



# California Regulatory Notice Register

REGISTER 2020, NUMBER 32-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

AUGUST 7, 2020

## PROPOSED ACTION ON REGULATIONS

TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING  
*Fair Housing Regulations — Notice File Number Z2020-0723-01* ..... 1113

TITLE 4. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
*Delivery Minor Decoy Requirements — Notice File Number Z2020-0728-01* ..... 1115

TITLE 14. FISH AND GAME COMMISSION  
*Recreational and Commercial Groundfish — Notice File Number Z2020-0728-04* ..... 1118

TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND  
 AUDIOLOGY AND HEARING AID DISPENSERS BOARD  
*Speech-Language Pathology and Audiology Fees — Notice File Number Z2020-0728-03* ..... 1120

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT  
*Proposition 65 Exposure Chemicals in Cooked Food — Notice File Number Z2020-0728-02* ..... 1123

## GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE  
*California Endangered Species Act (CESA) Consistency  
 Determination Request for Castlerock Family Farms Cannabis  
 Outdoor Cultivation Project, 2080-2020-003-05, Santa Barbara County* ..... 1126

DEPARTMENT OF FISH AND WILDLIFE  
*California Endangered Species Act (CESA) Consistency  
 Determination Request for Cultivation Project at 7369  
 Highway 246, 2080-2020-004-05, Santa Barbara County* ..... 1126

(Continued on next page)

*Time-  
Dated  
Material*

# SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State ..... 1127

---

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON  
REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

**TITLE 2. DEPARTMENT OF  
FAIR EMPLOYMENT AND HOUSING**

REGULATIONS REGARDING  
DEFINITIONS; INTENTIONAL  
DISCRIMINATION; DISCRIMINATORY  
ADVERTISEMENTS, STATEMENTS, AND  
NOTICES; CONSIDERATION OF INCOME;  
RESIDENTIAL REAL ESTATE-RELATED  
PRACTICES; AND DISABILITY

The Fair Employment and Housing Council (Council) of the Department of Fair Employment and Housing (DFEH) proposes to amend sections 12005, 12120, 12155, and 12176–12180 of and add sections 12040–12042, 12050–12052, 12140–12143, and 12181 to Title 2 of the California Code of Regulations after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

The Council will hold a public hearing at **10:00 a.m. on September 25, 2020**, at the following location:

<https://us02web.zoom.us/j/83317417335>  
and/or  
1-669-900-6833 — Meeting ID: 833 1741 7335

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

The meeting facilities are accessible to individuals with physical disabilities. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in the meeting, should contact Brenda Valle-Balderrama, DFEH ADA Coordinator, at (844) 541-2877 (voice or via relay operator 711) or TTY (800) 700-2320 or via email: [brenda.valle-balderrama@dfeh.ca.gov](mailto:brenda.valle-balderrama@dfeh.ca.gov) or

[accommodations@dfeh.ca.gov](mailto:accommodations@dfeh.ca.gov) as soon as possible or at least 72 hours before the meeting.

**WRITTEN COMMENT PERIOD**

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Council. The written comment period closes at **5:00 p.m. on September 25, 2020**. The Council will consider only comments received by that time. Written Comments can be mailed to:

Fair Employment and Housing Council  
c/o Brian Sperber, Legislative & Regulatory  
Counsel  
Department of Fair Employment and Housing  
320 West 4<sup>th</sup> Street, 10<sup>th</sup> Floor  
Los Angeles, CA 90013

Comments may also be submitted by e-mail to [FEHCouncil@dfeh.ca.gov](mailto:FEHCouncil@dfeh.ca.gov).

**AUTHORITY AND REFERENCE**

Government Code section 12935(a) authorizes the Council to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 12900 et seq. of the Government Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

This rulemaking action clarifies, makes specific, and supplements existing state statutes and case law interpreting the Fair Employment and Housing Act (FEHA) set forth in Government Code section 12900 et seq. As it relates to housing, the FEHA prohibits harassment and discrimination because of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, genetic information, or any basis prohibited by section 51 of the Civil Code.

In compliance with the Administrative Procedure Act, the Council proposes to adopt these rules as duly noticed, vetted, and authorized regulations. This action has the specific benefit of creating a more comprehensive set of rules to ensure that persons covered by FEHA, including housing providers, owners, tenants, and others, better understand their rights and duties, in turn reducing litigation costs and the burden on courts. Ultimately, the proposed action furthers the mission of the DFEH by protecting Californians from discrimination, harassment, and retaliation in the housing context.

The proposed amendments most notably clarify and/or articulate the following: (1) definitions to be used throughout subchapter 7; (2) “military or veteran status” as a protected class; (3) definitions regarding intentional discrimination; (4) how to establish liability based on intentional discrimination; (5) burdens of proof and types of evidence in intentional discrimination cases; (6) the relationship of legally sufficient justifications in a discriminatory effects case to allegations of intentional discrimination; (7) how to establish liability based on discriminatory notices, statements, and advertisements; (8) identifying specific practices that are not covered by the prohibitions on discriminatory notices, statements, or advertisements; (9) how to qualify for an exemption from liability for discriminatory conduct; (10) definitions of “lawful, verifiable income” and “source of income”; (11) the prohibition on practices constituting discrimination on source of income and examples; (12) the prohibition on discrimination based on aggregate income; (13) the prohibition on practices constituting discrimination on the basis of a government rent subsidy; (14) the prohibition on residential real estate-related practices used in evaluating creditworthiness in connection with provision of financial assistance when such practices have a discriminatory effect; (15) discriminatory housing practices based on the failure to make reasonable modifications for individuals with disabilities, including the interactive process, establishing that a reasonable modification is necessary, denials of requests for reasonable modifications, and other requirements or limitations in the provision of reasonable modifications, and examples.

