



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

Spotted Lanternfly Quarantine — Notice File Number Z2020-0918-01 1297

TITLE 9. UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF THE LAW

Conflict-of-Interest Code — Notice File Number Z2020-0922-04 1299

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Health Care Definitions — Notice File Number Z2020-0914-02 1300

TITLE 16. BOARD OF PSYCHOLOGY

Continuing Professional Development — Notice File Number Z2020-0922-01 1302

TITLE 17. AIR RESOURCES BOARD

Amendments to Air Toxics “Hot Spots” Program — Notice File Number Z2020-0915-05..... 1306

TITLE 17. AIR RESOURCES BOARD

Criteria Air Pollutants and Toxic Air Contaminants — Notice File Number Z2020-0915-03..... 1315

TITLE 20. CALIFORNIA ENERGY COMMISSION

Computers and Computer Monitors — Notice File Number Z2020-0922-02..... 1323

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

Fish and Game Code Section 1653 Consistency Determination Request for South Fork Floodplain Restoration Phase II Project, 1653-2020-065-001-R1, Siskiyou County 1328

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

Notice of Hearing — Exposures to Listed Chemicals in Cooked or Heat Processed Foods 1328

(Continued on next page)

Time-Dated Material

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT <i>Notice to Interested Parties — DART Prioritization</i>	1329
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD <i>Public Meeting and Business Meeting</i>	1330
SUMMARY OF REGULATORY ACTIONS	
Regulations filed with Secretary of State	1331

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to adopt section 3287 Title 3 of the California Code of Regulations (CCR) pertaining to Spotted Lanternfly Exterior Quarantine.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulation to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on November 16, 2020. The Department will consider only comments received at the Department offices by that time or postmarked no later than November 16, 2020. Submit comments to:

Dean Kelch
Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Dr, Suite #200
Sacramento, CA 95833
dean.kelch@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

Unless there are substantial changes to the proposed regulation prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing if one is requested or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of

any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

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

Existing law allows the Secretary to adopt quarantine regulations as necessary to protect the California agricultural industry from pests and prevent the spread of injurious insect pests and animal diseases (Food and Agricultural Code (FAC) sections 407, 5301, and 5302).

This adoption of Section 3287 will create an exterior quarantine for the spotted lanternfly. The effect of this regulation will be to provide authority for the State to prevent spread of the spotted lanternfly to non-infested areas in order to protect California's agricultural industry.

The Department considered any other possible related regulations in this area and finds that these are the only regulations dealing in this subject area, and the Department is the only State agency that can implement this proposed regulation. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this proposed regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

Anticipated Benefits from This Regulatory Action

The Californian, national, and international consumers of California will benefit in quarantining the spotted lanternfly. This will help in controlling the infestation of high quality fruit, nuts, vegetables, and seeds. By the proposed regulation preventing infestations that would require costly treatments through quarantines, it is assumed that any increases in production costs will ultimately be passed on the consumer.

The adoption of this regulation benefits homeowners who grow fruit, nuts, vegetable, and seeds for consumption and host material which is planted as ornamentals in various rural and urban landscapes by preventing damage to these hosts and the need for them to be treated to mitigate infestations of spotted lanternfly.

Adopted Text

The proposed action establishes that spotted lanternfly, *Lycorma delicatula*, is a pest and outlines a quarantine to protect the state of California.

Areas under quarantine are infested areas, which are the states of Delaware, Maryland, New Jersey, Pennsylvania, Virginia, and West Virginia.

Articles and commodities that are declared hosts and possible carriers of the pest are:

- (1) Any living life stage of the spotted lanternfly.
- (2) All plants and plant parts
- (3) Outdoor industrial and construction materials, equipment and waste
- (4) Shipping and storage containers
- (5) Outdoor household articles
- (6) Conveyances
- (7) Agricultural equipment
- (8) Any other article, object, materials, or means of conveyance when it is determined by a California State Plant Quarantine Officer to present a risk of carrying or spreading any life stage of spotted lanternfly.

The movement of these regulated articles from infested area(s) must be accompanied by a written permit, phytosanitary certificate, or Compliance Agreement:

The listed articles and commodities from the areas under quarantine are prohibited entry into California, with the follow exceptions:

- 1) Articles and commodities that are accompanied by an origin certification from non-infested localities.
OR
- 2) Articles and commodities accompanied by a certificate of treatment issued by an authorized state agricultural official declaring that the article or shipment was treated at origin for spotted lanternfly prior to shipment.
OR
- 3) If moved through the infested area during the period of March through December, regulated articles moved into the infested area in an enclosed vehicle or conveyance or completely covered.
OR
- 4) Any articles transported by a means of conveyance that provides a global positioning system (GPS) data report indicating that the conveyance did not travel through an infested area.
OR
- 5) Indoor articles not exposed to the environment, including, but not limited to, household articles, house plants, and indoor furnishings.

If an individual not doing business is moving regulated articles, including any vehicle or conveyance, from infested areas delineated in this quarantine rule, articles may be moved from the infested area with a valid checklist issued by the State Plant Regulatory Agency and completed by an individual. The complet-

ed checklist must be signed and shall accompany the regulated article(s).

Disclosures Regarding the Proposed Action

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None

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

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

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

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

Small Business Determination: None, the adoption requires those outside of California to have compliance agreement or phytosanitary certificate if regulated articles are from or exposed to an infested area. These are issued by the state of origin and the checklist is completed by the individual. Small California business would not be affected as the cost of compliance takes place outside California.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Adoption of these regulations will not:

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

The Department has determined the adoption of this regulation would benefit:

- the general public
- homeowners and community gardens
- agricultural industry
- the State’s general fund
- the environment

There are no known specific benefits to worker safety or the health of California residents.

ALTERNATIVES CONSIDERED

The Department must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention

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

AMENDED TEXT

This adoption of Section 3287 will create an exterior quarantine for the spotted lanternfly. The effect of this regulation will be to provide authority for the State to prevent spread of the spotted lanternfly to non-infested areas in order to protect California's agricultural industry.

AUTHORITY

The Department proposes to adopt CCR section 3287 pursuant to the authority vested by sections 5301 of the Food and Agricultural Code of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific sections 5301 and 5302 of the Food and Agricultural Code.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is:

Dean Kelch
 California Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 2800 Gateway Oaks Dr, Suite #200
 Sacramento, CA 95833
dean.kelch@cdfa.ca.gov
 916.403.6650
 916.651.2900 (FAX)

In his absence, you may contact Rachel Avila at (916) 403-6813, rachel.avila@cdfa.ca.gov. Questions regarding the substance of the proposed regulation should be directed to Dean Kelch.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website (<https://www.cdfa.ca.gov/plant/Regulations.html>).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

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

TITLE 9. UNIVERSITY OF CALIFORNIA, HASTINGS COLLEGE OF THE LAW

NOTICE OF INTENTION TO AMEND A CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the University of California, Hastings College of the Law (the "Hastings") intends to amend its form of Conflict-of-Interest Code pursuant to California Government Code Section 87306. A written comment period has been established commencing on October 2, 2020 and terminating on November 16, 2020. All inquiries should be directed to the contact listed below.

Pursuant to California Government Code Section 87302, the Conflict-of-Interest Code designates officials and employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests.

Hastings' proposed amendment updates job titles for certain designated positions and adds designated positions which Hastings has determined make or participate in making governmental decisions as defined in Regulation 18704(a) and (b). The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Copies of the proposed amended Conflict-of-Interest Code and all of the information upon which

it is based may be obtained from the University of California, Hastings College of the Law, 200 McAllister Street, San Francisco, California 94102, Attention: John K. DiPaolo, General Counsel

Any interested person may present written comments concerning the proposed Conflict-of-Interest Code no later than November 16, 2020 to the University of California, Hastings College of the Law, 200 McAllister Street, San Francisco, California 94102, Attention: John K. DiPaolo, General Counsel. No public hearing on this matter will be held unless any interested person or his or her representative requests, no later than 15 days prior to the close of the written comment period, a public hearing.

Hastings' adoption of such amended Conflict-of-Interest Code will not impose a cost or savings on any state agency, or school district that is required to be reimbursed under part 7 (commencing with Section 17500) of Division 4 of the Government Code; will not result in any nondiscretionary cost or savings to local agencies; will not result in any cost or savings in federal funding to the state; will not impose a mandate on local agencies or school districts; will impose no costs or savings on any state agency; and will not have any potential cost impact on private persons of businesses including small businesses. Hastings must determine that no alternatives considered by Hastings would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

Any inquiries concerning the proposed amended Conflict-of-Interest Code should be directed to 200 McAllister Street, San Francisco, California 94102, Attention: John K. DiPaolo, General Counsel, (415) 565-4787, OGC@uchastings.edu.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3341.3, 3341.5, 3377.1, 3999.98, 3999.99, 3999.364, 3999.365, and 3999.367 of the California Code of Regulations (CCR), Title 15, Division 3, concerning health care definitions.

PUBLIC HEARING

Based on guidance from the California Department of Public Health to cancel large community events in

order to slow the spread of COVID-19, CDCR will not hold a public hearing on this proposed regulatory action. However, the Department will hold a virtual 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 comments submitted during the public comment period, referenced below, are given the same consideration as oral comments presented at a public hearing.

PUBLIC COMMENT PERIOD

The public comment period will close **November 23, 2020, at 5:00 p.m.** Any person may submit public comments in writing (by mail or by email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to HealthCareRegulations@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

D. Goulby
Associate Director Staff
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2921

A. Burrell
Service Manager II (A)
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691-2922

AUTHORITY AND REFERENCE

GC section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

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

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the

CDCR. As of that date, the office of the Director of Corrections is abolished.

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

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Sections 3424 and 5054 PC; Sections 3200–3212, Probate Code; *Plata v. Newsom* (No. C01–1351 JST), U.S. District Court, Northern District of California; and *Perez, et al. v. Cate, et al.*, (No. C05–05241 JSW), U.S. District Court, Northern District of California.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The CDCR and CCHCS propose to amend sections 3341.3, 3341.5, 3377.1, 3999.98, 3999.99, 3999.364, 3999.365, and 3999.367 of the CCR, Title 15, Division 3, governing health care definitions. Current law provides for health care definitions and forms pertaining to the treatment of CDCR patients. In January 2019, the Department revised the definition of the term “medically necessary” in Title 15, section 3999.98, establishing this term as the interdisciplinary standard for the provision of health care services. Regulations currently using the term “clinically necessary” must be updated to the term “medically necessary” to conform to current usage as this term now functions as the single interdisciplinary standard for the provision of health care services to CDCR patients.

This action provides the following:

- Provide a consistent treatment standard for the delivery of health care services within CDCR institutions.
- Reorganize and integrate various definitions for clarity of reference for patients and staff.

BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The Department anticipates the action will benefit public and patient safety by reorganizing, amending, or relocating definitions, and by clarifying language which will avoid confusion and prevent inconsistencies in the regulations used in the delivery and governance of medical care within CDCR institutions.

FORMS INCORPORATED BY REFERENCE

Not applicable.

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing state regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 17500–17630.

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because the proposed regulations reorganize, amend, and clarify definitions and language which only affects CDCR patients.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has 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 the proposed amendments only reorganize, amend, and clarify definitions and language which only affects CDCR patients.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

The Department has determined that the proposed regulations will have no impact on the creation of new or the elimination of existing jobs or businesses within California or affect the expansion of businesses currently doing business in California because the proposed amendments only reorganize, amend, and clarify definitions and language which only affects CDCR patients.

**BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The Department anticipates the action will benefit public and patient safety by reorganizing, amending, or relocating definitions, and by clarifying language which will avoid confusion and prevent inconsistencies in the regulations used in the delivery and governance of medical care within CDCR institutions.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES**

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments only reorganize, amend, and clarify definitions and language which only affects CDCR patients.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed amendments only reorganize, amend, and clarify definitions and language which only affects CDCR patients.

CONSIDERATION OF ALTERNATIVES

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

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other ev-

idence provided that would alter the CDCR's initial determination to proceed with this action.

