later than May 18, 2020.

#### SPECIAL ACCOMMODATION REQUEST

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

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

To request these special accommodations or language needs, please contact Roxanna Leffel at CALPIA at (916) Ph: (916) 358-1721 or [Roxanna.Leffel@calpia.ca.gov](mailto:Roxanna.Leffel@calpia.ca.gov) as soon as possible, but no later than 10 business days before a scheduled hearing.

Para solicitar estas adaptaciones especiales o servicios de idioma, puede contactar a CALPIA at (916) Ph: (916) 358-1721 or [Roxanna.Leffel@calpia.ca.gov](mailto:Roxanna.Leffel@calpia.ca.gov) lo más pronto posible y a más tardar 10 días hábiles antes de la fecha de la audiencia de la Junta (Board).

#### PUBLIC COMMENT PERIOD

The public comment period will close on June 1, 2020, 45 days after the Publication in the Notice Register on April 17, 2020. Any person may submit public comments regarding the proposed changes in writing. To be considered, comments must be received before

the close of the comment period. Use one of the following to submit:

**MAIL or HAND DELIVER**  
CALPIA/Legal Services Unit  
560 East Natoma Street  
Folsom, CA 95630

**FAX**  
(916) 358-2709

**E-MAIL**  
[PIAregs@calpia.ca.gov](mailto:PIAregs@calpia.ca.gov)

Due to limitations of the email system, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CALPIA. Therefore, emails larger than 15 MB should be submitted in several separate emails or another form of delivery should be used.

CALPIA requests but does not require that reports or articles in excess of 25 pages submitted with any comments include a summary of the reports or articles. This summary should include a concise overview of the report or article, describe the reason for submitting the report and describe the relevance of the reports or articles to the proposed regulation. Please note that under the California Public Records Act (Gov. Code Section 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.

### CONTACT PERSONS

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action, or for copies of the proposed text 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 the above-referenced persons to:

M. Doherty, Regulatory Manager  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
Telephone (916) 358-1711

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

C. Pesce, Executive Assistant  
California Prison Industry Authority  
560 East Natoma Street, Folsom, CA 95630  
Telephone (916) 358-1711

### AUTHORITY AND REFERENCE

**Penal Code Section 2800:** In 1982, the California Legislature restructured the Department of Corrections' industries and vocational training program for inmates abolishing the Correctional Industries Commission and replacing it with the newly created Prison Industry Authority (PIA) (subsequently renamed CALPIA) under the direction of the Prison Industry Board.

**Penal Code Section 2807(a):** Section 2807(a) provides that CALPIA is authorized and empowered to operate industrial, agricultural, and service enterprises which will provide products and services needed by the state, or any political subdivision thereof, or by the federal government, or any department, agency, or corporation thereof, or for any other public use. Products may be purchased by state agencies to be offered for sale to inmates of the department and to any other person under the care of the state who resides in state-operated institutional facilities. Fresh meat may be purchased by food service operations in state-owned facilities and sold for onsite consumption. By giving CALPIA these duties and powers by statute, rulemaking authority is implicitly delegated to adopt those rules and regulations necessary for the due and efficient exercise of a duty or power expressly granted.

**Penal Code Section 2802:** Section 2802 provides for the existence of a Prison Industry Board (PIB).

**Penal Code Section 2808:** Section 2808 provides the PIB, in the exercise of its duties, all of the powers and do all of the things that the board of directors of a private corporation would do.

State Departments have been given "Quasi-Legislative" powers to adopt rules (regulations) that are consistent with state law so that they can run the programs they that are responsible for. One court opinion described this as the power to "fill in the details" of the state statute(s) that empower a department to operate a program. *Helene Curtis, Inc. v. Assessment Appeals Bd.* (1999) 76 Cal.App.4<sup>th</sup> 124. By the implied terms of Penal Code Sections 2808, 2802, 2807 and 2800, CALPIA has the authority to adopt regulations to implement, interpret, make specific or otherwise carry out the provisions of these statutes.

### INFORMATIVE DIGEST

CALPIA is amending Section 8004.2 to incorporate basic inmate employment hire documentation for recordkeeping and maintaining efficient operations. This amendment includes two forms: "Inmate Acknowledgement of Policies, Procedures, Rules and Regulations, Rev. 3/5/2020, IEP F002/IEP F003." and "Offender Job Change Request Form." Rev. 3/29/16

Rev. A, SOMS F001. The Offender Job Change Request Form is for internal management and is included for information.

**POLICY STATEMENT OVERVIEW**

In order for CALPIA to function safely and efficiently, these revised regulations are needed to provide and enforce standard workplace practices and provide familiarity with those practices for inmates upon release from custody and post-custody employment. CALPIA provides inmates with work opportunities to develop work skills and experience applicable upon release from custody. It is standard practice for employers to require applicants and staff to execute appointment and other documents regarding the terms and conditions of employment.