The Council has determined that the proposed amendments are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Council has concluded that these are the only regulations that concern fair housing and the Fair Employment and Housing Act.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*The Council has made the following initial determinations:*

**Mandate on local agencies and school districts:** None.

**Cost or savings to any state agency:** No additional costs or savings beyond those imposed by existing law.

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

**Other non-discretionary cost or savings imposed on local agencies:** No additional costs or savings beyond those imposed by existing law.

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

**Cost impacts on a representative private person or businesses:** No additional costs or savings beyond those imposed by existing law. Therefore, the Council is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Results of the economic impact assessment/analysis:** The Council anticipates that the adoption of the regulations will not impact the creation or elimination of jobs or housing within the state; the creation of new businesses or housing or the elimination of existing businesses or housing within the state; or the expansion of businesses or housing currently doing business within the state. To the contrary, adoption of the proposed amendments is anticipated to benefit California businesses, workers, housing providers, owners, tenants, and the state’s judiciary by clarifying and streamlining the operation of the law, making it easier for housing providers, owners, and tenants to understand their rights and obligations, and reducing litigation costs. These regulations would not affect the environment.

**Statewide adverse economic impact directly affecting businesses and individuals:** The Council 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.

**Significant effect on housing costs:** None.

**Small Business Determination:** The Council anticipates that the regulations will not create additional costs or savings beyond those imposed by existing law. Similarly, the Council has determined that there is no impact on small businesses as a result of this proposed action because these regulations primarily serve to clarify existing law.

**Business Report:** The Council has determined that the proposed regulations do not require a report to be made.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Council must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the Council’s attention would be more effective in carrying out the purpose for which this action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action, or would be more

cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Council has thus far not become aware of a better alternative and invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Brian Sperber, Legislative & Regulatory Counsel  
Department of Fair Employment and Housing  
320 West 4<sup>th</sup> Street, 10<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 337-4495  
E-mail: [brian.sperber@dfeh.ca.gov](mailto:brian.sperber@dfeh.ca.gov)

The backup contact person for these inquiries is:

Adam Romero, Deputy Director of Executive Programs  
Department of Fair Employment and Housing  
320 West 4<sup>th</sup> Street, 10<sup>th</sup> Floor  
Los Angeles, CA 90013  
Telephone: (213) 439-6799  
E-mail: [adam.romero@dfeh.ca.gov](mailto:adam.romero@dfeh.ca.gov)

Please direct requests for copies of the proposed text (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, should other sources be used in the future, to Brian Sperber at the above address.

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

The Council will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the Initial Statement of Reasons, and the three documents relied upon listed in the Initial Statement of Reasons (“Reasonable Modifications Under the Fair Housing Act,” “Implementation of the Fair Housing Amendments Act of 1988,” and “Reasonable Accommodations Under the Fair Housing Act”). Copies may be obtained by contacting Brian Sperber at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Council may adopt the proposed regulations substantially as described in this notice. If the Council makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Council adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Brian Sperber at the address indicated above. The Council will accept written comments on the modified regulations for at least 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 will be available on the Council’s Web page: <http://www.dfeh.ca.gov/fehccouncil/>.

Copies also may be obtained by contacting Brian Sperber at the above address.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, the text of the regulations, and any modified texts and the Final Statement of Reasons can be accessed through the Council’s Web page at <http://www.dfeh.ca.gov/fehccouncil/>.

#### TITLE 4. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

The Department of Alcoholic Beverage Control (“ABC”) proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. This proposed rulemaking is a certificate of compliance action for a previously approved emergency rulemaking action that is effective through January 30, 2021.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the

proposed regulatory action to ABC. Comments may also be submitted by email to [RPU@abc.ca.gov](mailto:RPU@abc.ca.gov). Please include “Delivery Minor Decoy Requirements” in the subject if submitted in this fashion to ensure proper response. The written comment period closes at **12:00 p.m. on September 23, 2020**. ABC will consider only comments received at ABC Headquarters by that time. Submit comments to:

Law and Policy Unit  
Department of Alcoholic Beverage Control  
3927 Lennane Drive, Suite 100  
Sacramento, CA 95834

#### AUTHORITY AND REFERENCE

Business and Professions Code Section 25658 and 25750 authorizes ABC to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific section 25658 of the Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Summary of Existing Laws and Regulations

Current ABC regulations did not include an enforcement mechanism addressing retail alcoholic beverage delivery away from the licensed premises for off-premises consumption. ABC has enacted these regulations on an emergency basis, but there is a need for these regulations to become permanent to ensure the increasing use of alcohol delivery does not allow persons under 21 years of age to obtain alcohol.

##### Summary of Effect

The unregulated delivery of alcoholic beverages to minors or merely dropping off alcoholic beverages at unattended doorsteps by licensees or third-party services is detrimental to the public health, safety, and welfare. Simply asking a customer whether they are of legal age to consume alcohol when taking an order for alcoholic beverages online or over the phone is not adequate if, at the point of delivery, the identification, appearance, or age of the recipient is not visually inspected or verified, especially when the delivering party does not even attempt actual contact with the customer. In order to continue to address this problem, ABC will need the ability to deploy minor decoys covering off-premises deliveries of alcoholic beverages permanently.

##### Comparable Federal Statute or Regulations

ABC has determined that this proposed regulation does not have a comparable federal statute or regulation.

