



California Regulatory Notice Register

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PROPOSED ACTION ON REGULATIONS

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*Time-
Dated
Material*

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 1491

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE LANDS COMMISSION

The California State Lands Commission (Commission) will decide whether to adopt the regulations described below after considering all comments on the proposed action.

PROPOSED REGULATORY ACTION

The Commission proposes to amend Article 4.7 of Title 2, Division 3, Chapter 1 of the California Code of Regulations. The proposed regulatory action would amend the compliance dates for the California interim and final ballast water discharge performance standards, incorporate the federal ballast water discharge standards into California regulation, establish requirements to monitor the functionality of ballast water treatment systems, and ensure that the Commission has access to obtain ballast water and sediment samples for compliance assessment and research purposes.

Specifically, the proposed regulatory action would:

- Amend Section 2291 to clarify the applicability provision and establish an effective date for the new regulations.
- Amend Section 2292 to repeal or amend existing terminology included within Article 4.7 in addition to adopting new terms to ensure clarity.
- Amend Section 2293 to delay the interim and final California performance standards for ballast water discharges. Additionally, amend Section 2293 to adopt the performance standards for the discharge of ballast water set forth in Section 151.2030(a) of Title 33 of the Code of Federal Regulations in accordance with the implementation schedule in Section 151.2035(b) of Title 33 of the Code of Federal Regulations, as required by Public Resources Code section 71205.3.
- Repeal current Sections 2294, 2295, and 2296.
- Adopt new Section 2294 to establish that Commission staff must be provided access to sampling ports and tanks to collect and analyze ballast water for compliance assessment and

ballast water and sediment samples for research purposes.

- Adopt new Section 2295 to require monitoring, calibration, and functionality assessments of ballast water treatment systems and to require system operation in accordance with the treatment system’s System Design Limitations.
- Adopt new Section 2296 to establish the criteria for ballasting exclusively with water from a Public Water System as an acceptable alternative ballast water management method.
- Adopt Section 2297 to set requirements regarding recordkeeping.

The proposed actions would assist with the implementation of the provisions of Public Resources Code sections 71200, 71201.7, 71202, 71204, 71204.3, 71204.5, 71205.3 71206, and 71213 in accordance with authority granted by Public Resources Code sections 71201.7, 71202, 71204.3, 71204.5, and 71205.3.

WRITTEN COMMENT PERIOD

Any interested person or authorized representative may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes on January 19, 2021. The Commission must receive all written comments by the end of that day. Submit written comments to:

Lina Ceballos–Osuna
 Senior Environmental Scientist
 Marine Invasive Species Program
 Marine Environmental Protection Division
 California State Lands Commission
 100 Howe Avenue, Suite 100–South
 Sacramento CA 95825

Written comments may also be submitted by email to cslc.mepdregulations@slc.ca.gov. Please include “**Article 4.7 Comments**” in the subject line of the email.

PUBLIC HEARING

Commission staff has not scheduled a public hearing on this proposed action. However, the Commission will hold a public hearing, pursuant to Government Code section 11346.8, if it receives a written request for a public hearing from any interested person, or authorized representative, no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Public Resources Code Section 71201.7 provides the Commission with the authority to adopt regulations as necessary to implement the provisions of

the Act. Public Resources Code sections 71204.3 and 71204.5 direct the Commission to adopt regulations governing ballast water management practices for vessels arriving at California ports. Public Resources Code section 71205.3 directs the Commission to adopt the federal ballast water discharge standards and to delay the implementation date of the California interim and final performance standards.

Reference: The proposed regulations would implement, interpret, and make specific Public Resource Code sections 71205.3 (by adopting the federal standards and delaying the implementation date of the California standards), 71206, 71204, subd. (g), and 71213 (by clarifying requirements for allowing the Commission to take ballast water samples from arriving vessels to assess compliance and for research), 71204.3 and 71204.5 (by clarifying requirements for monitoring and operating ballast water treatment systems), and 71200 (by adding and modifying definitions used in the rest of Article 4.7).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On January 1, 2020, AB 912 (Chapter 433, Statutes of 2019) became effective, amending sections of the Public Resources Code governing the Commission's Marine Invasive Species Program. The amendments direct the Commission to adopt regulations that require a master, owner, operator, or person in charge of a vessel carrying, or capable of carrying, ballast water that arrives at a California port (hereafter "vessel") to implement the ballast water discharge performance standards set forth in Section 151.2030, subdivision (a) of Title 33 of the Code of Federal Regulations, or as that regulation may be amended. Public Resources Code section 71205.3 also requires the Commission to adopt regulations requiring a master, owner, operator, or person in charge of a vessel to comply with the implementation schedule set forth in Section 151.2035, subdivision (b) of Title 33 of the Code of Federal Regulations, or as that regulation may be amended, except as prescribed in Section 151.2036 of Title 33 of the Code of Federal Regulations, or as that regulation may be amended.