Therefore, CALPIA is amending Section 8004.2 to include this same requirement. As part of the appointment process inmates must be provided acknowledgement of policies, procedures, other documents and/or conditions of appointment and appointment documents for review and signature. Failure or refusal to sign for and/or acknowledge receipt of policies, procedures, other documents and/or conditions of appointment and appointment documents as requested by their supervisor, or CALPIA, will result in immediate removal from the CALPIA work program. This amendment is necessary as inmates may refuse to sign inmate worker hire and employment documentation. As a result, it is necessary to implement this amendment through the Administrative Procedures Act as requirement of inmate worker assignment.

**Anticipated Benefits of the Proposed Regulation:**

Anticipated benefits of the proposed regulatory action include:

- Inmates’ experience and familiarity with standard practice by employers to require applicants and staff to execute appointment and other documents regarding the terms and conditions of employment. This regulatory amendment provides inmates familiarity and experience with general standard workplace practices they will encounter upon release from custody and conditions of employment.
- Facilitate operations and increase placement of inmate workers in assignments by adding language to 8004.2 to affirm that the process of submitting names from the Inmate Candidate Pool for inmate workers does not require manager approval and signature authorization.

**Evaluation of Inconsistency/Incompatibility with Existing Regulations:**

CALPIA evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations and has determined that no other state regulations address the same subject matter and that the proposed regulations are consistent and compatible with other existing state regulations.

During the process of developing this regulation, CALPIA has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing laws and regulations. After conducting a review for regulations that would relate to or affect this area, CALPIA has concluded that these are the only CALPIA regulations that concern this exact processes and procedures for the adoption, amendment, and repeal of regulations by California state agencies.

**Mandated by Federal Law or Regulations:**

The proposed regulations are not federally mandated.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

**Local Mandates:**

Mandate on local agencies and school districts: None. This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Sections 17500 through 17630.

**Fiscal Impact Statement:**

Cost or savings to any state agency: None.

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

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

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

Cost impact on a representative private person or business: None.

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

**Significant Statewide Adverse Economic Impact on Business:**

CALPIA has initially determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because they are not affected by the internal management of CALPIA employees.

**Effect of Housing Costs:**

CALPIA has determined that the proposed action will have no significant effect of housing costs.

**Results of the Economic Impact Analysis/Assessment:**

CALPIA concludes that it is unlikely that the proposed regulations will: (1) create or eliminate any jobs; (2) create or eliminate any businesses; or (3) result in the expansion of businesses currently doing business within the state.

In accordance with the Government Code Section 11346.3(b), the CALPIA has made the following assessments regarding the proposed regulation.

**Benefits of Proposed Action:**

As stated above under the Informative Digest and Policy Statement Overview, the benefits of the regulatory action include:

- Inmates' experience and familiarity with standard practice by employers to require applicants and staff to execute appointment and other documents regarding the terms and conditions of employment. This regulatory amendment provides inmates familiarity and experience with general standard workplace practices they will encounter upon release from custody and conditions of employment.
- Facilitate operations and increase placement of inmate workers in assignments by adding language to 8004.2 to affirm that the process of submitting names from the Inmate Candidate Pool for inmate workers does not require manager approval and signature authorization.

Thus, this proposed action benefits the public and general welfare.

**Creation or Elimination of Jobs within the State of California:**

CALPIA has determined that these regulatory changes will have no impact on the creation or elimination of existing jobs within California because those jobs are not affected by the internal management of CALPIA employees.

**Creation, Expansion, or Elimination of Existing Businesses (Small or Large) within the State of California:**

This action will not create or eliminate existing jobs within the State of California. It is determined that this action has no significant adverse economic impact on jobs within the State of California because these jobs are not affected by CALPIA's proposed regulatory changes any differently than exists presently or there is

no impact on existing jobs and therefore there is no impact with the adoption of this section.

**Reports Relied Upon:**

None.

**Cost Impacts on Representative Private Persons or Businesses:**

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

**Effect on Small Businesses:**

CALPIA has determined that this action has no significant adverse economic impact on small business because they are not affected the internal management of CALPIA inmate workers.

**Consideration of Alternatives:**

In accordance with Government Code section 11346.5, subdivision (a)(13), CALPIA 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 person than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Interested persons may present statements or arguments with respect to alternatives to the proposed regulations to the aforementioned contact persons.