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

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

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

TITLE 16. BOARD OF PSYCHOLOGY

Continuing Professional Development

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "Board") is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held via a WebEx event at:

Place, Date and Time:

Meeting of the Board of Psychology
November 19, 2020 at 1:30 p.m.
WebEx Information:

To participate via Computer/Tablet/Smart Phone:

<https://dca-meetings.webex.com/dca-meetings/onstage/g.php?MTID=eca191694a05254a704b6c7a51c60ad38>

To participate via Phone Call-in:

(415) 655-0001
Access code: 146 644 6661
During hearing use *3 to raise/lower hand

[NOTE: Pursuant to the provisions of Governor Gavin Newsom’s Executive Order N-29-20, dated March 17, 2020, neither Board member locations nor a public meeting location are provided. Public participation may be through the WebEx link as provided below. If you have trouble getting on the call to listen or participate, please call 916-574-7720.]

Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on **November 17, 2020**, or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance 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 modified proposal 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 sections 2915(c) and (g), 2930, and 2982 of the Business and Professions Code, and to implement, interpret or make specific sections 29, 32, 114.3, 118, 480, 2915, 2915.7, 2984, 2986, 2988 of said Code, and 11105(b)(10) of the Penal Code, the Board is considering changes to sections 1381.9, 1397.60, 1397.61, 1397.62, and 1397.67, and adding sections 1397.60, 1397.61, 1397.62, and 1397.67, of Division 13.1 of Title 16 of the California Code of Regulations as follows:

A. INFORMATIVE DIGEST

The California Board of Psychology (Board) is seeking to change the continuing education guidelines and requirements that must be completed by licensed psychologists when renewing, reactivating or reinstating their license. The Board would like to move from the existing Continuing Education (CE) model to a broader Continuing Professional Development (CPD) model of ensuring continued competence.

In psychology, the traditional way of defining ongoing professional development has been solely in terms of CE, which usually refers to one-time formal learning activities conducted in classroom or workshop settings. Current regulations reflect this approach. CPD is a broader concept that includes CE, but also encompasses ongoing development of multi-faceted competencies needed for quality professional performance in one’s area of practice through a variety of different learning and professional activities.

One of the Board’s responsibilities entails ensuring psychologists maintain competency so that they provide psychological services in a safe and ethical manner. Consequently, appropriate CPD would encompass more than training in ethics and laws; it would also address the knowledge, skills, and aptitudes necessary to maintain and enhance competent practice. Lastly, exemptions from the requirements have been limited.

To ensure the safe and ethical practice of psychology, the Board requires psychologists to continue to update their knowledge, skills, and abilities throughout their professional career. Further, it is anticipated that psychologists will maintain their competence based on published advances in theory, practice, and empirical research. Participation in CE is one way that psychologists maintain and enhance their knowledge and skills, but research has shown that the typical one-time CE workshop/experience, or didactic experience, does not necessarily demonstrate effectiveness in maintaining competence and enhancing skills.

This is a change that has been recommended by the Association of State and Provincial Psychology Boards (ASPPB) as reported in their *“ASPPB Guidelines for Continuing Professional Development” (ASPPB Guidelines)*.

B. POLICY STATEMENT OVERVIEW/
ANTICIPATED BENEFITS OF PROPOSAL

Under these regulations, licensees will benefit from more varied choices for obtaining the 36 hours of CPD required for renewal. The benefit for California consumers is that licensed psychologists will be required to participate in more varied professional development

activities that address the knowledge and skills necessary to maintain and enhance competent practice.

Additional benefits from the creation of the criteria for Board approval of CPD approving entities (entities that approve CPD providers) are that more entities, associations, and organizations will be eligible to approve providers to provide CPD coursework. This will lead to different perspectives and new specialties and focus areas relative to the practice of psychology to be accepted by the Board as part of the 36 hours of CPD.

C. CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

During the process of developing these regulations and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

N/A

BUSINESS REPORTING REQUIREMENTS

The regulatory action does not require businesses to file a report with the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The proposed language changes the Board's CE guidelines and requirements that must be completed by a licensee. The Board anticipates the current CE workload will shift to the CPD workload and does not anticipate any additional costs or savings related to the amended changes.

Nondiscretionary Costs/Savings to Local Agencies:
None.

Local Mandate:
None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500–17630:

None.

Business Impact:

This regulation may have the following economic impact on businesses. The Board anticipates some CE providers may have fewer attendees and lower revenues, which would be offset by an increase in CPD participation and revenues. As a result, the proposed regulations are estimated to have a net-zero economic impact to the state, and therefore will not have a signif-

icant statewide adverse economic impact directly affecting businesses, including their ability to compete.

Because the Board does not approve providers of CE, it has no information regarding the number of providers who would be defined as small businesses. In addition, the regulation may positively impact current providers should they chose to provide or facilitate categories of CPD other than "traditional" CE. Moreover, the new CPD regulations detail ways in which additional businesses can become approved CE sponsors.

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to The Board of Psychology are as follows:

The Board has determined that representative private person or business in reasonable compliance with the proposed action would incur a minor cost impact for the following reasons:

The change from the CE model to the CPD model will have a minor/negligible financial impact on the individual licensees as the 36-hour CPD requirement will remain the same. There will now be more ways in which the hours can be accrued, so the costs for the licensee should be largely consistent with the current costs, or even less. The highest cost impact will be to licensees who maximize their usage of Practice Outcome Monitoring and Peer Consultation, as those items have no associated cost, and will therefore spend less to complete the remainder of the CPD activities.

Licensed psychologists already engage in activities that will be included in the new regulations. Peer review, conference attendance, Board Meeting attendance, and teaching are activities that are actively encouraged by professional associations, and the employers of psychologists, and will now count towards the 36-hour continuing education renewal requirement.

A licensed psychologist who is not currently engaging in any of the above activities could incur an increase in conference fees, travel and accommodation costs, and enrollment fees; however, the Board is of the opinion that such actions are necessary to reduce professional isolation and increase the competence of the licensing population

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations may affect small businesses. California small businesses may be affected by the proposed regulatory change if they solely provide "traditional" CE courses to Board of Psychology licensees, as the new CPD

guidelines reduce the traditional CE courses allowable for license renewal by 25% (from 36 to 27 hours). However, the new activities that are required will be beneficial to organizations and entities that offer graduate level courses, conferences, or other categories that now will count towards the 36-hour continuing education requirements. In addition, licensees can still take as many traditional CE courses as they like, but not all can count toward licensure renewal.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board of Psychology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

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

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by ensuring mental health practitioners are maintaining both subject matter competence and legal and ethical requirements. Additionally, the regulatory proposal may have a positive impact on the state's environment, as it eliminates the on-site requirement of the former CE model, which may lead to a reduction in the state's carbon footprint due to travel and paper printing.

CONSIDERATION OF ALTERNATIVES

The Board of Psychology must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

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 PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in the Notice under Contact Person or by accessing the Board's website, www.psychology.ca.gov.

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

All the 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

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

Name:

Jason Glasspiegel

Address:

1625 North Market Blvd., Suite N215
Sacramento, CA 95834

Telephone No.:

(916) 574-7137

Fax No.:

(916) 574-8672

E-Mail Address:

Jason.Glasspiegel@dca.ca.gov

The backup contact person is:

Name:

Antonette Sorrick

Address:

1625 North Market Blvd., Suite N215
Sacramento, CA 95834

Telephone No.:

(916) 574-7113

Fax No.:

(916) 574-8672

E-Mail Address:

Antonette.Sorrick@dca.ca.gov

Website Access: Materials regarding this proposal can be found at: <http://www.psychology.ca.gov/lawsregs/regulations.shtml>.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT FOR THE AIR TOXICS “HOT SPOTS” PROGRAM

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption proposed amendments to the “Emission Inventory Criteria and Guidelines Report for the Air Toxics “Hot Spots” Program” (the Guidelines or EICG, including all appendices), which is also being incorporated by reference as a proposed amendment to Title 17, California Code of Regulations, Section 93300.5.

DATE: November 19, 2020

TIME: 9:00 a.m.

Please see the Public Agenda which will be posted ten days before the November 19, 2020, Board Meeting for any appropriate direction regarding a possible remote-only Board Meeting. If the meeting is to be held in person, it will be held at the California Air Resources Board, Byron Sher Auditorium, 1001 I Street, Sacramento, California 95814.

This item will be considered at a meeting of the Board, which will commence at 9:00 a.m., November 19, 2020, and may continue at 8:30 a.m., November 20, 2020. Please consult the agenda for the meeting, which will be available at least ten days before November 19, 2020, to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on October 2, 2020. Written comments not submitted at the hearing must be submitted on or after October 2, 2020, and received **no later than November 16, 2020**. Comments submitted outside that comment period are considered

untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Electronic submittal: <https://www.arb.ca.gov/lispub/comm/bclist.php>

Postal mail:

Clerks’ Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, and 44342. This action is proposed to implement, interpret and make specific sections 41805.5, 44320, 44321, 44322, 44323, 44324, 44325, 44340, 44341, 44342, 44343, 44344, 44344.4, 44344.5, 44344.7, 44346, 44360, and 44365 of the Health and Safety Code, section 6254.7 of the Government Code, and California Code of Regulations, title 17, Sections 90700–90705, Appendix A.

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

Sections Affected: Proposed amendment to California Code of Regulations, title 17, section 93300.5.

DOCUMENTS INCORPORATED
BY REFERENCE

(Cal. Code Regs., tit. 1, § 20, subd. (c)(3))

The following document would be incorporated in the regulation by reference as specified by section:

- AB 2588 Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines Report (including all appendices), [date to be determined upon adoption], section 93300.5.

The following documents would be incorporated by reference in the AB 2588 Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines Report:

- San Joaquin Valley Air Pollution Control District: San Joaquin Valley Unified Air Pollution Control District Rule 2201 “New and Modified Stationary Source Review Rule,” section 3.0 “Definitions,” as amended February 18, 2016 (section 3.39 definition of facility “Stationary Source”). Incorporated in Section X(14)(b).
- American Society for Testing and Materials (ASTM): ASTM Methods: “D 6721–01 (Reapproved 2015)” dated 2015, and “D 4239–18e1” dated 2018, to determine chlorine content and sulfur content of coal and coke samples, respectively. Incorporated in Section IX(A)(2) (b). “E 776–16” dated 2016, and “E 775–15” dated 2015, to determine chlorine content and sulfur content, respectively, in wood, refuse-derived, and other solid fuel, waste, or material samples. Incorporated in Section IX(A)(2)(c). D 808–16 dated 2016, and D 129–18 dated 2018, to determine chlorine content and sulfur content in other fuel or material samples. Incorporated in Section IX(A)(2)(d).
- U.S. Environmental Protection Agency (EPA) Methods: 7196A, dated July 1992, for chromium (hexavalent); 7471B, dated February 2007, for mercury; 7010, dated February 2007, for selenium; 6010D, dated July 2018, for all other trace elements. These test methods are set forth in Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, EPA publication SW–846, Third Edition, Final Updates: I (1993), II (1995), IIA (1994), IIB (1995), III (1996), IIIA (1999), IIIB (2005), IV (2008), V (2015), VI (2018), located at <https://www.epa.gov/hw-sw846>. Incorporated in Section IX(A)(2)(a).
- California Air Pollution Control Officers’ Association (CAPCOA): “Air Toxics ‘Hot Spots’ Program Facility Prioritization Guidelines, August 2016”, located at: <http://www.capcoa.org/wp-content/uploads/2016/08/CAPCOA%20Prioritization%20Guidelines%20-%20August%202016%20FINAL.pdf>. Incorporated in Sections IV(A)(1)(a) and X(24).
- Office of Environmental Health Hazard Assessment (OEHHA) and CARB: “Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values,” September 2019. Located at: <https://www.arb.ca.gov/sites/default/files/classic/toxics/healthval/contable.pdf>. Incorporated in Appendix F(E)(7).
- OEHHA: “Air Toxics ‘Hot Spots’ Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments,” February 2015, located at: <https://oehha.ca.gov/media/downloads/crn/2015guidancemanual.pdf>. Incorporated in Sections IV(A)(1)(b), IV(A)(1)(d) (i), IV(B)(1)(c)(i), X(18), and Appendix F(E)(7).
- OEHHA: “Acute, 8–hour and Chronic Reference Exposure Level (REL) Summary”, November 2019, located at: <https://oehha.ca.gov/air/general-info/oehha-acute-8-hour-and-chronic-reference-exposure-level-summary>. Incorporated in Appendix F(E)(7).
- OEHHA: “Technical Support Document for Cancer Potency Factors 2009” June 1, 2009. Available at: <https://oehha.ca.gov/air/crn/technical-support-document-cancer-potency-factors-2009>; and “Appendix A: Hot Spots Unit Risk and Cancer Potency Values” May 2019, located at: <https://oehha.ca.gov/media/CPFs042909.pdf>. Incorporated in Appendix F(E) (7).
- OEHHA: “p–Chloro– α,α,α –trifluorotoluene (p–Chlorobenzotrifluoride, PCBTF) Cancer Inhalation Unit Risk Factor Technical Support Document” August 2020, located at: <https://oehha.ca.gov/media/downloads/crn/pcbtfur080720.pdf>. Incorporated in Appendix F(E)(7).
- OEHHA: “Notice of Adoption of Cancer Inhalation Unit Risk Factor for p–Chloro– α,α,α –trifluorotoluene” August 2020, located at: <https://oehha.ca.gov/air/crn/notice-adoption-cancer-inhalation-unit-risk-factor-p-chloro-aaa-trifluorotoluene>. Incorporated in Appendix F(E) (7).
- CARB: HotSpots Analysis and Reporting Program (HARP), located at: <https://www.arb.ca.gov/our-work/programs/hot-spots-analysis-reporting-program>; which includes the Air Dispersion Modeling and Risk Tool (ADRM), version 19121 — May 1 2019, located at: <https://www.arb.ca.gov/sites/default/files/classic/toxics/harp/software2/harp2admrt19121.zip>, and Emission Inventory Module (EIM) v2.1.4, August 7, 2020, located at: <https://www.arb.ca.gov/toxics/>