The proposed regulations would amend Article 4.7 of Title 2, Division 3, Chapter 1 of the California Code of Regulations. These amendments would amend the compliance dates for the California interim and final ballast water discharge performance standards, incorporate the federal ballast water discharge standards into California regulations, establish requirements to monitor the functionality of ballast water treatment systems, require that the Commission has access to obtain ballast water and sediment samples for research purposes and compliance assessment, and

require vessels to keep certain records onboard and available for Commission staff to inspect.

The performance standards for ballast water discharges and the associated implementation schedule in proposed Section 2293, subdivision (a) are identical to those in current federal regulations, title 33 of the Code of Federal Regulations, sections 151.2030 and 151.2035, subdivision (b). However, without adopting these standards into California law, the Commission lacks authority to assess compliance and enforce these standards. Adopting the federal standards is beneficial because it will allow Commission staff to enforce these standards. While the U.S. Coast Guard is authorized to enforce the federal ballast water standards, it may not have the resources to inspect as many vessels for compliance with ballast water requirements as the Commission. Therefore, the Commission's ability to enforce the federal performance standards for the discharge of ballast water is expected to reduce the introduction of nonindigenous species by increasing inspection rates and promoting compliance with the performance standards.

The performance standards and implementation dates in proposed Section 2293, subdivisions (b) and (c) are particular to California law only but do not conflict with federal law because the compliance dates (January 1, 2030 for proposed Section 2293, subdivision (b), and January 1, 2040 for proposed Section 2293, subdivision (c)) are far in the future; regardless, the Commission is required by Public Resources Code section 71205.3 to adopt these regulations. The alternative ballast water management method proposed in Section 2296, to ballast with water from a Public Water System, is consistent with 33 CFR § 151.2035(a).

There are federal regulations that are comparable to the recordkeeping requirements in proposed Section 2297, such as 33 CFR 1151.2070(d), which requires that certain records be kept available for Coast Guard inspectors for two years, and includes records taken by the control and monitoring equipment showing proper functioning, failures, calibration and repair events; while not identical, the proposed regulations are not expected to conflict with these comparable federal regulations. Both the Coast Guard's regulations and the Commission's regulations require these records to be kept on board the vessel and readily viewable during inspections. While the Commission's proposed regulations provide more specificity about what kind of monitoring information must be included, vessels can comply with both the Coast Guard's and the Commission's regulations without unreasonably impacting operations.

Establishing requirements for monitoring the functionality of ballast water treatment systems will help ensure these systems are operating as intended to

effectively remove organisms from ballast water prior to discharge. Establishing the Commission's authority to take samples for research purposes will enable staff to collect data that can inform the development of future performance standards.

Anticipated Benefits of the Regulations

The proposed regulations would incorporate the federal ballast water performance standards into California law, delay the compliance dates for California's interim and final performance standards, prohibit discharge from vessels that do not operate their ballast water treatment systems according to the System Design Limitations and manufacturer's instructions, require that Commission staff be given access to sampling ports and ballast water tanks to take samples for research and compliance purposes, and impose recordkeeping requirements. The proposed regulations do not make changes to existing worker safety requirements, and the proposed requirement related to allowing Commission staff to take ballast water samples is subject to an exception for safety concerns.