AVAILABILITY OF STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING DOCUMENTS, AND OTHER INFORMATION UPON WHICH THE RULEMAKING IS BASED

CALPIA will have the rulemaking file available for inspection and copying throughout the rulemaking process through its aforementioned contact persons at the office location identified above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and all rulemaking documents (includes Form 399 and Form 400, special notice requests.)

As noted above, the Proposed Text, Initial Statement of Reasons, *and all the information upon which this proposal is based* have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA's contact person. The documents will also be made available on the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).



**AVAILABILITY OF CHANGES TO  
PROPOSED TEXT**

After considering all timely and relevant comments received, the PIB may approve the proposed regulations substantially as described in this Notice. If CALPIA 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 PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice or can be viewed by visiting CALPIA's website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

California Department of Social Services  
Office of Regulations Development  
744 P Street, MS 8-4-192  
Sacramento, CA 95814  
Tel: (916) 657-2856, Fax: (916) 654-3286  
Email: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

Statements or arguments relating to the proposals may be submitted in writing, e-mail, or by facsimile to the address/number listed above. All comments must be received by June 3, 2020.

Following the public comment period, the Department may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at [CDSS Public Hearings for Proposed Regulations](http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information) (<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/CDSS-Regulation-Changes-In-Process-and-Completed-Regulations/Public-Hearing-Information>). Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the public comment period, copies of the Final Statement of Reasons will be available at the above address.

**AVAILABILITY OF THE  
FINAL STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from CALPIA's contact person or by visiting the CALPIA website: [www.calpia.ca.gov](http://www.calpia.ca.gov).

**AVAILABILITY OF THE  
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, other information upon which the rulemaking is based and the text of the regulations in underline and strikethrough can be accessed through the website at [www.calpia.ca.gov](http://www.calpia.ca.gov).

**TITLE 22. DEPARTMENT OF  
SOCIAL SERVICES**

**CHAPTERS**

ORD #0319-07

ITEM # Crisis Nurseries Amendments

The California Department of Social Services (hereafter known as the Department) hereby gives notice of the proposed regulatory action(s) described below. A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the public comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be sent to:

California Code of Regulations (CCR), Title 22, Division 6, Chapter 7.3 (Crisis Nurseries), Sections 86501 (Definitions), 86524 (Waivers and Exceptions), 86561 (Reporting Requirements), 86564 (Administrator Qualifications and Duties), 86565 (Personnel Requirements), 86565.5 (Staff-to-Child Ratios), 96568.1 (Intake Procedures), 86568.2 (Initial Assessment Plan), 86568.4 (Removal and Discharge Procedures), 86570 (Children's Records), 86572 (Personal Rights), 86572.1 (Discipline Policies and Procedures), 86572.2 (Complaint Procedures), 86575 (Health Related Services), 86576 (Food Service), 86577 (Personal Ser-

vices), 86580 (Crisis Day Services), 86587.1 (Outdoor Activity Space), and 86587.2 (Indoor Activity Space).

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Crisis Nurseries (CNs) are defined in Chapter 7.3 of CCR, Title 22, Division 6 as facilities licensed by the Department to operate a crisis residential overnight program to provide short-term care and supervision for children under six years of age, who are voluntarily placed, as defined, for temporary care, by a parent or legal guardian due to a family crisis or a stressful situation. A crisis nursery may also provide crisis day services as defined.

In 2016, the Department promulgated an editorial package [Office of Administrative Law (OAL) File Number 2016-0706-02NR] in order to conform its crisis nurseries regulations with changes made to Health and Safety Code sections 1502, 1516 and 1526.8 by three pieces of legislation: Senate Bill (SB) 1214 (Chapter 519, Statutes of 2010), SB 1319 (Chapter 663, Statutes of 2012), and Assembly Bill (AB) 2228 (Chapter 735, Statutes of 2014).

Effective July 1, 2012, SB 1214 (Chapter 519, Statutes of 2010) amended Health and Safety Code (HSC) sections 1516, 1526.8 and 1596.792 related to the licensing of Crisis Nurseries (CNs) pursuant to the Community Care Facilities Act. It specified that “voluntary placement” in a CN does not include placement of a child who has been removed from the care and custody of his or her parent and placed in foster care. The definition of “Crisis Nursery” was amended accordingly to exclude placements by a county welfare services agency.

Effective January 1, 2015, AB 2228 (Chapter 735, Statutes of 2014), amended HSC sections 1502, 1516, 1526.8. Amendments to Section 1502 added a definition of a CN, and amendments to Section 1516 included a requirement that CNs set capacity for crisis day services based on the facility’s square footage, and changes to policies regarding exceptions. Amendments to Section 1526.8 revised paid staff and volunteer training requirements, reduced staff-to-child ratios for older children, and enacted requirements for medications.