harp/software2/harp2eim20200807.zip. Both incorporated in Appendix F(E)(7).

- U.S. EPA: AERMOD (19191) modeling system, August 2019, located at: <https://www.epa.gov/scram/air-quality-dispersion-modeling-preferred-and-recommended-models#aermod>; specifically the AERSCREEN (16216) model, December 2016, located at: <https://www.epa.gov/scram/air-quality-dispersion-modeling-screening-models#aerscreen>; BPIPPRM (19191) model, November 2019, located at: <https://www.epa.gov/scram/air-quality-dispersion-modeling-related-model-support-programs#bpipprm>. Incorporated in Appendix F(D).
- U.S. EPA: Health effects values for non-cancer risk assessment from the United States Environmental Protection Agency, Integrated Risk Information System (IRIS), last updated January 15, 2020, located at: https://cfpub.epa.gov/ncea/iris_drafts/atoz.cfm?list_type=alpha.
- CARB: California Emission Inventory Data and Reporting System (CEIDARS — version 2.5, September, 2005), available at: <https://www.arb.ca.gov/app/emsinv/dist/doc/datadict.pdf>. Incorporated in Appendix G.
- CARB: Appendix C to the “Staff Report: Initial Statement of Reasons: Public Hearing to Consider the Proposed Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants,” published by CARB on October 23, 2018. Located at: <https://ww3.arb.ca.gov/regact/2018/ctr2018/ctrappc.pdf>. Incorporated in Section X(28).

BACKGROUND AND SUMMARY OF PROPOSED AMENDMENTS

Sound science and the data that supports it drives effective public health policy. To address air pollution related health impacts, toxics and other emissions inventory data collected to support regulatory actions is a key to success. For this reason, CARB has collected emissions data from a wide variety of sources over its 50-year plus history.

California’s existing air quality programs are responsible for significant public health improvements and progress through statewide and regional air quality planning requirements, advancement of technology-based solutions, and toxics risk reduction efforts near industrial facilities. To help sustain and track that progress, the Air Toxics “Hot Spots” Program has been a key element for identifying and reducing toxic emissions released by facilities within California.

The EICG was developed pursuant to Assembly Bill 2588 (AB 2588), the Air Toxics “Hot Spots” Information and Assessment Act of 1987¹ (Act), and its subsequent amendments. Under this program, stationary sources are required to report the types and quantities of certain toxic substances their facilities routinely release into the air. More broadly, the Hot Spots program protects public health by collecting emission data, identifying facilities having the potential for localized impacts, ascertaining the health risks, and requiring that owners of significant-risk facilities reduce their risks below the level of significance.

The primary purpose of the proposed EICG amendments is to provide CARB and air districts with a better understanding of stationary source toxic emissions, enhance the public access to information on toxic pollutant emissions, and further reduce their impacts on public health by ensuring that many new and emerging chemicals of concern are reported.

The proposed amendments would also expand the applicability requirements to bring new facilities into the inventory program that have the potential for important public health impacts. The inclusion of additional chemicals and additional types of facilities is based on consideration of the latest science showing significantly more childhood and lifetime vulnerability to risks, such as cancer, due to early life exposures. The proposed amendments incorporate the latest risk assessment guidance from OEHHA, as well as OEHHA’s latest health values (for cancer potency and non-cancer reference exposure levels).

Further, the importance of evaluating the air toxics emissions and risk from stationary sources will continue to increase as other sources like cars and truck continue to get proportionally cleaner, and as there is a growing focus on looking at the combined impacts of all nearby sources in a community. A more comprehensive understanding of stationary source emissions from all pollutant types, particularly air toxics, will be needed to identify and evaluate appropriate mitigation strategies to reduce public exposures to harmful pollutants.

In addition, the proposed amendments would support CARB’s on-going environmental justice priorities, as well as provide significant additional data for public right-to-know purposes.

The proposed EICG amendments are a cornerstone of the foundation needed to support CARB and air district health protection programs, both at the statewide and community level. The EICG is unique in that it requires toxics emissions data collection and reporting to support the prioritization of facilities based on their toxic emissions, health risk assessments for the highest rated facilities, community notification of

¹ California Health and Safety Code sections 44300–44394.

facility-based risks, and the requirement to prepare and implement plans to reduce those risks. The proposed amendments are both necessary for ensuring ongoing reductions in potential cancer risk and other health-related impacts due to toxic air contaminant emissions.

PROPOSED REGULATORY ACTION

Emission inventory data is critical to understanding the sources of emissions that may contribute to adverse health risks or other impacts. Exposure to polluted air is linked to a number of health effects such as worsened asthma, hospitalizations, and even premature death related to heart and lung disease. Toxic air pollutants emitted from cars, trucks and industrial sources can also cause other adverse health effects such as cancer.

In the years since the last EICG update in 2007, there have been significant advances in our understanding of the toxic health risk posed by many chemicals and their impacts on public health at different stages in life. Most notably, the latest scientific evidence shows that early-life exposures to air toxics contribute to an increased lifetime risk of developing cancer, or other adverse health effects, compared to exposures that occur in adulthood. Overall, these studies concluded that lifetime inhalation cancer risk could be increased by a factor of three times higher than previously estimated. In response, OEHHA updated their Guidance Manual for Health Risk Assessments in 2015, and the EICG must now be updated to reflect this latest guidance.

Additionally, the Act requires CARB to compile a list of substances of concern identified by other agencies and scientific bodies. Substances that must be considered include CARB’s own Toxic Air Contaminants, U.S. EPA’s Hazardous Air Pollutants, substances from the International Agency for Research on Cancer, the California Proposition 65 list, the National Toxicology Program, and the Hazard Evaluation System and Information Service list. In addition, CARB can also include other substances that may present a chronic or acute threat to the public but have not been formally listed in the six sources above. Since the last EICG update in 2007, many substances have been added to the six source lists that CARB must consider for inclusion, and CARB staff identified over 1,000 new substances that meet the criteria for reporting under the Hot Spots Act.

The primary purpose of the proposed EICG amendments is to align the Hot Spots Program with the latest OEHHA Health Risk Assessment Guidelines and to update the list of chemical substances that have been recognized as having the potential for adverse health effects.

The proposed EICG amendments have been developed to support multiple CARB and air district program needs, supporting a framework for a comprehensive and uniform statewide system for reporting toxic air contaminants and are necessary to:

- Reflect significant advances in our understanding of the health risks of toxic air pollutants;
- Enhance the comprehensiveness, consistency, and transparency of the air toxics emissions data collected from a large number of facilities in California;
- Align the Hot Spots program with other regulations and requirements already in place to ensure consistency and minimize duplication of effort;
- Support public right-to-know requirements under Assembly Bill 197² (AB 197); community air protection components under Assembly Bill 617³ (AB 617); air toxics emission reporting under National Emission Inventory requirements; development of Air Toxic Control Measures, air monitoring studies and CalEnviroScreen inputs; and other Board activities;
- Further refine the current requirements in the regulation for completeness and clarity.

A comprehensive description of the proposed amendments, as well as additional background regarding the Hot Spots program, are provided in the CARB document: “Staff Report: Initial Statement of Reasons — Public Hearing to Consider Amendments to the Emission Inventory Criteria and Guidelines Report For the Air Toxics “Hot Spots” Program” referred to as the Initial Statement of Reasons (ISOR)⁴.

CARB may also consider other changes to the sections affected, as listed above, during the course of this rulemaking process.

BENEFITS OF THE PROPOSED AMENDMENTS

Many areas of California continue to be disproportionately burdened by air pollution. CARB has an obligation to collect and communicate emissions data at the regional and local levels, evaluate the risks from airborne emissions, and reduce exposure to air pollution in these communities. The proposed amendments to EICG are critical to supporting these

² Assembly Bill 197, Garcia, E., Chapter 250, Statutes of 2016, amending and adding to California Health and Safety Code, Chapter 1.5 of Part 1 of Division 2 of Title 2.

³ Nonvehicular Air Pollution: Criteria Air Pollutants and Toxic Air Contaminants (AB 617) (Statutes of 2017; Chapter 136; Health and Safety Code (H&SC) section 39607.1)

⁴ ISOR is available here: <https://ww2.arb.ca.gov/rulemaking/2020/hotspots2020>

objectives. Multiple federal and state statutes authorize and require CARB to collect, evaluate, and make publicly available facility emissions that are needed to implement the statutes. These include the National Emissions Inventory, AB 2588, AB 617, AB 197, and others. Using data collected under the proposed EICG requirements, the toxic emissions sources and trends for California's most significant facility toxic emission will be more fully understood.

The Air Toxics "Hot Spots" Information and Assessment Act requires affected facility operators to report the types and quantities of toxic substances their facilities release into the air. Facility operators prepare and update emission inventory plans and reports, and submit the data to the districts for review and approval. The goals of the program are to collect emission information and make it available to the public, to identify facilities having localized impacts, to assess health risks, to notify nearby residents of significant risks, and to reduce risks below the level of significance within specified timeframes.

Both the public and industry have benefited from the Hot Spots Program. The emission inventory compiled under this program provides essential data for the risk assessment and public notification processes. It provides data for public requests for toxics information and provides an essential tool for development of cost-effective risk reduction audits and plans. The emission data collected under this program is used to help prioritize the development of air toxic control measures and has helped identify sources of air toxics not previously under evaluation and has provided exposure information needed to prioritize control measures and develop regulatory actions. The reported data also serves as a baseline for quantifying progress toward reducing toxic emissions. Over the last three decades, facilities that pose a potential significant health risk to the public have been required to reduce their risks, thereby reducing the near-source exposure of Californians to toxic air pollutants.

Despite significant progress in reducing overall risk from facilities statewide, newer studies suggest an increase in lifetime cancer risk from exposures to air toxics in the early life stages. In addition, the number of chemical substances identified as posing chronic or acute health threats when present in the air has increased significantly. The proposed amendments will enhance the public access to information about releases of toxics into the air from a large number of facilities; provide more comprehensive toxics data for evaluating the health risks to nearby residents; and harmonize the reporting requirements with other reporting programs to create consistency and avoid duplication.