##### Policy Statement Overview

ABC’s mission to protect the public health, safety, and welfare through licensing alcohol businesses and enforcing legislative standards is limited when it is undermined by the conduct of ABC licensees, their agents, or employees. Preventing sales to and furnishing of alcoholic beverage to persons under 21 years of age, and prosecuting violators, is one of the highest public safety priorities of ABC. By utilizing minor decoys for delivery service, ABC can identify licensees violating their duty as an alcohol licensee and will be able to enforce the law against them, thereby protecting the public’s health, safety, and welfare. In addition, the permanence of delivery minor decoy regulatory standards will ensure licensees are continued to be treated in a fair manner.

##### Benefits Anticipated

By continuing the use of minor decoy operations for off-premises delivery of alcoholic beverages, ABC can investigate actions of licensees, their agents, or employees who are violating legal delivery standards and hold licensees who violate the law accountable through enforcement actions. Although this issue was an emergency due to the COVID-19 pandemic, the increase in legal alcohol delivery is not anticipated to cease once the pandemic circumstances are over. This will require ABC to continue to monitor and hold ABC licensees accountable for delivery standards long after the industry returns to a new normal.

##### Determination of Inconsistency/Incompatibility with Existing State Regulations

ABC has determined that this proposed regulatory action is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, ABC has concluded that these are the only regulations that concern “Delivery Minor Decoy Requirements” in California.

##### Effect upon Small Businesses in California

ABC has determined this proposed regulatory action does not affect small businesses: the laws that ABC seeks to enforce via the proposed regulation are laws to which small businesses are already subject. The proposed action only lays out the process by which ABC will investigate potential violations and seek enforcement of these same laws. Further, ABC is not affecting any business with this regulation without due process or providing evidence that the business has violated the ABC Act through furnishing alcohol to a person under 21 years of age.

##### Disclosures Regarding the Proposed Regulatory Action

ABC has made the following initial determinations:

1. Mandate on local agencies or school districts: None.
2. Costs or Savings to any state agency: None.
3. Cost to any local agency or school district that is required to be reimbursed by the state: None.
4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Impacts on housing costs: None.

**Determination of Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including their Ability to Compete**

ABC has made an initial determination that the adoption of this regulation will have negligible economic impact on businesses that do not violate the law. The laws that ABC seeks to enforce via the proposed regulation are laws to which businesses are already subject. The proposed action only lays out the process by which ABC will investigate potential violations and seek enforcement of these same laws. There is no foreseeable impact on businesses based on the process laid out in the proposed regulation.

**Results of the Economic Impact Assessment:**

ABC concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) unlikely that the proposal will create an unknown number of jobs, (3) unlikely that the proposal will create an unknown number of new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

ABC does anticipate the proposed regulations will allow increased public health, safety, and welfare from a better check upon ABC licensees furnishing alcohol to persons under 21 years of age. It will provide clarity to both law enforcement officers, ABC licensees, and the public of the regulatory procedure to implement minor decoy operations for the delivery of alcoholic beverages in the state. This proposed regulation will further ABC’s mission, which is to protect the public health, safety, and welfare through licensing alcohol businesses and enforcing legislative standards. Additionally, it will promote more safety, as well as consistent enforcement of these laws throughout the state.

**Description of All Economic Impacts That a Representative Private Person or Business Would Necessarily Incur in Reasonable Compliance with the Proposed Action**

ABC has made the determination that the adoption of this regulation will have negligible economic impact on a representative private person or business that does not

violate the law. The laws that ABC seeks to enforce via the proposed regulation are laws to which persons and businesses are already subject. The proposed action only lays out the process by which ABC will investigate potential violations and seek enforcement of these same laws. There is no foreseeable impact on representative private persons or businesses based on the process laid out in the proposed regulation.

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

**The Need to Require Report from Businesses**

The proposed regulation does not require any reports from ABC licensees or any other business.

CONSIDERATION OF ALTERNATIVES

ABC has determined that no reasonable alternative considered by ABC would be more effective in carrying out the purpose for which the action is proposed. Utilizing minor decoys would be as effective as and less burdensome to affected private persons and would be more cost-effective to affected private persons and equally effective in implementing statutory policies or other provisions of law. ABC invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

**Agency Contact Persons**

Inquiries concerning the proposed regulatory action may be directed to the agency representative Robert de Ruyter, Assistant General Counsel, (916) 419-8958 or designated backup contact Sonny Bains, Associate Governmental Program Analyst, Law and Policy Unit, (916) 285-0891.

**Availability of documents**

The ABC prepared an Initial Statement of Reasons for the proposed action. Copies of the Initial Statement of Reasons, and the full text of the proposed regulations may be accessed on ABC’s website listed below or may be obtained from the Regulations and Policy Unit, Department of Alcoholic Beverage Control, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834, on or after August 7, 2020.

The ABC staff has compiled a record for this rule-making action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

**Change to the proposed full text of the regulation action**

If there is any change to the proposed full text of the regulatory action in a substantial or sufficiently related way, it will be made available for comment for at least

15 days prior to the date on which the department adopts the resulting regulation.

**Final statement of reasons availability**

Upon its completion, the Final Statement of Reasons will be available, and copies may be requested, from the department contact persons in this notice or may be accessed on ABC’s website listed below.