The proposed regulations are expected to benefit both the State's environment and the health and welfare of California residents. Promulgation of the federal ballast water discharge standards into the Commission's regulations and prohibiting discharge from vessels which are not operating their ballast water treatment systems properly will promote the Marine Invasive Species Act's goal of moving the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state or into water that may impact the waters of the state, based on the best available technology economically achievable. Nonindigenous species cause significant impacts to California's economy, human health, and the environment, and commercial shipping is a primary pathway for the introduction of nonindigenous species into California's waters. While the U.S. Coast Guard is authorized to enforce the federal ballast water standards, it may not have the resources to inspect as many vessels for compliance with ballast water requirements as the Commission. Therefore, the Commission's ability to enforce the federal performance standards for the discharge of ballast water is expected to reduce the introduction of nonindigenous species by increasing inspection rates and promoting compliance with the performance standards.

In addition, the proposed regulations will allow the Commission to collect samples for research and therefore be able to compile data that will increase the current knowledge about the functionality of ballast water treatment systems and the ability of these systems to meet discharge standards. Currently,

there is very limited published data available, so the Commission's ability to collect this data would significantly aid with refining ballast water discharge standards in the future.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

During the process of developing the proposed amendments, the Commission has conducted an evaluation for any related regulations. The proposed regulations are consistent and compatible with existing state regulations governing the management of ballast water discharges. No other state agency has authority to promulgate ballast water discharge performance standards. The proposed regulations adopt federal performance standards for ballast water discharge, adopt requirements for the operation of ballast water treatment systems, and adopt procedures to assess vessel compliance with performance standards for the discharge of ballast water. There are no other state regulations that establish methods of assessing vessel compliance with the state's ballast water performance standards.

DETERMINATION ON MAJOR
REGULATION DESIGNATION

Commission staff has determined that this proposed regulatory action is not a major regulation as defined by Government Code section 11342.548. This proposed action incorporates into California regulations the ballast water discharge standards that the regulated community is already required to comply with under federal law and delays implementation of the California interim and final performance standards. Because the regulated community is already required to comply with the federal standards, adoption of these standards into state regulation will not impose additional costs to the maritime shipping industry.

The costs associated with the implementation of the proposed regulations would largely be to the State in the form of the Commission's need to acquire compliance monitoring devices to perform rapid indicative assessments of organism abundance in ballast water samples during onboard inspections and to pay for detailed sample analysis of ballast water; staff expects these costs to range from \$10,000 to \$140,000 annually (see details in the Economic Impact Analysis).

LOCAL MANDATE

Commission staff has determined that the proposed regulatory action does not impose any mandates on local agencies or school districts.

FISCAL IMPACTS

Commission staff has determined that this proposed regulatory action:

- imposes no mandates or costs requiring State reimbursement to any local agency or school district pursuant to Government Code sections 17500 et seq.;
- may result in an estimated cost of \$10,000 to \$140,000 to the Commission. These costs are included in the state form STD. 399 and discussed in the Economic Assumption sheet included as part of the rulemaking record. No costs or savings are anticipated for any other state agency from this proposed action;
- will have no other nondiscretionary costs or savings imposed on local agencies; and
- will have no impact on costs or savings in federal funding to the State.

HOUSING COSTS

Commission staff has determined that this proposed action will have no impact on housing costs.

STATEMENT REGARDING ADVERSE ECONOMIC IMPACTS DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE

Commission staff has determined that the proposed regulations will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Through the Economic Impact Assessment, Commission staff has determined that the proposed regulations:

- (1) will have no significant impact on the creation or elimination of jobs within the State of California;
- (2) will have no significant impact on the creation or elimination of existing businesses within the State of California; and
- (3) will have no significant impact on the expansion of businesses currently doing business within the State of California.

Commission staff has determined that the proposed regulations will benefit:

- (1) the State's environment by:
 - Enabling the Commission to assess and enforce compliance with the federal

ballast water discharge performance standards, reducing significantly the risk of nonindigenous species introduction into California waters; and

- reducing the likelihood of future environmental, human health, and economic impacts resulting from the introduction and establishment of nonindigenous species.
- (2) the health and welfare of California residents by ensuring that vessels operating within California comply with the provision of the Act. This will reduce the risk of vessel-mediated introductions of:
 - pathogens and parasites; and
 - harmful and invasive nonindigenous species (for example, harmful algal blooms and toxic diatoms).

COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

There are no new costs imposed on persons or businesses by the proposed amendments. The regulated community is already obligated under federal law to comply with the federal performance standards in the proposed regulations; therefore, the Commission is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the ballast water discharge performance standards. None of the other proposed amendments, including delaying the interim and final California performance standards, requiring access to sampling ports, and requiring recordkeeping, impose any costs on the regulated community.