During the regulatory review process, OAL determined that a number of changes the Department sought to make were substantive, and not appropriate for an editorial package. These changes are being pursued as the Department believes they are necessary to ensure that the Department’s regulations conform with the provisions of the statutes referenced above.

The Department has attempted to ensure that these regulatory amendments comply with the non-

duplication standard (Title 1, California Code of Regulations), however the amended regulations duplicate California statute in places where clarification of the law was required or where access to regulatory requirements in their full context is necessary for clarity. This is especially true of regulations amended due to changes made by AB 2228, which codified many existing regulations governing crisis nurseries into statute.

In order to bring its crisis nurseries regulations into conformity with the law, and provide necessary clarification, the Department is proposing amendments in the following areas:

#### Health and Safety Code Section 1502

The definition of “authorized representative” has been amended to be consistent with HSC section 1502(a)(17) which limits who can place in a crisis nursery to a child’s parent or legal guardian.

#### Health and Safety Code Section 1516

Statutory changes made in HSC section 1516 necessitated repealing or amending sections that reference county placements. In this package the phrase “placed elsewhere” as used in Section 86568.4 has been amended to “removed or discharged.” Use of the term “placement,” and reference to the State Foster Care Ombudsman, placement workers, social workers, the legal system and other aspects relevant to the child welfare system have been removed or amended from Section 86572.

Section 86587.2 has been amended to reflect that the maximum capacity for crisis day services is based on square footage as specified in the statute. The term “legal guardian” has been added to Section 86568.1(b)(1) for consistency with statute.

#### Health and Safety Code Section 1526.8

Conforming edits have been made to the training and education requirements in 86565(q) and (x) for caregivers and volunteers now codified in HSC section 1526.8.

#### Additional Clarifying Amendments

The definition of “responsible person” in 86501(r)(3) is removed as the phrase does not appear elsewhere in the regulations.

Sections 86524 and 86570 are amended to clarify document retention policies. An instance in 86565.5 where a reference is made to statute is changed to an identical regulation for ease of use.

Section 86575 is amended to clarify requirements surrounding the administration and documentation of medication.

Instances where “authorized representatives” and “authorized representative(s)” are used are revised to the singular “authorized representative” for consistency and clarity.

Other grammatical clarifying changes are made.

Anticipated Benefit of the Proposed Action

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: The regulations as amended will provide clarity to providers offering crisis nursery services to their communities, improving their ability to protect the health and safety of children receiving their services. By clarifying personnel requirements with regard to volunteer health this regulatory action may yield a minor, indirect benefit to worker safety at crisis nurseries. The state’s environment is not affected by this regulatory action.

The Department considered other possible related regulations in this area, and we found that these are the only regulations dealing in this subject area (Crisis Nurseries); and, therefore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting SB 1214, SB 1319, and AB 2228, as well as with existing state regulations.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: No fiscal impact.
4. Federal Funding to State Agencies: No fiscal impact.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate on local agencies or school districts. There are no state-mandated local costs in these regulations which require State reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE  
ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the fact that these are minor clarifying regulations.

STATEMENT OF POTENTIAL COST IMPACT ON  
PRIVATE PERSONS OR BUSINESSES

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

SMALL BUSINESS IMPACT STATEMENT

These regulations will impact crisis nurseries that are operating as small businesses; however, complying with them will incur little to no costs to these providers.

STATEMENT OF RESULTS OF  
ECONOMIC IMPACT ASSESSMENT

The Department has determined that the adoption of these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The regulations as amended will yield the benefit of providing clarity to providers offering crisis nursery services to their communities, improving their ability to protect the health and safety of children receiving their services. By clarifying personnel requirements with regard to volunteer health this regulatory action may also yield a minor, indirect benefit to worker safety at crisis nurseries. The state’s environment is not affected by this regulatory action.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

These regulations primarily respond to changes in statute and in collaboration with affected stakeholders. No alternatives have been presented to the Department for review.

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

AUTHORITY AND REFERENCE CITATIONS

The Department adopts these regulations under the authority granted in Section 1530 of the Health and

Safety Code. Subject regulations implement and make specific Sections 1516 and 1526.8, Health and Safety Code.

**DEPARTMENT REPRESENTATIVE  
REGARDING THE RULEMAKING  
PROCESS OF THE PROPOSED REGULATION**

Contact Person:  
Everardo Vaca  
(916) 657-2586

Backup:  
Sylvester Okeke  
(916) 657-2586

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
DEVELOPMENTAL SERVICES**

**PROPOSED AMENDMENTS TO HOME AND  
COMMUNITY BASED SERVICES (HCBS)  
1915(c) WAIVER FOR THE  
DEVELOPMENTALLY DISABLED  
(<https://www.dds.ca.gov/INITIATIVES/HCBS/>)**

This notice provides information of public interest that the Department of Health Care Services (DHCS) intends to submit Home and Community Based Services Waiver (HCBS) # CA.0336.R04.05 for federal approval. This is an amendment to the California Medicaid 1915(c) Developmental Disabilities Waiver to add Intensive Transition Services as a new service and to add Speech–Language Pathology Assistant as a new provider type under Speech, Language and Hearing Services.