Also, as California continues to transition toward zero-emission vehicles, the relative contribution of

emissions from stationary sources will continue to increase, and more comprehensive stationary source inventories will be needed to identify and evaluate appropriate mitigation strategies to reduce public exposures to harmful pollutants.

A key benefit of the proposed amendments will be to provide the public, community groups, scientists, air districts, CARB, and others with updated information about facilities that represent a potential health risk to nearby residents. The proposed amendments will not only expand the number of harmful substances that must be reported, but also increase access to information about the facilities that emit them. Improving the availability of emissions data at the local level will help to efficiently implement community air protection requirements under AB 617, and may also be used to inform the development of CalEnviroScreen, which is a tool to identify and assess geographic areas within California that are disproportionately impacted by pollution. The improved emission data will also support CARB's environmental justice priorities, and support public right-to-know and data availability priorities such as AB 197.

The proposed EICG amendments are being aligned with proposed amendments to the CARB "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants⁵," so that the phase-in schedule for implementation, the list of applicable chemical substances to be evaluated, the reporting deadlines, and other aspects of the two programs are synchronized and consistent. This improved data in turn provides benefits to community groups, the public, regulators, scientists, CARB, and others, who have growing needs to access complete, user-friendly, and high-quality emissions data. The proposed amendments would significantly increase access to useful data in user-friendly forms, such as mapping (as provided in the current CARB Pollution Mapping Tool⁶), graphs, and detailed emissions data reports when needed.

In addition to addressing the needs and goals of AB 2588, AB 197 and AB 617, State Implementation Plans, exposure modeling, and more, toxics inventory data collected under EICG helps to determine what is being emitted into the air, by whom, and where. Inventory data helps guide and provide the scientific basis for CARB's regulatory development process. Inventory data helps identify and address areas of concern, and to track progress in emission reduction efforts from facilities, area sources, and mobile sources. Inventory data is an essential element in the development of cost-effective solutions to reduce air pollution

⁵ <https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting/ctr-regulation>

⁶ CARB Pollution Mapping Tool: https://www.arb.ca.gov/ei/tools/pollution_map/ (CARB, Pollution Mapping Tool, 2017)

and protect human health. And, although the reporting regulation amendments provide no direct benefits to worker safety, over time, indirect health benefits to workers and residents within California are expected to be realized as actions are taken to reduce emissions based on improved toxics inventory and risk assessment data.

COMPARABLE FEDERAL REGULATIONS

Various provisions of existing federal regulations require the reporting of toxic air contaminants to U.S. EPA. The proposed CARB amendments to EICG also require reporting of toxic emissions, which does have some overlap with existing federal requirements. Overall, however, the requirements are not duplicative. For example, under the federal Toxics Release Inventory (TRI) requirements, industries that are primarily only in the manufacturing sector are covered, and there are very high usage thresholds before reporting is required. The industry data is self-reported to TRI without any review of the data by the local air districts. Furthermore, unlike California’s Air Toxics “Hot Spots” program, the federal programs do not require that collected data be used to prioritize facilities based on emitted toxics, perform risk assessments, or reduce toxics risk below significance levels. The proposed CARB amendments are specifically designed to address the needs associated with collecting data necessary for evaluating toxic air pollution impacts in disproportionately impacted communities and state-wide. These needs cannot be met with data collected under existing federal regulations, which makes the proposed amendments necessary.

In addition, elements of the amended EICG requirements are mandated by AB 2588, section California Health and Safety Code sections 44300–44394. Further, the cost of differing reporting regulations is justified by the anticipated benefits to human health, public welfare, and the environment. Community monitoring and emission reduction programs will be developed and implemented using the data collected under the amended regulation as a foundation to establish, evaluate, and quantify community air quality improvements. Additional discussion related to the justification for adoption of regulations different from federal regulations is provided in Section IX of the Staff Report.

AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

(Gov. Code, § 11346.5, subd. (a)(3)(D))

During the process of developing the proposed regulatory action, CARB conducted a search of any sim-

ilar regulations on this topic and concluded that these amendments to EICG are neither inconsistent nor incompatible with existing State regulations.

DISCLOSURES REGARDING THE PROPOSED REGULATION

FISCAL IMPACT/LOCAL MANDATE DETERMINATION REGARDING THE PROPOSED ACTION

(Gov. Code, § 11346.5, subds. (a)(5)&(6))

The determinations of the Board’s Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below. A more detailed description and analysis is provided in Chapter VII of the ISOR for this regulatory item.

Local Mandate Determination and Cost to any Local Agency or School District Requiring Reimbursement under section 17500 et seq.: Because the regulatory requirements apply equally to all reporting categories and unique requirements are not imposed on local agencies, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution. The proposed regulatory action would not create costs to any school district reimbursable by the state pursuant to Part 7 (commencing with section 17500), division 4, title 2 of the Government Code.

Cost or Savings for State Agencies: Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would result in a total marginal cost increase to approximately 500 state owned or operated facilities, with a total cost of approximately \$1.2 million over the ten year evaluation period. The costs result from additional emissions reporting requirements. State agencies (CARB and OEHHA) will incur \$3.8 million over ten years to implement the proposed amendments. It is anticipated that CARB and OEHHA will cover any additional increase in implementation costs associated with the proposed amendments through the “Hot Spots” Fee Regulation and existing program budgets and resources. The “Hot Spots” Program requires ongoing facility evaluations, and these activities are funded through current budget structures, which are reimbursed

through facility fees. The total costs to state government is \$5.0 million over ten years.

Other Non-Discretionary Costs or Savings on Local Agencies: The cost to approximately 2,000 local agencies is estimated to be \$6.3 million over the ten-year evaluation period. Water treatment plants, landfills, power plants, and other facilities owned or operated by local agencies would be subject to the proposed reporting requirements for facilities. Local air districts may incur costs of \$27.8 million over the ten year evaluation period. Air districts may cover any additional increase in implementation costs associated with the proposed amendments through “Hot Spots” fees and existing program budgets and resources. The total costs to local government is \$34.1 million over ten years.

Cost or Savings in Federal Funding to the State: None. Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings in federal funding to the State.

HOUSING COSTS

(Gov. Code, § 11346.5, subd. (a)(12))

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

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

(Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8))

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

**RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT**

(Gov. Code, § 11346.5, subd. (a)(10))

Non-Major Regulation: Statement of the Results of the Economic Impact Assessment (EIA):

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

The Executive Officer has determined that the proposed regulatory action would produce a slight change in the creation of jobs within the

State of California. If the proposed amendments are adopted, we are expecting a small increase in employment for environmental professionals and technical consultants in the State, who will assist facilities in meeting the regulatory requirements. These professionals and consultants will typically act as technical assistance providers to assist in compiling data, preparing and reviewing emissions reports, submitting required data, preparing risk assessments, and other activities. The employment increase to assist facilities is expected to be minimal, possibly 37 to 64 new jobs statewide.

(B) The creation of new business or the elimination of existing businesses within the State of California.

The Executive Officer has determined that the proposed regulatory action would not produce a noticeable change in business creation or elimination in California. We do not expect any new businesses to be created resulting from the amended regulation, because any needed consultants would most likely be hired from existing firms.

(C) The expansion of businesses currently doing business within the State of California.

The Executive Officer has determined that the proposed regulatory action would not produce a noticeable change in business expansion in California. Most affected facilities are already subject to data collection and reporting programs, so they will be able to comply with the regulation requirements using existing staffing.

(D) The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

A key benefit of the proposed amendments will be to provide the public, community groups, scientists, air districts, CARB, and others with updated information about facilities that represent a potential health risk to nearby residents. The proposed amendments will not only expand the number of harmful substances that must be reported, but also increase access to information about the facilities that emit them. Improving the availability of emissions data at the local level will help to efficiently implement community air protection requirements under AB 617, and may also be used to inform the development of CalEnviroScreen, which is a tool to identify and assess geographic areas within California that are disproportionately impacted by pollution. And, although the reporting regulation amendments provide no direct benefits to worker safety, indirect health benefits to workers and residents within California are expected to be realized over

time as actions are taken to reduce emissions based on improved toxics inventory and risk assessment data. A more complete discussion of benefits of the proposed updates is provided previously in the “Benefits of the Proposed Amendments” section of this notice.

BUSINESS REPORT

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

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

**COST IMPACTS ON
REPRESENTATIVE PRIVATE
PERSONS OR BUSINESSES**

(Gov. Code, § 11346.5, subd. (a)(9))

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action, and has made an initial determination that the proposed regulatory action would not have a significant statewide economic impact directly affecting representative private persons.

CARB staff performed an analysis of the private sector facilities affected by the proposed amended regulation and estimated that 58,400 unique facilities will have economic impacts resulting from the reporting requirements and some from source testing requirements in the proposed regulation over ten years of implementation.

CARB staff estimates that the amended requirements will lead to an overall cost increase of approximately \$54.9 million for affected private sector reporting facilities over a ten-year period. Many industrial sectors in the state are affected by the proposed amendments including large facilities such as refineries and power plants, to smaller facilities such as retail gasoline fueling stations and automotive paint shops. For this reason, facility-specific costs will vary widely based on the complexity of the facility, the pre-existing facility reporting requirements, the sophistication of existing data collection and management systems, and other factors. However, on an average basis, a typical business affected by the proposed revisions will have an estimated maximum annual initial cost of \$1,350 to comply with the regulation. Some of these facilities

may be required to conduct source testing. If source testing were to occur in the initial year, this may add (on average) \$20,940 to the initial costs for a business (assuming that only one facility becomes subject to these requirements in any year). Therefore, for a typical business, average total initial set-up costs may be approximately \$22,300 (\$1,350 for emissions inventory + \$20,940 for source testing). Additional economic and fiscal information is included in the Section VII of the ISOR.

EFFECT ON SMALL BUSINESS

(Cal. Code Regs., tit. 1, § 4, subds. (a) and (b))

The Executive Officer has determined, pursuant to California Code of Regulations, title 1, section 4 that the proposed regulatory action would affect approximately 50,000 small businesses, with an average annual initial cost per facility to comply with the reporting requirements of approximately \$560, depending on the complexity of the facility and the currently established reporting requirements (small businesses are not expected to have source testing costs). The definition of “small businesses” is based on the description of “small business” as established in California Government Code Section 11346.3(b)(4)(B),⁷ which requires that the business is independently owned and operated, not dominant in its field of operation, and has 100 or fewer employees. The cost of this regulation will have a minor financial impact on individual small businesses to collect and report data needed to comply with the regulation. However, the regulation is not expected to have a significant material financial impact, because the required data and reporting will typically include information that is currently being collected (and often reported) by facility operators such as throughputs, fuel use, material use, or sales data.

CONSIDERATION OF ALTERNATIVES

(Gov. Code, § 11346.5, subd. (a)(13))

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

⁷ California Government Code, Section 11346.3, approved by Governor September 14, 2016.

effective in implementing the statutory policy or other provisions of law.

Staff considered several alternatives to the proposed regulation, including not establishing the regulation (taking no action), evaluation of several alternatives related to altering the reporting applicability criteria, and alternatives for small business applicability. The specific alternatives are described in Chapter VIII of the Staff Report. These alternatives were evaluated, but dismissed as not being as effective as or more effective than the proposed regulation in carrying out the purposes of the AB 2588 reporting requirements and other CARB program mandates.

As Chapter VIII of the ISOR describes, these alternatives would be ineffective in meeting the data reporting requirements mandated by AB 2588, as well as supporting other mandated CARB program needs such as AB 617 and AB 197, the Air Toxics “Hot Spots” program, Airborne Toxic Control Measures, and others. Therefore, the alternatives would not produce cost-savings in effectively meeting CARB goals and requirements. In conclusion, no alternative considered by the agency would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective as, or less burdensome, to affected private persons than the proposed regulation.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that it is exempt pursuant to CEQA Guidelines section 15061(b) (3), because it can be seen with certainty that there is no possibility that the proposed action may have a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter V of the ISOR.

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Gabe Ruiz, Manager, at Gabe.Ruiz@arb.ca.gov, or (designated back-up contact) Anne Klein, Air Pollution Specialist, at Anne.Klein@arb.ca.gov, both in the Toxics Inventory and Special Projects Section.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is titled, “Staff Report: Initial Statement of Reasons — Public Meeting to Consider Amendments to the Emission Inventory Criteria and Guidelines Report for the Air Toxics “Hot Spots” Program.”