SMALL BUSINESS DETERMINATION

The Commission staff finds that the adoption of this proposed action will not have a significant adverse economic impact on small businesses. The Commission is not aware of any small businesses that would be subject to the proposed regulations, but there may be some. However, since vessel owners and operators are already subject to the federal performance standards for ballast water discharge, the proposed regulations adopting these standards will not add any economic burden. Additionally, requiring adherence to the manufacturer's specifications and terms of treatment system approval would not impose an additional cost because federal law already requires vessel operators to operate treatment systems according to the specifications and terms of approval. Finally, the recordkeeping requirements are not expected to impose an economic burden.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Commission must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Commission invites interested persons to submit comments on potential alternatives to the proposed regulation during the written comment period.

CONTACT PERSONS

Direct inquiries concerning the substance of the proposed regulations to:

Lina Ceballos–Osuna
 Senior Environmental Scientist
 Marine Invasive Species Program
 Marine Environmental Protection Division
 California State Lands Commission
 100 Howe Avenue, Suite 100–South
 Sacramento CA 95825
 Telephone: (916) 574–1864
 Email: lina.ceballos@slc.ca.gov

or:

Emma Kennedy
 Staff Attorney
 California State Lands Commission
 100 Howe Avenue, Suite 100 South
 Sacramento, CA 95825–8202
 Telephone: (916) 574–0958
 Email: emma.kennedy@slc.ca.gov

Requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Lina Ceballos–Osuna
 Senior Environmental Scientist
 Marine Invasive Species Program
 Marine Environmental Protection Division
 California State Lands Commission
 100 Howe Avenue, Suite 100–South
 Sacramento CA 95825
 Telephone: (916) 574–1864
 Email: lina.ceballos@slc.ca.gov

AVAILABILITY STATEMENTS

Commission staff will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the Sacramento office listed above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, including the economic impact assessment, and relevant sources of information upon which the proposed rulemaking is based. Interested parties may obtain copies of any of the aforementioned files by contacting Lina Ceballos–Osuna as listed above, or by visiting the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT OF ORIGINALLY PROPOSED REGULATIONS

After considering all timely and relevant comments, the Commission may adopt the proposed regulation as described in this notice. If Commission staff makes any substantial and sufficiently related modifications to the proposed text, the modified text with changes clearly indicated will be made available to the public for at least fifteen days prior to the date that the Commission adopts the regulation. Interested parties shall send requests for copies of the modified regulation, if applicable, to the attention of Lina Ceballos–Osuna at the address indicated above. The Commission will accept written comments on the modified regulation for at least fifteen days after the date that it is available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, interested parties may obtain a copy of the Final Statement of Reasons by contacting Lina Ceballos–Osuna at the address, telephone number, or email address listed above or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed rulemaking, the initial statement of reasons, the proposed text of regulations, the economic impact assessment, relevant documents, and any future changes or modifications to the proposed text can be accessed through our website at: <http://www.slc.ca.gov>.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code section 11346.8, any interested person, or his/her duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY JANUARY 4, 2021

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to Michelle Weiler at michelle.weiler@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, Regulation 1005(d) specifies the minimum hours of training required for each of the perishable skills/communications topics but does not include the content, testing, and instructional methodology requirements. Presenters must cross reference with Training Procedure D-2-4 to find this information. This process can be frustrating for presenters with new training managers unfamiliar with the layout of POST Regulations and Training Procedures. Also, the minimum topics as currently listed in Procedure D-2-4 do not match the topics as listed in the PSP document that agencies and presenters rely on to

develop and present the perishable skills training required every two years.

This indicates that even amongst POST staff, having multiple and separate locations for this information can lead to confusion. Listing all of the requirements for the PSP in one location will eliminate confusion and streamline regulatory references. Addressing both the minimum required hours and the required content, testing, and instructional methodology in one place will eliminate confusion and the necessity to view requirements across multiple documents. Additionally, approval of this agenda item would continue the progress in moving away from references to the POST Administrative Manual that is no longer in use. Rather, it focuses on the regulatory procedures set forth in the California Code of Regulations.