Under the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions (W&I) Code section 4500 *et seq.*, people with developmental disabilities, as defined in W&I Code section 4512(a), are eligible to receive services and supports that meet their individual needs and choices. The Department of Developmental Services (DDS) administers the Lanterman Act.

This amendment proposes to add:

- Intensive Transition Services — A crisis service that provides individuals with the most complex challenges, needing support in the transition from

an Institution for Mental Disease (IMD) to a less restrictive living option.

- Speech–Language Pathology Assistant as a new provider type under the supervision of a Speech and Language Pathologist.

All proposed HCBS Waiver amendments are subject to approval by the Centers for Medicare and Medicaid Services (CMS).

DHCS plans to submit the proposed waiver amendment to CMS by July 1, 2020 for a proposed effective date of October 1, 2020.

DHCS estimates that the aggregate fiscal impact of this amendment will be \$9,389,853 for waiver years 3, 4, and 5.

A copy of the proposed waiver amendment will be posted on April 17, 2020 at: <https://www.dds.ca.gov/initiatives/hcbs/>. You may also request a copy of the proposed amendment by writing to the mailing or email addresses listed below, or by visiting your local county welfare department.

If you would like to view the waiver amendment once it becomes available, please visit <https://www.dds.ca.gov/initiatives/hcbs/>.

Comments will be accepted for 30 days from the release date. Any written comments concerning this notice or the proposed waiver amendment may be sent to:

Department of Developmental Services  
Community Services Division  
Attn: Elena Serrano  
1600 Ninth Street, M.S. 3–8,  
Sacramento, California 95814

Comments may also be e–mailed to [Elena.Serrano@dds.ca.gov](mailto:Elena.Serrano@dds.ca.gov). Please indicate ‘HCBS Waiver’ in the subject line or message.

A copy of submitted public comments may be requested in writing at the mailing or email addresses above.

Release Date: April 17, 2020

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

**NOTICE OF PROPOSED SETTLEMENT**

THIS NOTICE OF PROPOSED SETTLEMENT is published on April 17, 2020, for the property located at 22116 West Soledad Canyon Road in Santa Clarita, California (the “Site”).

In accordance with Health and Safety Code sections 25100 *et seq.* (the Hazardous Waste Control Act), 25300 *et seq.* (the Hazardous Substance Account Act), 58009 and 58010, the Department of Toxic Substances Control (“DTSC”) has authority to enter into agree-

ments whereby DTSC covenants not to sue or assert claims for environmental remediation against prospective owners and certain long term lessees of environmentally impacted properties, if such agreements are sufficiently in the public interest.

Notice is hereby given that DTSC proposes to enter into an Agreement and Covenant Not to Sue, also known as a Prospective Purchaser Agreement (“PPA”), associated with the former Whittaker–Bermite facility located at 22116 West Soledad Canyon Road. The PPA would resolve certain potential claims of DTSC against the company that is the potential prospective owner of the Site. The potential prospective owner, Blue Ox Holdings, LLC, would commence land use planning leading to future grading and development activities at the 996-acre site located at 22116 West Soledad Canyon Road in Santa Clarita, in Los Angeles County [Assessor’s Parcel Numbers: 2836–012–012, 2836–012–032, 2836–067–002, 2836–067–902 and 2836–012–019]. The PPA would resolve potential claims against Blue Ox Holdings, LLC, upon its potential acquisition of the Site and resulting change in status to owner.

Corrective action to address releases of hazardous wastes and hazardous constituents at the Site has been conducted by Whittaker Corporation under oversight of the DTSC. The potential purchaser agrees to cooperate fully with DTSC in its oversight of the environmental investigation and implementation of response actions at the Site by other parties, and agrees to comply with the land use controls and to provide ongoing access for the implementation of the remedy of the Site.

The Prospective Purchaser Agreement is in the public interest because:

1. The beneficial reuse of the Site will allow for the potential employment of an estimated 4,300 construction–related jobs in Santa Clarita;
2. The project will generate approximately \$7.25 million in annual property taxes and other city revenue, and new master planned and integrated residential, commercial and retail uses generating approximately 3,100 new jobs;
3. New city amenities will be provided, including 300 acres of new park and open space resources; and
4. The project will result in improved environmental conditions for community members through the rehabilitation of blighted and unproductive land.