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB’s website listed below, or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, on September 29, 2020. Because of current travel, facility, and staffing restrictions, the California Air Resources Board’s offices may have limited public access. Please contact Chris Hopkins, Regulations Coordinator, at chris.hopkins@arb.ca.gov or (916) 445-9564 if you need physical copies of the documents.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, (916) 445-9564. Board staff

has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2020/hotspots2020>.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE REGULATION FOR THE REPORTING OF CRITERIA AIR POLLUTANTS AND TOXIC AIR CONTAMINANTS

The California Air Resources Board (CARB or Board) will conduct a public hearing on the date and time noted below to consider approving for adoption proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR, title 17, California Code of

Regulations, section 93400 et seq.). The proposed amendments to CTR are part of a broader effort by CARB to improve inventories of airborne emissions from all sources within California, including stationary sources (i.e., typically facilities), on-road and off-road emissions from mobile sources and area-wide sources (e.g., consumer products). The proposed CTR amendments are necessary to support collection of the emissions data needed for CARB and air districts to have a comprehensive understanding of facility emissions throughout California. This comprehensive understanding of emissions sources will further CARB's ability to meet its obligations under applicable state and federal law. These obligations include those flowing from California Assembly Bill (AB) 617¹, AB 197², AB 2588³, the California Clean Air Act, the federal Clean Air Act, and CARB's broader obligation to protect public health via an understanding of the causes of, and solutions to, air pollution in the state.

DATE: November 19, 2020
TIME: 9:00 a.m.

Please see the Public Agenda which will be posted ten days before the November 19, 2020, Board Meeting for any appropriate direction regarding a possible remote-only Board Meeting. If the meeting is to be held in person, it will be held at the California Air Resources Board, Byron Sher Auditorium, 1001 I Street, Sacramento, California 95814.

This item may be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., November 19, 2020, and may continue at 8:30 a.m., November 20, 2020. Please consult the agenda for the meeting, which will be available at least ten days before November 19, 2020, to determine the day on which this item will be considered.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

Interested members of the public may present comments orally or in writing at the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on October 2, 2020. Written comments not physically submitted at the hearing must be submitted on or after October 2,

¹ Assembly Bill 617, Garcia, C., Chapter 136, Statutes of 2017, modified the California Health and Safety Code, amending § 40920.6, § 42400, and § 42402, and adding § 39607.1, § 40920.8, § 42411, § 42705.5, and § 44391.2.

² Assembly Bill 197, Garcia, E., Chapter 250, Statutes of 2016, amending and adding to California Health and Safety Code, Chapter 1.5 of Part 1 of Division 2 of Title 2.

³ Assembly Bill 2588, Connely, 1987, California Health and Safety Code §§ 44300-44394.

2020, and received **no later than November 16, 2020**. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

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

Postal mail:

Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code sections 39600, 39601, 39602, 39605, 39606, 39607, 39607.1, 39607.3, 39701, 40913, 41500, 41511, 42700, 42705, 42705.5, 42705.6, and 44391.2. This action is proposed to interpret and implement sections 39003, 39500, 39606, 39607.1, 42705.5, 44301, 44391.2 of the Health and Safety Code.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendments to California Code of Regulations, title 17, Subchapter 7.7, Article 1, sections 93400, 93401, 93402, 93403, 93404, 93405, 93406, 93407, 93408, 93409, 93410, and adopt new Article 2, sections 93420, 93421, and new Appendices A and B, to title 17, California Code of Regulations.

DOCUMENTS INCORPORATED BY REFERENCE

(Cal. Code Regs., tit. 1, § 20, subd. (c)(3))

- California Air Resources Board, *Staff Report: Initial Statement of Reasons for the Public Hearing to Consider Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants, Appendix B – U.S. EPA Unit Type Codes*. October 2, 2020. Incorporated by reference in section 93402, definition for “Unit Type Code.” Staff Report available at: <https://ww2.arb.ca.gov/rulemaking/2020/proposed-regulation-reporting-criteria-air-pollutants-and-toxic-air-contaminants>.

BACKGROUND AND SUMMARY OF PROPOSED AMENDMENTS

Sound science and the data that supports it drives effective public health policy. At its core, emissions inventory data collected to support regulatory actions is a key to success. For this reason, CARB has collected emissions data from a wide variety of sources over its more than 50-year history.

California’s existing air quality programs are responsible for significant public health improvements and progress through statewide and regional air quality planning requirements, advancement of technology-based solutions, and toxics risk reduction efforts near industrial facilities. However, until recently, there have not been uniform methodologies or data collection rules for facility emissions. To address this gap, which can make it more difficult to make progress on all of CARB’s duties, and to help sustain and track that progress, the Board adopted the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants, or CTR, in December 2018, which became effective on January 1, 2020. The current CTR requires annual reporting of criteria pollutant and toxic air contaminant emissions by a limited number of facilities (approximately 1,300) subject to the applicability requirements of the regulation. The data collected through the initial applicability in the CTR is a start, but it does not give a comprehensive assessment of the majority of permitted facility emission sources statewide.

Further, certain communities continue to experience adverse and inequitable environmental and health impacts from air pollution. As compared to other areas, communities near ports, rail yards, warehouses, or freeways, for example, experience a higher concentration of air pollution due to emissions from mobile sources such as cars, diesel trucks, locomotives, and ships. Many of the same communities also experience air quality impacts from large industrial

facilities such as oil refineries. Additionally, in many communities across the State, smaller sources of toxic air contaminants like chrome plating facilities, metal recycling facilities, oil and gas production operations, and chemical use, also contribute to localized air quality impacts. Within certain communities, multiple sources of toxic air contaminants that are located in close proximity to one another may also result in an elevated cumulative toxics exposure for people in those communities.

In keeping with the agency's 50-year history of analyzing the sources of air pollution and reducing the impacts from air pollutant emissions, CARB continues to develop and implement programs and regulations to address air quality issues. The proposed CTR amendments support and are consistent with the tenets of AB 197 which establishes core requirements for making air emissions data publicly available and transparent, and AB 617, which continues California's environmental leadership by establishing innovative new, community-focused practices to improve air quality. The proposed amendments also support CARB's fulfillment of its obligations under the California Clean Air Act, the federal Clean Air Act, and the general protection of public health via an understanding of the causes, and solutions to, air pollution in the state. Accurate, uniform, data on facility emissions is foundational to CARB's obligations as the state's primary air regulator and in its oversight role for local air pollution.

The proposed CTR amendments also provide updated toxics data for air districts, so they may evaluate risks to local residents related to the emissions of toxic contaminants pursuant to implementation of AB 2588, and CARB will use this data to evaluate and update air toxic control measures, as needed. The proposed amendments to CTR enhance the quantity and quality of emissions inventory data from facilities, which in turn will provide these and many other ongoing CARB and air district programs with the emissions data they need to address air quality issues. The amendments are also a direct way to move forward, as CARB is trying to provide a framework of comprehensive emissions data and consistent reporting statewide, ultimately unifying disparate existing reporting structures.

The proposed amendments would increase the number of facilities subject to the CTR reporting regulation from about 1,300 facilities currently subject to reporting to approximately 60,000 facilities at full implementation, using a permitted emissions process and pollutant-based approach to establish applicability. In addition to including multi-year phase-in criteria, to reduce near-term resource impacts, the proposed requirements also provide simplified "abbreviated" reporting for many permitted processes (approximately

40 percent of facilities, or 24,000 facilities). This option reduces costs and streamlines workload for facility operators and local air districts.

In addition, under the proposed amendments, we are coordinating CTR reporting requirements with the Air Toxics Hot Spots Emissions Inventory Criteria and Guidelines reporting requirements. This helps minimize redundancy and uncertainty regarding toxics emissions reporting. Finally, the amendments add reporting requirements for diesel-powered portable equipment, provide options allowing air districts further flexibility in implementing the requirements, and include other revisions for completeness and clarity.

A major goal of CTR now and into the future is for CARB to establish a uniform statewide system of annual reporting of criteria pollutant and toxic air contaminant emissions from facilities, while working closely with the local air districts. The currently adopted CTR meets this goal, in part, by including the following:

- Annual criteria pollutant and air toxics emissions reporting for sources subject to the CTR Regulation;
- Consistency in the types of criteria pollutants and air toxics that need to be reported;
- Establishing applicability criteria for sources subject to the reporting requirements;
- Establishing the contents of emissions data reports and how the emissions data must be reported;
- Creating reporting deadlines and the process for submitting emissions data reports.

CARB is implementing the current CTR and any proposed amendments in tandem with local air districts to avoid potential duplication of reporting efforts. Air districts have worked closely with their local facilities for many decades and have detailed, specific knowledge of these facilities with regard to their permitting, data collection, and enforcement histories. The districts' knowledge is necessary to ensure the success of the statewide reporting program.

As described in the next section, now that the basic CTR requirements are being implemented, it is necessary to expand the limited scope of the initial applicability requirements to establish comprehensive statewide reporting. This is necessary to establish a more complete statewide system of mandatory annual emissions reporting, needed to support the variety of programmatic needs previously discussed.

PROPOSED REGULATORY ACTION

The proposed CTR amendments have been developed to support multiple CARB and air district program needs by establishing the framework for

a uniform statewide system of annual reporting of criteria pollutant and toxic air contaminants for facilities. In summary, the proposed amendments to the “Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants” (or CTR) include the following:

- Collect comprehensive and reliable annual emissions data from the majority of permitted facilities in California, and establish uniform applicability criteria, reporting schedules, and data submission requirements for these facilities;
- Support many CARB programs including the AB 197 public right-to-know requirements, the community air protection components of AB 617, the AB 2588 Air Toxics “Hot Spots” program, State Implementation Plans, National Emission Inventory requirements, Air Toxic Control Measures development, monitoring studies, CalEnviroScreen input data, and other Board activities;
- Provide a foundation to track emissions data and trends over time, and geographically throughout the state, to assist in reducing community exposure to airborne pollutants and associated health risks;
- Include two new appendices to establish a phase-in schedule for permitted processes and to specify additional toxics subject to reporting;
- Minimize resource impacts on facilities and districts by providing abbreviated reporting options;
- Use scientifically defensible methodologies and provide applicability thresholds that are easy to understand by industry and the public;
- Further refine the existing requirements in the regulation for completeness and clarity.

CARB is implementing the current CTR and any proposed amendments in tandem with local air districts to avoid potential duplication of reporting efforts. Air districts have worked closely with their local facilities for many decades and have detailed, specific knowledge of these facilities with regard to their permitting, data collection, and enforcement histories. The districts’ knowledge is necessary to ensure the success of the statewide reporting program and to implement the expanded scope of emissions data reporting.

A comprehensive description of the proposed amendments are provided in the CARB document:

“Staff Report: Initial Statement of Reasons — Public Hearing to Consider Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants,” referred to as the Initial Statement of Reasons (ISOR)⁴.

BENEFITS OF THE PROPOSED AMENDMENTS

Many areas of California continue to be disproportionately burdened by air pollution. CARB has an obligation to collect and communicate emissions data at the regional and local levels, evaluate the risks from airborne emissions, and reduce exposure to air pollution in these communities, and the proposed amendments to CTR are critical to supporting these objectives. Multiple federal and state statutes authorize and require CARB to collect, evaluate, and make publicly available facility emissions that are needed to implement the statutes. These include the National Emissions Inventory, AB 2588, AB 617, AB 197, the California Clean Air Act, and others. Using data collected under the proposed CTR requirements, the emissions sources and trends for the majority of California’s permitted facility emission sources will be more fully understood.

A key benefit of the proposed regulation and amendments is its harmonization of statewide data submission requirements, such as reporting deadlines, frequency of reporting, and the specific chemical substances and other data to be reported on an annual basis, so that similar industrial sectors will have data comparability, regardless of where they are located within California. The effort also makes the data collection activities more consistent across programs, providing additional efficiency.