**Internet Access**

This notice, along with the full text of the proposed regulations, is available at <https://www.abc.ca.gov/law-and-policy/regulations-rulemaking/>

**TITLE 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 265, 270, 275, 702, 7071 and 8587.1 of the Fish and Game Code and to implement, interpret or make specific sections 200, 205, 265, 270, 275, 702, 1802, 7071, 8585.5, 8587, 8587.1, and 8588, of the Fish and Game Code; Title 50, Code of Federal Regulations, Part 660, Subpart G; and Section 27.20, Title 14, California Code of Regulations (CCR), proposes to amend sections 27.30, 27.35, 27.45, 28.27, 28.28, 28.54, 28.55, 28.65, and 150.16, Title 14, CCR, relating to recreational and commercial fishing regulations for federal groundfish and associated species for consistency with federal rules in 2021 and 2022.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Biennially, the Pacific Fishery Management Council (PFMC) reviews the status of west coast groundfish populations. As part of that process, it recommends groundfish fisheries harvest limits and regulations aimed at meeting biological and fishery allocation goals specified in law or established in the Pacific Coast Groundfish Fishery Management Plan (PCGFMP).

These recommendations coordinate west coast management of recreational and commercial groundfish fisheries in the Exclusive Economic Zone (EEZ) (three to 200 miles offshore) off Washington, Oregon and California. These recommendations are reviewed by the National Oceanic and Atmospheric Administration (NOAA) Fisheries for legal sufficiency and compliance with the standards of the Magnuson–Stevens Fishery Conservation and Management Act (MSA), and other federal laws, and if approved they are subsequently implemented as ocean fishing regulations by NOAA Fisheries.

Regulatory authority for most nearshore stocks is shared jointly between state and federal governments.

For consistency, the Commission routinely adopts regulations to bring state law into conformance with federal law for groundfish and other federally managed species. Nearshore stocks are managed based on PFMC–established federal annual catch limits (ACL).

Current regulations establish recreational season lengths, depth constraints, methods of take, and size, bag and possession limits within the five groundfish management areas for all federal groundfish and associated species and special gear restrictions for lingcod and groundfish species in the Rockfish/Cabazon/Greenling complex.

Current state regulations also include trip limits for the commercial cabezon and greenling fisheries.

**SUMMARY OF PROPOSED AMENDMENTS**

The Department of Fish and Wildlife (Department) is proposing the following regulatory changes to be consistent with PFMC recommendations from its June 18, 2020 meeting for federal groundfish regulations in 2021 and 2022. This approach will allow the Commission to adopt state recreational groundfish regulations to timely conform to those taking effect in federal ocean waters in January 2021.

The proposed regulatory action will implement the following changes:

1. Increase the allowable depth for the recreational groundfish fishery in the Mendocino Groundfish Management Area from 20 to 30 fathoms;
2. Increase the allowable depth for the recreational groundfish fishery in the San Francisco Groundfish Management Area from 40 to 50 fathoms;
3. Increase the allowable depth for the recreational groundfish fishery in the Southern Groundfish Management Area from 75 to 100 fathoms;
4. Increase the recreational bag limit for lingcod from one to two fish in the Mendocino, San Francisco, Central, and Southern Groundfish Management Areas;
5. Increase the recreational bag limit for cabezon from three to 10 fish within the RCG bag limit of 10 fish;
6. Increase the recreational bag limit for canary rockfish from two to 10 fish within the RCG bag limit of 10 fish;
7. Increase the recreational bag limit for black rockfish from three to 10 fish within the RCG bag limit of 10 fish;
8. Decrease the recreational bag limit for vermilion rockfish from 10 to five fish within the RCG bag limit of 10 fish;
9. Add method of take restriction for California scorpionfish;

10. Increase commercial trip limits for cabezon from 500 to 1,000 pounds, and greenling from 250 to 500 pounds every two months;
11. Update authority and reference citations.

#### BENEFITS OF THE PROPOSED REGULATIONS

The benefits of the proposed regulations are consistency with federal law, sustainable management of groundfish resources and promotion of businesses that rely on recreational and commercial groundfish fishing.

#### CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Legislature has delegated authority to the Commission to adopt fishing regulations (Fish and Game Code, sections 200, 205 and 8587.1). The proposed regulations are consistent with regulations for fishing in marine protected areas (Section 632, Title 14, CCR), with Nearshore Fishery Management Plan regulations (sections 52.00 through 52.10, Title 14, CCR) and with general fishing regulations in Chapters 1, 4 and 6 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other state regulations related to the take of groundfish.

#### PUBLIC PARTICIPATION

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on **Wednesday, August 19, 2020**, at 10:00 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a webinar/teleconference hearing to be held on **Wednesday, October 14, 2020**, at 8:30 a.m., or as soon thereafter as the matter may be heard. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899.

It is requested, but not required, that written comments be submitted on or before October 1, 2020, at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). **Written comments mailed or emailed to the Commission office must be received before 12:00 noon on**

**October 9, 2020.** All comments must be received no later than October 14, 2020, during the webinar/teleconference hearing. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090. If you would like copies of any modifications to this proposal, please include your name and mailing address.

#### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive Director, Fish and Game Commission, 1416 Ninth Street, P.O. Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Senior Environmental Scientist Kevan Urquhart, Department of Fish and Wildlife, [Kevan.Urquhart@wildlife.ca.gov](mailto:Kevan.Urquhart@wildlife.ca.gov) or (707) 494-4621, has been designated to respond to questions on the substance of the proposed regulations.**

#### AVAILABILITY OF MODIFIED TEXT

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

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

#### IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Business, 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. No significant changes in fishing effort and fishing expenditures are expected as a direct result of the proposed regulation changes.

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

The Commission does not anticipate any significant impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. No significant changes in fishing effort and fishing expenditures to businesses are expected as a direct result of the proposed regulation changes.