DTSC will hold a 30–day comment period on the above referenced PPA. Written comments on this proposed settlement must be submitted on or before 5:00 p.m., May 18, 2020. To ensure timely receipt by DTSC and Blue Ox Holdings, you are requested to transmit your comments by overnight mail or by email to:

**Department of Toxic Substances Control**

Attn: Jose Diaz  
9211 Oakdale Avenue  
Chatsworth, California 91311  
Email: [Jose.Diaz@dtsc.ca.gov](mailto:Jose.Diaz@dtsc.ca.gov)

and

**Blue Ox Holdings, LLC**

Attn: Max Frank  
23929 Valencia Blvd., Suite 404  
Santa Clarita, California 91355  
Email: [max.frank@33ndg.com](mailto:max.frank@33ndg.com)

If you have any questions regarding the Prospective Purchaser Agreement, or wish to obtain a copy, please call the DTSC contact identified above.

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

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

**ISSUANCE OF SAFE USE DETERMINATION  
FOR EXPOSURES TO BISPHENOL A FROM  
CERTAIN POLYCARBONATE EYEWEAR  
PRODUCTS MANUFACTURED,  
DISTRIBUTED, OR SOLD BY THE VISION  
COUNCIL MEMBER COMPANIES**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup>. OEHHA received a request for a Safe Use Determination (SUD) for exposures to bisphenol A (BPA)<sup>2</sup> from certain polycarbonate eyewear products manufactured, distributed, or sold by The Vision Council (TVC) member companies. The request was made by TVC, pursuant to Title 27 of the California Code of Regulations, section 25204(b)(3).

In accordance with the process set forth in Section 25204(f), OEHHA held a written public comment period on this request from March 8, 2019 to April 8, 2019. No hearing was requested and no public comments were received.

As provided in Sections 25204(a) and (k), OEHHA is issuing this Safe Use Determination for exposures to

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

<sup>2</sup> Bisphenol A (BPA) was listed under Proposition 65 as a chemical known to the state to cause reproductive toxicity (female reproductive endpoint) effective May 11, 2015.

BPA from certain polycarbonate prescription glasses and sunglasses, over-the-counter (OTC) reading glasses, non-prescription sunglasses, and safety glasses that are manufactured, distributed, or sold by TVC member companies, with acetonitrile extractable concentrations of BPA (as determined by LC/MS/MS) in the temple, nose pad, frame, and lens at or below 25 micrograms per gram, 68 micrograms per gram, 120 micrograms per gram, and 302 micrograms per gram, respectively.

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

Based on OEHHA’s screening-level analysis of the information and data provided by TVC, the upper-end estimate of dermal exposure to BPA for users of certain polycarbonate eyewear products (prescription glasses and sunglasses, OTC reading glasses, non-prescription sunglasses, and safety glasses) manufactured, distributed, or sold by TVC member companies, with acetonitrile extractable concentrations of BPA as specified above, is 0.53 micrograms per day. This exposure estimate falls below the “Maximum Allowable Dose Level (MADL)” for BPA (dermal exposure from solid materials) of 3 micrograms per day<sup>3</sup>. The MADL is defined as the level of exposure that corresponds to the “no observed effect level” divided by 1000. Thus, exposures to BPA from use of such eyewear products, under the conditions described in OEHHA’s assessment, would not require a Proposition 65 warning.

Questions regarding this notice should be directed to:

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

[P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)  
Telephone: (916) 445-6900

<sup>3</sup> Cal. Code of Reg. Title 27, section 25805(b)(1)).

**DECISION NOT TO PROCEED**

**DELTA STEWARDSHIP COUNCIL**

**Title 23. Water**

**Division 6. Delta Stewardship Council**

**Article 1. Definitions Section 5001.**

**Article 3. Consistency with the Regulatory Policies Contained in the Delta Plan Section 5012.**

**Prioritization of State Investments in Delta Levees and Risk Reduction**

By notice dated June 25, 2019, and published in the July 5, 2019, California Regulatory Notice Register, Register 2019, No. 27-Z, the Delta Stewardship Council announced it would conduct a public hearing to consider the adoption of amendments to California Code of Regulations, title 23, section 5001 (Definitions) (Cal. Code Regs., tit. 23, § 5001) and California Code of Regulations, title 23, Section 5012 (Prioritization of State Investments in Delta Levees and Risk Reduction) (Cal. Code Regs., tit. 23, § 5012) (Delta Plan Policy RR P1). The proposed amendments recommended in the Delta Plan priorities for state investments in levee operation, maintenance, and improvements in the Delta, including both levees that are a part of the State Plan of Flood Control and nonproject levees. (*See* Wat. Code, § 85306).