For example, the proposed CTR amendments are being aligned with proposed amendments to the AB 2588 “Toxic Hot Spots” program, so that the phase-in schedule for implementation, the list of applicable chemical substances to be evaluated, the reporting deadlines, and other aspects of the two programs are synchronized and consistent. This improved data in turn provides benefits to community groups, the public, regulators, scientists, CARB, and others, who have growing needs to access complete, user-friendly, and high-quality emissions data. The proposed amendments would significantly increase access to useful data in user-friendly forms, such as mapping (as provided in the current CARB Pollution Mapping Tool⁵),

⁴ ISOR available here: <https://ww2.arb.ca.gov/rulemaking/2020/proposed-amendments-reporting-criteria-air-pollutants-and-toxic-air-contaminants>.

⁵ CARB Pollution Mapping Tool: https://www.arb.ca.gov/ei/tools/pollution_map/ (CARB, Pollution Mapping Tool, 2017)

graphs, and detailed emissions data reports when needed.

In addition to addressing the goals of AB 197 and AB 617, State Implementation Plans, California Clean Air Act, exposure modeling, and more, inventory data helps determine what is being emitted into the air, by whom, and where. Inventory data helps guide, and provide the scientific basis for, CARB’s regulatory development process. Inventory data helps identify and address areas of concern, and track progress in emission reduction efforts from facilities, area sources, and mobile sources. Inventory data is an essential element in the development of cost-effective solutions to reduce air pollution and protect human health. And, although the reporting regulation amendments provide no direct benefits to worker safety, over time, indirect health benefits to workers and residents within California are expected to be realized as actions are taken to reduce emissions based on improved inventory data.

COMPARABLE FEDERAL REGULATIONS

Various provisions of existing federal regulations require the reporting of criteria emissions and toxics air contaminants to U.S. EPA. The proposed CARB amendments to CTR also require reporting of criteria and toxic emissions, which does have some overlap with existing federal requirements. Overall, however, the requirements are not duplicative. The U.S. EPA reporting thresholds are higher than the proposed CTR thresholds, which do not effectively meet CARB needs specifically associated with collecting data necessary for evaluating air pollution impacts in disproportionately impacted communities and statewide. These objectives cannot be met with data collected under existing federal regulations, which makes the proposed amendments necessary.

In addition, elements of the amended CTR requirements are mandated by AB 617, section 39607.1(b)(1) of the H&SC, which requires CARB to establish “a uniform statewide system of annual reporting of emissions of criteria pollutants and toxic air contaminants for a stationary source.” Further, the cost of differing reporting regulations is justified by the anticipated benefits to human health, public welfare, and the environment. Community monitoring and emission reduction programs will be developed and implemented using the data collected under the amended regulation as a foundation to establish, evaluate, and quantify community air quality improvements. Additional discussion related to the justification for adoption of regulations different from federal regulations is provided in Section IX of the “Staff Report: Initial Statement of Reasons — Public Hearing to Consider Amendments to the Regulation for the Reporting of Criteria Air

Pollutants and Toxic Air Contaminants,” referred to as the Initial Statement of Reasons (ISOR).

AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS
(Gov. Code, § 11346.5, subd. (a)(3)(D))

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

DISCLOSURE REGARDING THE PROPOSED REGULATION

FISCAL IMPACT/LOCAL MANDATE DETERMINATION REGARDING THE PROPOSED ACTION
(Gov. Code, § 11346.5, subds. (a)(5)&(6))

The determinations of the Board’s Executive Officer concerning the costs or savings incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulatory action are presented below. A more detailed description and analysis is provided in Chapter VII of the ISOR for this regulatory item.

Local Mandate Determination and Cost to any Local Agency or School District Requiring Reimbursement under section 17500 et seq.: None. Because the regulatory requirements apply equally to all reporting categories and unique requirements are not imposed on local agencies, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution. The proposed regulatory action would not create costs to any school district reimbursable by the state pursuant to Part 7 (commencing with section 17500), division 4, title 2 of the Government Code. Were the local agencies determined to be subject to unique requirements, they have the authority to levy service charges, fees, or assessments sufficient to pay for the services required under the proposed regulatory action.

Cost or Savings for State Agencies: Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would result in a total marginal cost increase to approximately 500 state owned or operated facilities, with a total cost of

approximately \$731,000 over ten years. The costs result from additional emissions reporting requirements.

Other Non-Discretionary Costs or Savings on Local Agencies: The cost to approximately 2,000 local agencies is estimated to be \$41.5 million over ten years. The local agency cost estimate includes a ten year cost of approximately \$39.0 million for local air districts to implement provisions of the regulation, and a ten year cost of \$2.5 million for 2,000 additional local facilities, such as water treatment plants, landfills, power plants, and others, who would be subject to the proposed reporting requirements for facilities.

Cost or Savings in Federal Funding to the State: None. Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings in federal funding to the State.

HOUSING COSTS

(Gov. Code, § 11346.5, subd. (a)(12))

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

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

(Gov. Code, §§ 11346.3, subd. (a), 11346.5, subd. (a)(7), 11346.5, subd. (a)(8))

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

(Gov. Code, § 11346.5, subd. (a)(10))

NON-MAJOR REGULATION: Statement of the Results of the Economic Impact Assessment

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not produce a noticeable change in the creation or elimination of jobs within California, creation of new businesses or elimination of existing businesses within California, and expansion of business within the state, consumer prices, or business competitiveness in California due to the reporting requirements. However, if the proposed

regulation is adopted, we are expecting a small additional increase in California employment for technical consultants who will assist facilities in meeting the regulatory requirements. These consultants will typically act as technical assistance providers to assist in compiling data, preparing and reviewing emissions reports, and submitting required data. The employment increase to assist facilities is expected to be minimal, possibly 13 to 58 new jobs statewide. Most affected facilities are already subject to data collection and reporting programs, so they will be able to comply with the regulation requirements using existing staffing. We do not expect any new businesses to be created resulting from the amended regulation, because any needed consultants would most likely be hired from existing firms.

Benefits of the Proposed Amendments:

The objective of the proposed regulatory action is to implement consistent statewide annual reporting requirements for facility criteria and toxics emissions data to support a wide variety of CARB and air district program needs. A primary benefit of the regulation is to obtain detailed and comprehensive emissions data for use in reducing air pollution impacts for people living and working within communities disproportionately affected by airborne emissions, as well as statewide. A more complete discussion of benefits of the proposed updates is provided previously in the “Benefits of the Proposed Amendments” section of this notice.

BUSINESS REPORT

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

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

(Gov. Code, § 11346.5, subd. (a)(9))

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The Executive Officer is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action, and has made an initial determination that the proposed regulatory action would not have a significant statewide economic impact directly affecting representative private persons.

CARB staff performed an analysis of the private sector facilities affected by the proposed amended regulation and estimated that 58,400 unique facilities will have economic impacts resulting from the reporting requirements in the proposed regulation over ten years of implementation.

CARB staff estimates that the amended requirements will lead to an overall cost increase of approximately \$67.4 million for affected private sector reporting facilities over a ten year period. Many industrial sectors in the state are affected by the proposed amendments including large facilities such as refineries and power plants, down to smaller facilities such as retail gasoline fueling stations and automotive paint shops. For this reason, facility-specific costs will vary widely based on the complexity of the facility, the pre-existing facility reporting requirements, the sophistication of existing data collection and management systems, and other factors. However, on an average basis, a reporting facility affected by the proposed revisions will have an estimated maximum annual initial cost of \$560 to comply with the regulation, and an annual ongoing cost of \$300 thereafter. Additional economic and fiscal information is included in the Section VII of the ISOR.

EFFECT ON SMALL BUSINESSES

The Executive Officer has determined, pursuant to California Code of Regulations, title 1, section 4 that the proposed regulatory action would affect approximately 50,000 small businesses, with an average initial set-up cost per facility to comply with the reporting requirements of approximately \$560 per year, and annual ongoing costs of \$300 thereafter, depending on the complexity of the facility and the currently established reporting requirements. The definition of “small businesses” is based on the description of “small business” as established in California Government Code Section 11346.3(b)(4)(B),⁶ which requires that the business is independently owned and operated, not dominant in its field of operation, and has 100 or fewer employees. The cost of this regulation will have a minor financial impact on individual small businesses to collect and report data needed to comply with the regulation. However, the regulation is not expected to have a significant material financial impact, because the required data and reporting will typically include information that is currently being collected (and often reported) by facility operators such as throughputs, fuel use, material use, or sales data.

⁶ California Government Code, Section 11346.3, approved by Governor September 14, 2016.

CONSIDERATION OF ALTERNATIVES

(Gov. Code, § 11346.5, subd. (a)(13))

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The proposed amendments to the regulation do not have a significant adverse fiscal or economic impact.

Staff considered several alternatives to the proposed regulation, including not amending the regulation (taking no action), evaluation of several alternatives related to altering the reporting applicability criteria, the adoption of performance standards, and alternatives for small business applicability. The specific alternatives are described in Chapter VIII of the ISOR. These alternatives were evaluated but dismissed as not being as effective or more effective than the proposed regulation in meeting CARB and air district program objectives.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that it is exempt pursuant to CEQA Guidelines section 15061(b)(3), because it can be seen with certainty that there is no possibility that the proposed action may have a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter V of the ISOR.

SPECIAL ACCOMMODATION REQUEST

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

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

To request these special accommodations or language needs, please contact the Clerk of the Board

at (916) 322–5594 or by facsimile at (916) 322–3928 as soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

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

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative John Swanson, Manager, at john.swanson@arb.ca.gov, or (designated back-up contact) Daniel Sloat, Air Pollution Specialist, at daniel.sloat@arb.ca.gov, both in the Criteria Pollutant & Air Toxics Reporting Section.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is titled, “Staff Report: Initial Statement of Reasons — Public Hearing to Consider Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants.”

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strike-out format to allow for comparison with the existing regulations, may be accessed on CARB’s website listed below, or may be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814,

on July 21, 2020. Because of current travel, facility, and staffing restrictions, the California Air Resources Board’s offices may have limited public access. Please contact Bradley Bechtold, Regulations Coordinator, at bradley.bechtold@arb.ca.gov or (916) 322–6533 if you need physical copies of the documents.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322–6533. Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB’s website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2020/proposed-amendments-reporting-criteria-air-pollutants-and-toxic-air-contaminants>.

TITLE 20. CALIFORNIA ENERGY COMMISSION

Title 20. Public Utilities and Energy
 Division 2. State Energy Resources
 Conservation and Development Commission
 Chapter 4. Energy Conservation
 Article 4. Appliance Efficiency Regulations

Docket No. 20-AAER-03
 Computers and Computer Monitors

INTRODUCTION

The California Energy Commission (CEC) proposes to amend the computer and monitor regulations in the Appliance Efficiency Regulations after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The CEC will hold a public hearing for the proposed regulations at the date and time listed below. Interested persons, or his or her authorized representative, may present oral and written statements, arguments, or contentions relevant to the proposed regulations at the public hearing. *The record for this hearing will be kept open until every person has had an opportunity to provide comment.*

The public hearing will be held remotely, consistent with Executive Orders N-25-20 and N29-20 and the recommendations from the California Department of Public Health to encourage physical distancing to slow the spread of COVID-19. Instructions for remote participation are below.

Wednesday, November 18, 2020
 10:00 a.m. (Pacific Time)

REMOTE PARTICIPATION

Remote Attendance Participants may join by accessing Zoom at: <https://energy.zoom.us/j/92362730329?pwd=ZDNOdFQ0SVFKN3NVTVBLTzZydmVjQT09> and enter the unique Webinar ID and password for each session (listed below). Zoom technical support is available at 1-888-799-9666 ext. 2, or you may contact the CEC's Public Advisor's Office via email or phone. To comment or ask a question, dial *9 to use the "raise hand" feature in Zoom.

Webinar ID: 923 6273 0329
 Password: 604310

To participate by telephone, call Zoom at 1-877-853-5257 or 1-888-475-4499 (toll free). When prompted, input the unique Webinar ID and password listed above. To comment or ask a question over the telephone, dial *9 to "raise your hand" and *6 to mute/unmute your phone line.