The Commission anticipates benefits to the health and welfare of California residents. Participation in sport fisheries fosters conservation through education and appreciation of California’s wildlife.

The Commission does not anticipate any benefits to worker safety.

The Commission anticipates benefits to the environment by the sustainable management of California’s sport and commercial fishing resources.

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

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

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

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies:

None.

- (f) Programs Mandated on Local Agencies or School Districts:

None.

- (g) Costs Imposed on any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (h) Effect on Housing Costs:

None.

**EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

**CONSIDERATION OF ALTERNATIVES**

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, would be more effective in carrying out the purpose for which the action is proposed, would be as effective 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.

**TITLE 16. SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID DISPENSERS BOARD**

NOTICE IS HEREBY GIVEN that the Speech-Language Pathology and Audiology and Hearing Aid Dispensers Board (Board) is proposing to take the action described in the Informative Digest, below.

No public hearing has been scheduled on the proposed action. However, any interested person or such person’s duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code section 11346.8. Written comments, including those sent by mail or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than **5:00 p.m. on September 22, 2020.**

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any proposal with changes sufficiently related to the original text will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Business and Professions Code section 2531.95 and 2538.1(a), to implement, interpret or make specific sections 163.5, 2532.6(f), 2534.2, 2535, 2535.2, 2538.1, 2538.53, 2538.54, and 2538.57 of the Business and Professions Code, the Board is considering changes to Division 13.4 of Title 16 of the California Code of Regulations as outlined below.

INFORMATIVE DIGEST

The Board is authorized by Business and Professions Code (BPC) section 2531.95 to adopt regulations necessary to implement the Speech–Language Pathology and Audiology and Hearing Aid Dispensers Licensure Act. Additionally, pursuant to BPC sections 2531.95, 2534.2, and 2538.1, the Board has the statutory authority to collect fees to carry out its consumer protection mandate, support the functions of the Board as they relate to regulating speech–language pathologists, audiologists, dispensing audiologists, speech–language pathology assistants, speech–language pathology aides, audiology aides, required professional experience temporary licensees and temporary licensees, and maintain an adequate balance in its contingency fund.

The following substantive changes are being proposed:

Section 1399.157

The regulatory proposal sets forth the fees for speech–language pathologists, audiologists, dispensing audiologists, speech–language pathology assistants, and other Board fees. The proposed regulation would increase the application and biennial renewal fees for speech–language pathologists and audiologists from \$60.00 to \$150.00. The proposed regulation would also establish an application fee of \$50.00 for speech–language pathology assistants and a biennial renewal fee of \$100.00. The proposal would increase the fee for registration of an aide from \$10.00 to \$30.00. Additionally, the proposed regulation would establish a delinquency fee of \$25.00, a fee of \$25.00 for a license status and history certification letter, and a fee of \$25.00 for a duplicate wall certificate.

Section 1399.170.13

The regulatory proposal sets forth the process for applying for registration as a speech–language pathology assistant. The proposed regulation will remove the application and registration fee from this section.

Section 1399.170.14

The regulatory proposal sets forth the process for renewing a speech–language pathology assistant registra-

tion. The proposed regulation will remove the renewal fee from this section.

POLICY STATEMENT OVERVIEW

The Board regulates approximately 30,000 licensees in the practices of speech–language pathology, audiology, and hearing aid dispensing. Through this rulemaking, the Board proposes to amend section 1399.157 of the California Code of Regulations to increase application and renewal fees. This proposal is necessary to ensure sufficient resources are available to maintain the Board’s operations and meet its consumer protection mandate.

BPC section 2531.02 specifies protection of the public must be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions.

ANTICIPATED BENEFITS OF PROPOSAL

This regulatory proposal would allow the Board to maintain current operations and provide for a modest reserve for economic uncertainties. Without sufficient funding levels the Board will not be able to carry out its mandate to protect the health, safety, and welfare of California consumers.

CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board evaluated this regulatory proposal and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Cost/Savings in Federal Funding to the State: The Board indicates any workload and costs related to implementing the proposed regulations will be absorbed within existing resources. The Board estimates the proposed regulations will increase revenues by approximately \$495,305 per year, eliminate any structural imbalance, and begin to build a prudent fund balance reserve.

The Board does not anticipate any impact on federal funding.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500–17630 Require Reimbursement: None.

Business Impact: The Board has made an initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Persons or Business: There will be a cost impact on a representative private person or business associated with the increased application and renewal fees and other miscellaneous fees for speech–language pathologists, audiologists, and speech–language pathology assistants.

The Board anticipates the proposed fees will increase annual industry costs by approximately \$495,305 per year.

Effect on Housing Costs: None.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses: The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California because this regulatory proposal will increase fees for individual licensees, which only impacts individuals, not businesses.

Effect on Small Business: The Board has determined that this regulatory proposal will not impact small businesses in the State of California because this regulatory proposal will increase fees for individual licensees, which only impacts individuals, not businesses.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment: As stated above, the benefits of the regulations’ increase in fees will be to maintain current Board operations and reserves in order to carry out the Board’s mandate to protect the health, safety, and welfare of California consumers.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Board must determine that no rea-

sonable 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 provision of law.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained upon request from the Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board at 2005 Evergreen Street, Suite 2100, Sacramento, CA 95815.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

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

Name:  
Cherise Burns, Assistant Executive Officer

Address:  
2005 Evergreen Street, Suite 2100  
Sacramento, CA 95815

Telephone No.:  
(916) 561-8779

E-Mail Address:  
SpeechandHearingRegulations@dca.ca.gov

The backup contact person is:

Name:  
Paul Sanchez, Executive Officer

Address:  
2005 Evergreen Street, Suite 2100  
Sacramento, CA 95815

Telephone No.:  
(916) 263-2909

E-Mail Address:  
SpeechandHearingRegulations@dca.ca.gov  
Website Access: Materials regarding this proposal can be found at [www.speechandhearing.ca.gov/board\\_activity/lawsregs/proposed\\_regulations.shtml](http://www.speechandhearing.ca.gov/board_activity/lawsregs/proposed_regulations.shtml).

**TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65 PROPOSED AMENDMENTS TO ARTICLE 5 EXTENT OF EXPOSURE ADOPTION OF SECTION 25505 EXPOSURES TO LISTED CHEMICALS IN COOKED OR HEAT PROCESSED FOODS**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend Title 27, California Code of Regulations, by adopting Section 25505 Exposures to Listed Chemicals in Cooked or Heat Processed Foods.<sup>1</sup> Some chemicals on the Proposition 65 list that are found in food are formed by the cooking or heat processing of the food. The presence of these chemicals can be unavoidable, but levels can be reduced in many circumstances. Taking this into account, the proposed regulation lays out what constitutes a Proposition 65 exposure that

<sup>1</sup> All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

would compel warning for listed chemicals that are formed in food by cooking or heat processing, in a new Section 25505.

PUBLIC PROCEEDINGS

Written Comment Period

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by OEHHA no later than **October 6, 2020**, the designated close of the written comment period. Due to the COVID-19 emergency, OEHHA is providing a longer period than required under the Administrative Procedure Act. All written comments will be posted on the OEHHA website at the close of the public comment period.

Because of limited in-office staffing during the COVID-19 emergency, OEHHA strongly recommends that the public submit written information electronically, rather than in paper form. **Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>.** Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below, but delays may occur if staff are unable to timely access them.

All non-electronic submissions should be directed to:

Monet Vela  
Office of Environmental Health Hazard Assessment  
1001 I Street, 23<sup>rd</sup> Floor  
P.O. Box 4010  
Sacramento, California 95812-4010  
Telephone: 916-323-2517  
Fax: 916-323-2610

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

Public Hearing

A public hearing on these proposed regulatory amendments will only be scheduled upon request. The hearing would be web-based due to the COVID-19 emergency<sup>2</sup>. To request a hearing, send an e-mail to Monet Vela at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or to the address listed above. The request must be received no later than **September 21, 2020**. If such a request is made, OEHHA will e-mail a notice of the hearing to the requester and interested parties, and the notice will be posted on OEHHA's web site at least ten days before the public hearing date. The notice will provide the date, time, and information for accessing the hearing.

<sup>2</sup> Executive Orders [N-25-20](#) and [N-29-20](#).

## CONTACT

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

## AUTHORITY

Health and Safety Code section 25249.12.

## REFERENCE

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

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

### BACKGROUND

OEHHA is the lead agency that implements Proposition 65<sup>3</sup> and has the authority to promulgate and amend regulations to further the purposes of the Act. Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been listed as known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual<sup>4</sup>. An exemption from the warning requirement is provided by the Act when the exposure for which the person is responsible can be demonstrated to fall below significant levels<sup>5</sup>. Besides these statutory exemptions, in certain situations, regulatory exceptions have been adopted for specific types of exposure as specified in Article 5. Currently there are regulatory exceptions from the warning requirement for exposures to naturally occurring chemicals in food<sup>6</sup>, specific concentrations of naturally occurring arsenic in rice<sup>7</sup>, and for certain

exposures to listed chemicals in water<sup>8</sup> or air<sup>9</sup>. Recognizing the desirability of incentivizing businesses to reduce levels of these chemicals in foods, the proposed regulation would create an exception from the warning requirement for listed chemicals in food that are unavoidably created during cooking or heat processing, and that have been reduced to the lowest level currently feasible.

## SPECIFIC BENEFITS OF THE PROPOSED REGULATIONS

This proposal will further the statutory purposes of Proposition 65 by providing more certainty to businesses, incentivize them to lower the concentration levels in foods when feasible, encourage consistency and predictability and ensure that warnings will be given for the foods causing the highest levels of exposure. This will allow consumers to identify foods with significant, avoidable levels of listed chemicals created during cooking or heat processing, while mitigating against a proliferation of warnings on many foods with lower, unavoidable levels of these chemicals.

## NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

OEHHA has conducted an evaluation and has determined that Article 5, including Section 25505, is the only regulation concerning exposure exemptions under Proposition 65. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations. The action does not change the existing warning requirements on businesses subject to Proposition 65 or state or local agencies, and does not address compliance with any other law or regulation.

## LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms<sup>10</sup> does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings to the

<sup>3</sup> Health and Safety Code section 25249.5 et seq., The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as "Proposition 65". Hereafter referred to as "Proposition 65" or "the Act".

<sup>4</sup> Health and Safety Code section 25249.6.

<sup>5</sup> Health and Safety Code section 25249.10: for carcinogens, the exposure poses no significant risk, and for reproductive toxicants will have no observable effect assuming exposure at one thousand (1000) times the level in question.

<sup>6</sup> Title 27, Cal. Code Regs., section 25501.

<sup>7</sup> Title 27, Cal. Code Regs., section 25501.1.

<sup>8</sup> Title 27, Cal. Code Regs., sections 25502 and 25503.

<sup>9</sup> Title 27, Cal. Code Regs., section 25504.

<sup>10</sup> See Health and Safety Code section 25249.11(b).

state or in federal funding to the state because of the proposed regulatory action.