**PLEASE BE ADVISED** that the proposed rulemaking has been withdrawn. A new rulemaking for Prioritization of State Investments in Delta Levees and Risk Reduction will be undertaken in the near future, but a hearing date has yet to be determined. A new notice will be published at least 45 days in advance of the future public hearing. Comments submitted in response to the July 5, 2019, notice will not be considered as part of the official future rulemaking; however, these comments are being considered in the development of the future rulemaking.

Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on July 5, 2019, in the California Regulatory Notice Register.

**DISAPPROVAL DECISION**

**OFFICE OF THE  
STATE FIRE MARSHAL**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

Printed below is the summary of an Office of Administrative Law’s disapproval decision. You may request a copy of the decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, California 95814-4339, Phone Number: (916) 323-6225, Fax Number: (916) 323-6826. Please request by OAL file number.

**State of California  
Office of Administrative Law**

**In re:  
Office of State Fire Marshall**

**Regulatory Action: Title 19  
California Code of Regulations  
Adopt sections: 2100, 2101, 2102, 2103, 2104, 2105,  
2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114,  
2115, 2116, 2117, 2118, 2119, 2120**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

**Government Code Section 11349.3**

**OAL Matter Number: 2020-0212-02  
OAL Matter Type: Regular (S)**

**SUMMARY OF REGULATORY ACTION**

On February 12, 2020, the Office of the State Fire Marshal (Fire Marshal) submitted to the Office of Administrative Law (OAL) its proposed regulatory action (OAL File No. 2020-0212-02S) to adopt sections in Title 19 of the California Code of Regulations. The regulations establish best available technology requirements for pipelines near environmentally and ecologically sensitive areas in the Coastal Zone. The requirements include submission of a risk analysis and implementation plan, standards for requesting an exemption or deferral, and Fire Marshal standards for review. On

March 26, 2020, OAL notified the Fire Marshal of its disapproval of the proposed regulations.

**DECISION**

OAL disapproved the above-referenced rulemaking action because the regulations failed to meet the consistency and clarity standards of the Administrative Procedure Act (APA). These issues must be resolved prior to OAL’s approval of any regulations. This Decision of Disapproval of Regulatory Action explains the reasons for OAL’s action.

**CONCLUSION**

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

Date: April 2, 2020

Amy R. Gowan  
Attorney

For: Kenneth J. Pogue  
Director

Original:  
Michael J. Richwine,  
Acting State Fire Marshal

Copy:  
Diane Arend  
Joshua Cleaver

**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# 2020-0305-01  
CALIFORNIA BEHAVIORAL HEALTH  
PLANNING COUNCIL  
Conflict-of-Interest Code

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

Title 2  
AMEND: 55100  
Filed 04/07/2020  
Effective 05/07/2020  
Agency Contact:  
Naomi Gentile Ramirez (916) 323-4501

File# 2020-0219-06  
CALIFORNIA HORSE RACING BOARD  
Claimed Horse Health Record

This action adopts procedures by which a claimed horse's veterinarian transfers intra-articular injection information to the new attending veterinarian upon purchase of the horse.

Title 4  
ADOPT: 1660.1  
Filed 04/02/2020  
Effective 07/01/2020  
Agency Contact: Amanda Brown (916) 713-4005

File# 2020-0311-04  
CANNABIS CONTROL APPEALS PANEL  
Conflict-of-Interest Code

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

Title 16  
AMEND: 6020  
Filed 04/01/2020  
Effective 05/01/2020  
Agency Contact:  
Christopher Phillips (916) 653-4090

File# 2020-0302-01  
DEPARTMENT OF JUSTICE  
Amendment of Health Facilities Regulation

Nonprofit corporations that operate or control a health facility are required to provide written notice to, and obtain the approval of, the Attorney General prior to entering into any agreement or transaction to sell, transfer, lease, exchange, option, convey, or otherwise dispose of a material amount of its assets, or transfer control, responsibility, or governance of a material amount of its assets. In this regular rulemaking, the De-

partment of Justice is amending this review and approval process in response to statutory changes made in Assembly Bill 651 (2017-2018 Reg. Sess.).

Title 11  
AMEND: 999.5  
Filed 04/08/2020  
Effective 07/01/2020  
Agency Contact: Julia Zuffelato (916) 210-6040

File# 2020-0227-04  
DEPARTMENT OF PESTICIDE REGULATION  
Public Health Exemption

This rulemaking action by the Department of Pesticide Regulation adopts a new section that exempts a public agency or its contractor from the regulatory requirement to obtain consent from and provide notice to a property owner or operator before applying a pesticide on the property owner's or operator's property when a local health emergency or health emergency has been declared.