PUBLIC ADVISOR

The CEC's Public Advisor's Office provides the public assistance in participating in CEC proceedings. For information on how to participate in this forum, or to request language services or other reasonable accommodations, please contact the Public Advisor, Noemi O. Gallardo, at publicadvisor@energy.ca.gov, or by phone at (916) 654-4489, toll free at (800) 822-6228, or by fax at (916) 654-4493. Requests for language services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate late requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Public Advisor's office via email or phone.

NEWS MEDIA INQUIRIES

Direct news media inquiries to the Media and Public Communications Office at (916) 654-4989, or by email at mediaoffice@energy.ca.gov.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments to the CEC for consideration on or prior to November 16, 2020. The CEC appreciates receiving written comments at the earliest possible date.

Please submit comments using the CEC's e-commenting feature by going to the web page found at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4>, Docket 20-AAER-03, then select the "Submit e-comment" link. A full name, e-mail address, comment title, and either a comment or an attached document (.doc, .docx, or .pdf format) is mandatory. After a challenge-response test used by the system to ensure that responses are generated by a human user, click on "Agree & Submit Your Comment" to submit the comment to the CEC's Docket Unit.

Please note that written comments, attachments, and associated contact information included within the written comments and attachments (e.g., your address, phone, email, etc.) become part of the viewable public record.

You are encouraged to use the electronic filing system, described above, to submit comments. All writ-

ten comments submitted prior to the hearing must be submitted to the docket. If you are unable to submit electronically, a paper copy of your comments may be sent to:

Docket Unit
California Energy Commission
Docket No. 20-AAER-03
1516 9th Street, MS-4
Sacramento, CA 95814
Telephone: (916) 654-5076
Or by email to docket@energy.ca.gov.
Or fax them to Dockets at (916) 654-4354.

All written comments shall comply with the requirements of 20 C.C.R. § 1208.1.

STATUTORY AUTHORITY AND REFERENCE

Public Resources Code Section 25213, 25218(e), 25402(c), authorizes the Energy Commission to adopt rules or regulations, as necessary, to implement and make specific Public Resources Code Sections 25216.5, and 25402(c).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Warren-Alquist Act establishes the CEC as California's primary energy policy and planning agency. Sections 25213, 25218(e), and 25402(c) of the Public Resources Code mandates and/or authorizes that the Energy Commission adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water by prescribing efficiency standards and other cost-effective measures for appliances whose use requires a significant amount of energy or water statewide.

One of the ways the CEC satisfies this requirement is through the Appliance Efficiency Regulations (California Code of Regulations (CCR), Title 20, Sections 1601-1609), which contain definitions, test procedures, efficiency standards, and marking and certification requirements for state and federally regulated appliances. Further, the regulations require that appliance manufacturers certify to the CEC that their products meet all applicable state and federal appliance efficiency regulations before their products can be included in the CEC's Modernized Appliance Efficiency Database System (MAEDbS) of appliances approved to be sold or offered for sale within California.

In 2017, the CEC amended the regulations for computers and computer monitors in response to new technologies. Recently, the CEC has been presented with a list of new technologies for computers and computer

monitors that were not available at the time of the previously completed computers rulemaking.

Therefore, the CEC proposes the following amendments to the Title 20 Appliance Efficiency Regulations that would modify and clarify existing standards and test procedures for computers and computer monitors to incorporate new technologies and innovations.

Existing regulations regulate the idle-mode energy consumption of most types of computers, including desktops, notebooks, workstations, and small-scale servers. The base level of energy consumption for most computers including notebooks is set at a flat rate. The regulations then provide for energy "adders" that allow manufacturers to consume energy above the base level if they contain certain additional features and functionalities in their products. Workstations and small-scale servers do not have base levels and adders but are instead required to include certain energy efficient features to ensure that energy consumption remains low.

The proposed regulations would provide a new energy allowance, or "adder", for a type of new, innovative computer gaming monitor. This new technology allows users to view image contents with a much faster refresh rate. Computer monitor on-mode energy consumption will increase as its refresh rate rises. The second tier of the energy allowances for computer monitors in the existing regulations, which will become effective on January 1, 2021, can accommodate energy consumption of monitors with refresh rates up to 300 Hz. The proposed energy adder applies to the second-tier standards and pertains only to computer monitors with refresh rates of 300 Hz or higher.

The proposed regulations would also add a new energy adder for a new type of Ethernet that provides data transfer rates of more than 1 gigabits per second and less than 10 gigabits per second. Regardless of their data transfer rates, Ethernet ports provided through an add-in card receive the generic energy adder for add-in cards. For this reason, the new energy adder is only applied for Ethernets with data transfer rates between 1 to 10 gigabits per second that are integrated onto the motherboard and therefore do not meet the definition of an add-in card.

The proposed regulations would also modify the existing regulations by supplementing a definition for computers with cyclical behavior. Most battery-operated computers only charge their batteries when connected to the AC main power source. However, notebooks computers that incorporate this new technology periodically charge and discharge their batteries while they are connected to the main power source, causing a cyclical pattern in power consumption by the computer. Furthermore, the CEC proposes to address the test procedure for this type of computer through this rulemaking.

The proposed regulation would also add a new definition for multi–screen notebooks. These new innovative notebooks offer secondary screens embedded on the surface where the notebook keyboard is typically located. For these notebooks, the keyboard is typically in the form of touch screen, although it could also be a mechanical keyboard. However, multi–screen notebooks with mechanical keyboards meet the existing definition of a notebook computer and do not need to be included in the new definition. The proposed regulations would further modify the existing regulations by modifying the definition of notebook computers to allow inclusion of multi–screen notebook computers, meaning they would have to comply with the notebook standards. The proposed regulations would also modify the test procedure to address the testing protocol for these multi–screen computers.

Difference from existing comparable federal regulation or statute

The CEC has determined that there are no existing comparable federal regulations or statutes.

Broad objectives of the regulations and the specific benefits anticipated by the proposed amendments

The broad objective of this rulemaking is to update to the Appliance Efficiency Regulations to modify and clarify existing standards and test procedures for computers and computer monitors to incorporate new technologies and innovations.

The specific benefit of this rulemaking is to ensure California residents will continue to have access to new and innovative computer and computer monitor technologies.

Determination of inconsistency or incompatibility with existing state regulations

The CEC has conducted an evaluation for other state regulations in this area and has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

None.

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

FISCAL IMPACTS

The CEC has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district requiring reimbursement pursuant to 17500 et seq.: None.
- Cost or savings to any state agency: None.
- Non–discretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the state: None.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

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

The CEC has made an initial determination that the proposed regulations are unlikely to have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The CEC is proposing to amend Title 20 Appliance Efficiency Regulations that would modify and clarify existing standards and test procedures for computers and computer monitors to incorporate new technologies and innovations that were not known at the time of the previously completed rulemaking.

The proposed regulations do not create the need for a new, non–existent good or service. Instead, it allows for the improvement of products that will replace some of the existing goods in the market. These are the new generations of the same products, and the total amount of computers sold is not expected to change as a result of this rulemaking. Businesses engaged in the manufacturing or sale of computers and computer monitors will benefit by being able to market and sell more product diversity and include products that utilize new technologies. For consumers, including businesses, small businesses and state and local agencies that purchase and use computers and computer monitors, this broader product offering in the California market typically leads to greater competition and stable or slightly decreasing prices. The proposed changes will ensure that California residents and businesses continue to have access to new and innovative technologies.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been revised to certify computer and computer monitor products, the CEC believes that some retailers may experience additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The CEC concludes that it is: (1) unlikely the proposal will create jobs within California, (2) unlikely the proposal will eliminate jobs within California, (3) unlikely the proposal will create new businesses in California, (4) unlikely the proposal will eliminate existing businesses within California, and (5) unlikely the proposal will result in the expansion of businesses currently doing business within the state.

Benefit of the Proposed Action: The benefit of this proposed action is to update the Appliance Efficiency Regulations to incorporate new technologies related to computers and computer monitors to ensure California residents will continue to have access to appliances that incorporate new and innovative technologies.

The proposed regulation will not affect the health and welfare of California residents, worker safety, or the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

The CEC is proposing to amend Title 20 Appliance Efficiency Regulations that would modify and clarify existing standards and test procedures for computers and computer monitors to incorporate new technologies and innovations that were not known at the time of the previously completed rulemakings.

The proposed regulations do not create the need for a new, non-existent good or service. Instead, it allows for the improvement of products that will replace some of the existing goods in the market. These are the new generations of the same products and the total amount of computers and computer monitors sold, and the overall net cost of those products is not expected to change as a result of this rulemaking. Businesses engaged in the manufacturing or sale of computers

and computer monitors will benefit by being able to market and sell more product diversity and include products that utilize new technologies. For consumers, including businesses, small businesses and state and local agencies that purchase and use computers and computer monitors, this broader product offerings in the California market typically leads to greater competition and stable or slightly decreasing prices. The proposed changes will ensure that California residents and businesses continue to have access to appliances that utilize new and innovative technologies.

Under the Appliance Efficiency Regulations, retailers are responsible for ensuring that the regulated products they sell are certified to the CEC and appear in the CEC's MAEDbS before they are sold or offered for sale in California. Because data submittal requirements have been revised to certify computer and computer monitor products, the CEC believes that some retailers may experience additional costs associated with checking MAEDbS to ensure that the products they sell appear in the MAEDbS and are therefore compliant and lawful to sell in the state.

BUSINESS REPORT

The regulations impose a reporting requirement for manufacturers of computers and computer monitors. However, these are not newly regulated products, they are only being updated to require revised data submissions consistent with amendments to test procedures.

State law (Public Resources Code Section 25402(c)(1)) requires manufacturers to certify to the CEC that their appliances comply with the applicable energy efficiency standards before they are sold or offered for sale in the state. The Appliance Efficiency Regulations require manufacturers to provide specified information for this purpose to the MAEDbS. MAEDbS is used by manufacturers and maintained by the CEC to list the appliances authorized to be sold or offered for sale in California. This is necessary to help the CEC and consumers verify compliance with applicable federal and state efficiency standards. Some retailers may choose to act as a manufacturer when they rebrand a product and assume the certification burden for that appliance.

It is necessary for the health, safety, or welfare of the people of the state that these regulations, which require a report, apply to businesses.

SMALL BUSINESS

The proposed regulations may affect small business. However, the CEC is not aware of any significant cost impacts that a small business would incur in reasonable compliance with the proposed action.

CONSIDERATION OF ALTERNATIVES

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

The CEC invites interested persons to present statements or arguments, or data concerning alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

CONTACT PERSON

Please direct inquiries concerning all aspects of the rulemaking process including requests for copies of the proposed text (express terms), the initial statement of reasons (ISOR), any modified version of the regulations, the substance of the proposed regulations, or any other information upon which the rulemaking is based to:

Corrine Fishman
 Regulations Manager, Efficiency Division
 1516 Ninth Street
 Sacramento, CA 95814-5512
 (916) 690-5000 (cell)
corrine.fishman@energy.ca.gov

If Corrine Fishman is unavailable, please contact Soheila Pasha at Soheila.pasha@energy.ca.gov.

COPIES OF THE INITIAL STATEMENT OF REASONS, THE EXPRESS TERMS, AND RULEMAKING FILE

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms, the Economic and Fiscal Impact Statement (399) and the ISOR. Copies may be obtained by

contacting Corrine Fishman at the address or phone number above or accessed through the CEC website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4>.

AVAILABILITY OF SUBSTANTIAL CHANGES TO ORIGINAL PROPOSAL FOR AT LEAST 15 DAYS PRIOR TO AGENCY ADOPTION/REPEAL/AMENDMENT OF RESULTING REGULATIONS

Participants should be aware that any of the proposed regulations could be substantively changed as a result of public comment, staff recommendation, or recommendations from commissioners. Moreover, changes to the proposed regulations not indicated in the express terms could be considered if they improve the clarity or effectiveness of the regulations. If the CEC considers changes to the proposed regulations pursuant to Government Code Section 11346.8, a full copy of the text will be available for review at least 15 days prior to the date on which the CEC adopts or amends the resulting regulations.