#### EFFECT ON HOUSING COSTS

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

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

OEHHA has made an initial determination that the adoption of this action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

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

OEHHA finds there will be no economic impact related to the proposed regulatory action. The new regulation would not impose any new costs because it is providing an exception to the warning requirement when listed chemicals in food that result from necessary cooking or heat processing are reduced to the lowest feasible level, and in the case of acrylamide, are below the specified concentration levels in certain foods. The action would not alter the requirement to provide a warning under the Act nor impose any new requirements on businesses but instead would provide additional guidance as to when a warning is required.

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

The proposed regulatory action will not impact the creation or elimination of jobs within California. The proposed regulation will help businesses comply with the requirements of Proposition 65 by establishing feasible concentration levels for chemicals formed in foods by cooking or heat processing.

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

The proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within California. The proposed regulation will help businesses comply with the requirements of Proposition 65 by establishing feasible concentration levels for chemicals formed in foods by cooking or heat processing.

#### **The Expansion of Businesses Currently Doing Business within the State**

OEHHA does not anticipate any major impact on the expansion of businesses currently doing business within the state. The proposed regulation will help businesses comply with the requirements of Proposition 65 by establishing feasible concentration levels for chemicals formed in foods by cooking or heat processing.

#### BENEFITS OF THE PROPOSED REGULATION

OEHHA has concluded that the public would benefit from the proposed regulatory action because sound considerations of public health support the establishment of feasible concentration levels for chemicals unavoidably formed in foods by cooking or heat processing. OEHHA recognizes the importance of promoting healthy eating choices and the important role a balanced diet plays in promoting and maintaining optimal health. This regulatory action will protect the health and welfare of the California public by incentivizing businesses to reduce levels of certain listed chemicals in their food products, as well as avoid consumer confusion that could result from a proliferation of warnings on foods.

#### COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

#### EFFECT ON SMALL BUSINESSES

The proposed regulatory action will not adversely impact very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees.<sup>11</sup>

#### CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which Proposition 65 is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

<sup>11</sup> Health and Safety Code section 25249.11(b).

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

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA's web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

The full text of any proposed regulation that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulation and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF  
FISH AND WILDLIFE**

**CESA CONSISTENCY  
DETERMINATION REQUEST FOR  
Castlerock Family Farms Cannabis Outdoor  
Cultivation Project  
2080-2020-003-05  
Santa Barbara County**

The California Department of Fish and Wildlife (CDFW) received a notice on July 21, 2020 that Castle-rock Family Farms II, LLC proposes to rely on a consul-

tation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the planting cannabis in three separate field areas. Proposed activities will include, but are not limited to, installation of drip irrigation, soil tilling, placement of plastic sheeting, soil fertilization, and planting of cannabis plants. The proposed project will occur at 2200 W. Highway 246, Buellton, CA

The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (Permit Number: TE78196D-0) (ITP) under the General Conservation Plan (GCP) for Cultivation Activities in Santa Barbara County to Castlerock Family Farms II, LLC on July 6, 2020 which considered the effects of the proposed project on state threatened and federally endangered Santa Barbara County distinct population segment of California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Castlerock Family Farms II, LLC is requesting a determination that the ITP under the associated GCP is consistent with CESA for purposes of the proposed project. If CDFW determines the ITP under the associated GCP are consistent with CESA for the proposed project, applicant name will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF  
FISH AND WILDLIFE**

**CESA CONSISTENCY  
DETERMINATION REQUEST FOR  
Cultivation Project at 7369 Highway 246  
2080-2020-004-05  
Santa Barbara County**

The California Department of Fish and Wildlife (CDFW) received a notice on July 21, 2020 that Sun Valley Ranch, LLC proposes to rely on a consultation with a federal agency to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves a cannabis cultivation project on 70 acres of active agricultural land. Proposed activities will include, but are not limited to, disking and tilling of agricultural fields, use of drip irrigation, use of hoop structures, and planting of cannabis plants both in ground and in pots or grow bags. The proposed project will occur at 7369 Highway 246, Lompoc, CA

The U.S. Fish and Wildlife Service (Service) issued a federal incidental take permit (Permit Number: TE78131D-0) (ITP) under the General Conservation

Plan (GCP) for Cultivation Activities in Santa Barbara County to Sun Valley Ranch, LLC on July 2, 2020 which considered the effects of the proposed project on state threatened and federally endangered Santa Barbara County distinct population segment of California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, Sun Valley Ranch, LLC, is requesting a determination that the ITP under the associated GCP is consistent with CESA for purposes of the proposed project. If CDFW determines the ITP under the associated GCP are consistent with CESA for the proposed project, applicant name will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**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 Number 2020-0720-01  
BOARD OF FORESTRY AND FIRE PROTECTION  
Emergency Fire Safe Regulations Applicability

This emergency action by the Board of Forestry and Fire Protection amends the applicability of its State Responsibility Area Fire Safe regulations to exempt the reconstruction or repair of legally constructed homes damaged by wildfire under certain conditions and the creation of accessory or junior accessory dwelling units, as specified.

Title 14  
AMEND: 1270.02, 1270.04, 1270.05, 1271.00  
Filed 07/27/2020  
Effective 07/27/2020  
Agency Contact: Edith Hannigan (916) 862-0120

File Number 2020-0612-01  
CALIFORNIA COASTAL COMMISSION  
Annual increase to permit fees & major public works threshold

This action by the California Coastal Commission makes changes without regulatory effect to adjust the threshold amount to qualify as a major public works or energy project and the fees for permit applications and other filings.