Title 3  
ADOPT: 6621  
Filed 04/06/2020  
Effective 04/06/2020  
Agency Contact: Lauren Otani (916) 445-5781

File# 2020-0227-05  
DEPARTMENT OF PESTICIDE REGULATION  
Expanding Carbaryl Designation as a Restricted Material

The Department of Pesticide Regulation in this action is restricting all carbaryl products from California, except for baits labeled for agricultural use.

Title 3  
AMEND: 6400  
Filed 04/06/2020  
Effective 08/01/2020  
Agency Contact: Lauren Otani (916) 445-5781

File# 2020-0316-01  
DEPARTMENT OF STATE HOSPITALS  
Hospital Access System Regulations (HAS)

The Department of State Hospitals is specifying the requirements for a standardized hospital access system, including the access levels for patients and the assessment of a patient's access level.

Title 9  
ADOPT: 4355, 4356, 4357, 4358, 4359, 4360  
Filed 04/06/2020  
Effective 04/06/2020  
Agency Contact: Tarik Allen (916) 573-1056

File# 2020-0316-02  
DEPARTMENT OF STATE HOSPITALS  
Conflict-of-Interest Code



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

Title 9  
 AMEND: 400  
 Filed 04/01/2020  
 Effective 05/01/2020  
 Agency Contact: Trini Balcazar (916) 562-2824

File# 2020-0228-01  
 DIVISION OF WORKERS' COMPENSATION  
 QME Replacement Requests

In this action without regulatory effect, the Division of Workers' Compensation corrects an inaccurate cross reference in section 31.5(a)(2), of Title 8 of the California Code of Regulations, which resulted from the relocation of the 60-day waiver provision in then section 33(e) to section 31.3(e), in Office of Administrative Law file number 2013-0802-01C, but without a corresponding change to the cross reference to that provision in section 31.5(a)(2).

Title 8  
 AMEND: 31.5  
 Filed 04/06/2020  
 Agency Contact: Winslow West (510) 286-7100

File# 2020-0402-01  
 FAIR POLITICAL PRACTICES COMMISSION  
 2020 Emergency Filing Date Extension

The Fair Political Practices Commission is providing a 60-day extension of the deadline for public officials to file an annual statement of economic interests.

Title 2  
 ADOPT: 18720  
 Filed 04/06/2020  
 Effective 04/06/2020  
 Agency Contact: Amanda Apostol (916) 324-3854

File# 2020-0221-03  
 OCCUPATIONAL SAFETY AND HEALTH  
 STANDARDS BOARD  
 Cranes and Derricks in Construction: Operator  
 Qualification [HORCHER]

The Occupational Safety and Health Standards Board submitted this file and print action to amend two regulations that set forth requirements for the operation of cranes and derricks in construction. The amendments update the regulations so they are at least as effective as

and substantially similar to corresponding federal regulations, as required by Labor Code section 142.3, that were promulgated by the U.S. Department of Labor, Occupational Safety and Health Administration on November 9, 2018.

Title 8  
 AMEND: 1618.1, 1618.4  
 Filed 04/06/2020  
 Effective 04/06/2020  
 Agency Contact: Christina Shupe (916) 274-5721

File# 2020-0219-03  
 STATE WATER RESOURCES CONTROL BOARD  
 Amendment to the Los Angeles Basin Plan

On June 14, 2018, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R18-006, which amends the Water Quality Control Plan for the Los Angeles Region. The amendment revises the 2008 Malibu Creek TMDL program to align with the scope of the statewide Trash Amendments. On May 21, 2019, the State Water Resources Control Board approved this amendment under Resolution No. 2019-0017.

Title 23  
 AMEND: 3939.36  
 Filed 04/02/2020  
 Effective 04/02/2020  
 Agency Contact: Jun Zhu (916) 576-6691

File# 2020-0219-04  
 STATE WATER RESOURCES CONTROL BOARD  
 Reconsideration of the Revolon Slough/Beardsley  
 Wash Trash TMDL

On June 14, 2018, the Los Angeles Regional Water Quality Control Board adopted Resolution No. R18-005, which amends the Water Quality Control Plan for the Los Angeles Region (Basin Plan amendment). The amendment revises the 2007 Revolon Slough and Beardsley Wash TMDL program to align with the scope of the statewide Trash Amendments. On May 21, 2019, the State Water Resources Control Board (SWRCB) approved this amendment under Resolution No. 2019-0018.

Title 23  
 AMEND: 3939.31  
 Filed 04/02/2020  
 Effective 04/02/2020  
 Agency Contact: Jun Zhu (916) 576-6691

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

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