COPY OF THE FINAL STATEMENT OF REASONS

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the Energy Commission’s website at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4> or contacting the contact person above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared by the CEC for this rulemaking have been posted at <https://www.energy.ca.gov/rules-and-regulations/appliance-efficiency-regulations-title-20/appliance-efficiency-proceedings-4>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE
SECTION 1653 CONSISTENCY
DETERMINATION REQUEST FOR
South Fork Floodplain Restoration Phase II Project
(Tracking Number: 1653–2020–065–001–R1)
Siskiyou County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 18, 2020, that California Trout proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the restoration of habitat at three sites including the removal of mining tailings and the construction of engineered log jams containing large woody debris, boulders and native vegetation. The objective of these treatments is to initiate stream processes that improve channel form and function while increasing instream salmonid habitat quantity and quality. The proposed project will be carried out on the South Fork Scott River, located 3044 Cecilville Road, two miles west of Cecilville, Siskiyou County, California.

On September 11, 2020, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the South Fork Floodplain Restoration Phase II Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID No. 1A20179WNSI; ECM PIN No. 868947) for coverage under the General 401 Order on September 15, 2020.

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

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

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY

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

The Office of Environmental Health Hazard Assessment (OEHHA) has proposed to amend Title 27, California Code of Regulations, by adopting Section 25505 Exposures to Listed Chemicals in Cooked or Heat Processed Foods. A Notice of Proposed Rulemaking for the regulation was published in the California Regulatory Notice Register on August 7, 2020 (Z–2020–0728–02), and initiated a 60–day public comment period that was extended to October 21, 2020. OEHHA has received a request to hold a public hearing on the proposed regulation.

OEHHA has scheduled a public hearing on Tuesday, **October 13, 2020**, from 1:00 p.m. to 3:00 p.m. In accordance with Governor Newsom’s Executive Orders *N–29–20* and *N–33–20* as well as recommendations from the California Department of Public Health, the hearing will not have a physical location. The hearing will be conducted remotely with more detailed information to be posted on our website.

If you have special accommodation or language needs, please contact Monet Vela at (916) 323–2517 or monet.vela@oehha.ca.gov by October 6, 2020. TTY/TDD/Speech-to-Speech users may dial 7–1–1 for the California Relay Service.

Because of limited in–office staffing during the COVID–19 emergency, OEHHA strongly recommends that written comments be submitted electronically through our website at <https://oehha>.

[ca.gov/comments](https://oehha.ca.gov/comments). Comments submitted in paper form may still be mailed, but delays may occur if staff are unable to access them in a timely manner.

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

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.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY

SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986

(PROPOSITION 65)

ANNOUNCEMENT OF THE
DEVELOPMENTAL AND REPRODUCTIVE
TOXICANT IDENTIFICATION COMMITTEE
MEETING SCHEDULED FOR DECEMBER 10,
2020. PRIORITIZATION: CHEMICALS FOR
CONSULTATION BY THE DEVELOPMENTAL
AND REPRODUCTIVE TOXICANT
IDENTIFICATION COMMITTEE

This notice announces the beginning of a 45-day public comment period on the chemicals or chemical groups listed below. These chemicals will be discussed at a public meeting of the Proposition 65 Developmental and Reproductive Toxicant Identification Committee (DARTIC) scheduled for **Thursday, December 10, 2020**. The meeting will be held virtually. The meeting will begin at 10:00 a.m. and will last until all business is conducted or until 5:00 p.m. The agenda for the meeting and instructions on how to participate will be provided in a future public notice.

The DARTIC is the state's qualified experts on reproductive toxicity for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65). The DARTIC will provide the Office of Environmental Health Hazard Assessment (OEHHA) with advice on the prioritization of these chemicals for possible preparation of hazard identification ma-

terials. At a later date, OEHHA will select chemicals for preparation of hazard identification materials and announce those decisions in a separate notice. **No listing decisions will be made for these chemicals at the DARTIC's upcoming meeting.**

OEHHA is the lead agency for the implementation of Proposition 65. The evidence of hazard used in this current round of prioritization is an epidemiologic data screen and an animal data screen. Chemicals or chemical groups passing either data screen were then subjected to a preliminary toxicological evaluation. This screening follows the procedure described in the 2004 OEHHA document, "*Process for Prioritizing Chemicals for Consideration under Proposition 65 by the State's Qualified Experts*".

The chemicals or chemical groups are:

- Benzophenone-3
- Bisphenol S
- Diazinon
- Diethylphthalate
- Domoic acid
- Glyphosate and its salts
- Manganese
- Neonicotinoid pesticides
 - Acetamiprid
 - Clothianidin
 - Imidacloprid
 - Thiamethoxam
- Parabens
 - Butyl paraben
 - Isobutyl paraben
 - Methyl paraben
 - Propyl paraben
- Per- and polyfluorinated substances (PFASs)
 - Perfluorodecanoic acid (PFDA)
 - Perfluorohexanesulfonic acid (PFHxS)
 - Perfluorononanoic acid (PFNA)
 - Perfluoroundecanoic acid (PFUnDA)
- Titanium dioxide nanoparticles
- Vinpocetine
- Zearalenone

The DARTIC will consider these chemicals at its December 10, 2020 meeting. OEHHA will send public comments received on the prioritization document for these chemicals to DARTIC members prior to the meeting.

Copies of the prioritization document for these chemicals are available on OEHHA's web site <https://oehha.ca.gov/proposition-65/notices> or may be requested by emailing Tyler.Saechao@oehha.ca.gov or calling (916) 445-6900.

Interested parties may provide comments on the potential for exposure in California and the extent of the scientific evidence pertaining to the selection of any of these chemicals for possible preparation of hazard identification materials. OEHHA must receive written comments and any supporting documentation no later than **November 16, 2020**, the designated close of the written 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 access them in a timely manner.

All non-electronic submissions should be directed to:

Tyler Saechao
Office of Environmental Health Hazard
Assessment
1001 I Street
P. O. Box 4010, MS-12B
Sacramento, California 95812-4010
Telephone: 916-445-6900
Fax: 916-323-2265

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.

Comments received during the public comment period will be posted on the OEHHA website after the close of the comment period.

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

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California

has set the time and place for a Public Meeting and Business Meeting:

PLEASE NOTE: In accordance with Executive Order N-29-20, and Executive Order N-33-20, the PHYSICAL meeting location has been cancelled for October.

PUBLIC MEETING

On **November 19, 2020**, at 10:00 a.m.
via Video-conference at www.webex.com
(meeting ID 268 984 996) and
Teleconference at (844) 992-4726 using access
code 268 984 996

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

BUSINESS MEETING

On November 19, 2020, at 10:00 a.m.
via Video-conference at www.webex.com
(meeting ID 268 984 996) and
Teleconference at (844) 992-4726 using access
code 268 984 996

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH THE
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.

Board of Forestry and Fire Protection
File # 2020-0724-02
Fuel Hazard Reduction Amendments, 2020

This Certificate of Compliance makes permanent the changes adopted in emergency rulemaking action no. 2019-0731-01E (readopted in nos. 2020-0123-03EE and 2020-0420-03EE), which amended emergency timber harvesting practices to reduce wildfire threat and hazardous fuel conditions.

Title 14
Amend: 913, 933, 953, 1052, 1052.4
Filed 09/17/2020
Effective 01/01/2021
Agency Contact: Eric Hedge (916) 653-9633

California Energy Commission
File # 2020-0806-01
Appliance Efficiency Regulations — Pool Pumps

In this rulemaking action, the Commission amends its regulations to establish standards and test procedures for dedicated-purpose pool pumps (DPPP) and replacement dedicated-purpose pool pump motors (RDPPPM).

Title 20
Amend: 1601, 1602, 1604, 1605.1, 1605.2, 1605.3, 1606, 1607
Filed 09/21/2020
Effective 01/01/2021
Agency Contact: Corrine Fishman (916) 654-4976

California Gambling Control Commission
File # 2020-0911-03
Emergency-Based Remote Counts

The California Gambling Control Commission filed this emergency action to amend a regulation addressing count rooms in gambling establishments. The amendment adds regulatory provisions to allow gam-

bling enterprises subject to a state of emergency or other order associated with a virus that requires physical distancing to reduce the number of employees required to be physically present in the count room, if specified conditions exist.

Title 04
Amend: 12385
Filed 09/17/2020
Effective 09/17/2020
Agency Contact:
Adrianna Alcala-Beshara (916) 261-4259

California Prison Industry Authority
File # 2020-0625-02
Inmate Work/Training Education

The California Prison Industry Authority (Authority) filed this rulemaking action to amend a regulation addressing recruitment and appointment of inmates to fill vacant positions in Authority operations. The amendments require inmate workers to execute an acknowledgement of receipt of policies, procedures, and other documents and conditions of appointment and appointment documents. The regulation is also amended to require Authority staff to submit a job change request form as part of the process of filling vacant positions. Both amendments incorporate a form by reference.

Title 15
Amend: 8004.2
Filed 09/23/2020
Effective 01/01/2021
Agency Contact: Moira Doherty (916) 358-1612

California State University
File # 2020-0813-01
California State University General Education — Breadth Requirements

This action by the Board of Trustees of the California State University, submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends California State University general education breadth requirements. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05
Amend: 40405.1
Filed 09/22/2020
Effective 09/22/2020
Agency Contact: Jason Taylor (562) 951-4500

California State University
File # 2020-0813-02
Residence Reclassification — Financial
Independence Requirement

This action by the Board of Trustees of the California State University, submitted to OAL for courtesy filing with the Secretary of State and for printing in the California Code of Regulations, amends residence reclassification and financial independence requirements for nonresident students. This action is exempt from the Administrative Procedure Act and takes effect upon filing with the Secretary of State pursuant to Education Code sections 89030 and 89030.1, respectively.

Title 05
Amend: 41905.5
Filed 09/22/2020
Effective 09/22/2020
Agency Contact: Jason Taylor (562) 951-4500

California Underground Facilities Safe Excavation
Board
File # 2020-0806-03
Dig Safe — ACE and Power Tools

In this regular rulemaking action the California Underground Facilities Safe Excavation Board amends one section and adopts five sections related to providing and maintaining contact information with regional notification centers, continual excavation tickets, and the use of equipment other than hand tools to determine the exact location of subsurface installation.

Title 19
Adopt: 4305, 4310, 4345, 4401, 4501
Amend: 4003
Filed 09/18/2020
Effective 09/18/2020
Agency Contact: Diane Arend (916) 568-2917

Department of Child Support Services
File # 2020-0617-01
CA Department of Child Support Services

In this action, the Department of Child Support Services repeals Manual of Policies and Procedures Chapter 12-700, with the exception of section 12-701, regarding Franchise Tax Board and Financial Management Services Tax Refund Intercept regulations.

Title MPP
Repeal: 12-702, 12-703, 12-704, 12-705, 12-706,
12-707, 12-708, 12-709, 12-710, 12-711, 12-712,
12-713, 12-714, 12-715, 12-716, 12-717
Filed 09/23/2020
Effective 01/01/2021
Agency Contact:
Andrew Enriques (916) 464-6689

Department of Corrections and Rehabilitation
File # 2020-0723-02
Indigent Inmates

This rulemaking action implements Penal Code section 5007.7, which defines “indigent inmate” and requires the California Department of Corrections and Rehabilitation to provide indigent inmates with basic supplies necessary to maintain their personal hygiene as well as sufficient resources to communicate with and access courts.

Title 15
Amend: 3000, 3061, 3105, 3133, 3138, 3162, 3165
Filed 09/17/2020
Effective 01/01/2021
Agency Contact: Josh Jugum (916) 798-1484

State Personnel Board
File # 2020-0806-04
Conflict-of-Interest Code

This conflict-of-interest code filing by the State Personnel Board was approved by the Fair Political Practices Commission on March 12, 2020 and is being submitted to OAL for filing with the Secretary of State and printing in the California Code of Regulations.

Title 02
Amend: 549
Filed 09/18/2020
Effective 10/18/2020
Agency Contact:
Dorothy Bacskai Egel (916) 653-1466

**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.