Title 14  
AMEND: 13012(a), 13055(a),(b),(e),(f)  
Filed 07/23/2020  
Agency Contact: Robin Mayer (415) 904-5220

File Number 2020-0615-01  
DENTAL HYGIENE BOARD OF CALIFORNIA  
Sponsored Free Health Care Events — Requirements for Exemption

Business and Professions Code section 901, which was repealed by its own terms operative January 1, 2018, created an exemption from the licensure and registration requirements for a health care practitioner licensed or in good standing in another state or states who offers or provides health care services for which he or she is licensed or certified through a sponsored event. As changes without regulatory effect, in response to the repeal of Business and Professions Code section 901, the Dental Hygiene Board of California is repealing regulations pertaining to sponsored events.

Title 16  
REPEAL: 1149, 1150, 1151, 1152, 1153  
Filed 07/27/2020  
Agency Contact:  
Adina Pineschi-Petty (916) 516-5537

File Number 2020-0706-02  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
Inmate Authorized Personal Property

In this emergency of operational necessity, the Department of Corrections and Rehabilitation is amending the list of facility exemptions for allowable personal property.

Title 15  
AMEND: 3000, 3006, 3044, 3133, 3190, 3314, 3315, 3323  
Filed 07/23/2020  
Effective 07/23/2020  
Agency Contact: Rosie Ruiz (916) 445-2244

File Number 2020-0612-02  
DEPARTMENT OF MOTOR VEHICLES  
Traffic Violator Schools

In these changes without a regulatory effect, the Department amends its regulations to conform its forms OL 704 and OL 25E, incorporated by reference, with Vehicle Code section 11202, subdivision (a)(6).

Title 13  
AMEND: 345.65, 345.66  
Filed 07/27/2020  
Effective 07/27/2020  
Agency Contact: Randi Calkins (916) 657-8898

File Number 2020-0728-01  
DEPARTMENT OF PUBLIC HEALTH  
Reportable Disease Changes

The request of the Department of Public Health to file with the Secretary of State and print in the California Code of Regulations (CCR) amendments to Title 17 CCR sections 2500 and 2505 regarding reportable diseases, pursuant to Health and Safety Code section 120130, is granted.

Title 17  
AMEND: 2500, 2505  
Filed 07/28/2020  
Effective 07/28/2020  
Agency Contact: Linda M. Cortez (916) 440-7807

File Number 2020-0624-02  
FAIR POLITICAL PRACTICES COMMISSION  
Disqualification Requirements

This action repeals and adopts disqualification requirements for conflicts of interest of officials making decisions in public meetings.

Title 2  
ADOPT: 18707  
REPEAL: 18707  
Filed 07/23/2020  
Effective 08/22/2020  
Agency Contact: Amanda Apostol (916) 322-5660

File Number 2020-0624-03  
FAIR POLITICAL PRACTICES COMMISSION  
Sponsored Committees

This request by the Fair Political Practices Committee to file with the Secretary of State and print in the California Code of Regulations an amendment to the definition of the term “sponsor” in Title 2 California Code of Regulations section 18419(a)(2)(A), and to make other non-substantive changes to this regulation, is granted.

Title 2  
AMEND: 18419  
Filed 07/24/2020  
Effective 08/23/2020  
Agency Contact: Amanda Apostol (916) 322-5660

File Number 2020-0624-01  
FAIR POLITICAL PRACTICES COMMISSION  
Limited Liability Companies

This action by the Fair Political Practices Commission adopts regulations regarding responsible officers of, and reporting contributions from, limited liability companies.

Title 2  
ADOPT: 18402.2, 18421.10  
Filed 07/22/2020  
Effective 08/21/2020  
Agency Contact: Amanda Apostol (916) 322-5660

File Number 2020-0618-04  
OCCUPATIONAL SAFETY AND HEALTH  
APPEALS BOARD

Rules of Practice and Procedure

In this regular rulemaking, the Occupational Safety and Health Appeals Board (the “Board”) is amending and repealing regulations to: (1) distinguish between a docketed and a perfected appeal; (2) transfer responsibility for providing copies of appealed citations from the employer to the Division of Occupational Safety and Health (the “Division”); (3) allow an employer’s appeal to be docketed, without first being perfected, when the employer provides the Board with certain basic information; (4) revise notification requirements; and (5) repeal a regulation that required the Division to provide employers with copies of all documents and evidence in the Division’s possession within a specified 30-day period.

Title 8  
AMEND: 347, 359.1, 361.3, 372.2, 373  
REPEAL: 372.9  
Filed 07/22/2020  
Effective 10/01/2020  
Agency Contact: Aaron Jackson (916) 274-5751

File Number 2020-0619-03  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Elevators for Hoisting Workers

This action requires that for any building or structure designed to be 60 or more feet in height, an elevator for hoisting workers must be installed at the time the building or structure reaches 36 feet in height.

Title 8  
AMEND: 1630  
Filed 07/27/2020  
Effective 07/27/2020  
Agency Contact: Christina Shupe (916) 274-5721

File Number 2020-0721-02  
STATE ATHLETIC COMMISSION  
Resiliency Procedures

In this emergency regulatory action, the Commission adopts a regulation to establish procedures to hold com-

bative sporting events during the state of emergency stemming from the infectious disease, Novel Corona Virus 19 (COVID-19), declared by the State of California as a public health emergency.

Title 4

ADOPT: 299.5

Filed 07/22/2020

Effective 07/22/2020

Agency Contact: Sophia Cornejo (916) 662-4622

**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).