Regulation 1005(d) and Training Procedure D-2-1 currently distinguish Communications as a CPT requirement separate from the Perishable Skills. This has led to confusion as there is a common perception among both the field and POST staff that Communications is one of the specified Perishable Skills topics. Communications, whether interpersonal or tactical, is a “perishable skill” and one that must be practiced with intent to be effective. This is especially the case with respect to de-escalation. Amending Regulation 1005(d) and Training Procedure D-2-1 to remove this distinction and bring the topic of Communications under the umbrella of Perishable Skills will eliminate this confusion and bring this topic area in line with what the PSP represents, the continued training in skills that law enforcement personnel must regularly practice in order to maintain proficiency.

The required minimum topics for courses qualifying for the POST Perishable Skills Program have not been updated since they were first implemented in 2002. As a result, some of the topic areas, terminology, and techniques referenced in the current minimum topics have become obsolete, are no longer used, or are no longer considered best practice. POST staff convened several workshops with subject matter experts (SMEs) from throughout California to discuss current terminology and best practices as well as to update the minimum topics based on the direction of the SMEs.

The term “Simunitions” was replaced by “marking cartridges” after the Commission meeting held on October 22, 2020 as an oversight that is a non-substantive change. “Simunitions” is a trademarked product and POST does not want to inadvertently force presenters to use this specific product when other similar equipment is available to provide the same outcome. By referencing marking cartridges, presenters of POST-certified training courses for firearms have the option to choose which type of equipment is best suited for their organization and

training. This is a non-substantive change as marking cartridges still refer to simulated ammunition.

POST participating agencies and presenters of PSP courses will be provided with a grace period for updating their curriculum to accommodate the updated minimum topics. This has been noted in the regulation as follows: “For the 2021–2022 CPT cycle, individuals who completed any of the Perishable Skills courses between January and July 2021, adhering to prior versions of the required Minimum Topics and Course Objectives, will remain compliant for the remainder of the cycle.”

Anticipated Benefits of the Proposed Regulation:

The benefits of the proposed amendments to the regulations will be to increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State’s environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern the perishable skills and continuing professional training requirements for peace officers in California.

FORMS INCORPORATED BY REFERENCE

There are no forms incorporated by reference.

ADOPTION OF PROPOSED REGULATIONS

Following the public comment period, POST may adopt the proposal substantially as set forth without further notice, or POST may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If POST makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. POST will accept written comments on the modified text for 15 days after the date that the revised text is made available.

ESTIMATE OF ECONOMIC IMPACT

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code sections 17500–17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses: POST has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Small Business Determination: POST has found that the proposed amendments will not affect small business, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California businesses, including small businesses. The regulation addresses the updating of language to address minimum topic content and instructional methodology requirements to reflect current terminology and best practices for each of the Perishable Skills Program topics of Arrest and Control, Driver Training/Awareness, Tactical Firearms, and Communications. This only affects individuals associated with participating law enforcement agencies and/or course presenters.

Cost Impacts on Representative Private Persons or Businesses: POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: POST has made an initial determination that the proposed regulation would have no effect on housing costs.

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

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments to the regulations will be to increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained

and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the State's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Michelle Weiler, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4870. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <https://post.ca.gov/Regulatory-Actions>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 16. DENTAL BOARD OF CALIFORNIA

DIVERSION EVALUATION COMMITTEE MEMBERSHIP, § 1020.4

NOTICE IS HEREBY GIVEN that the Dental Board of California (Board) is proposing to adopt amendments to California Code of Regulations (CCR), Title 16, Division 10, Article 5.5, Section 1020.4, as 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 at:

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

Written comments, including those sent by mail, facsimile, or e-mail 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 **JANUARY 5, 2021** 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 1614 and 1695.2 of the Business and Professions Code (Code), to implement, interpret or make specific section 1695.2 of the Code, the Board is considering changes to Division 10 of Title 16 of the CCR as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW/ANTICIPATED
BENEFITS

The Board regulates approximately 91,600 licensees, consisting of approximately 43,800 dentists, approximately 46,000 registered dental assistants, and approximately 1,800 registered dental assistants in extended functions. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are issuing licenses to eligible applicants, investigating complaints against licensees, disciplining licensees for violating the Dental Practice Act (DPA), monitoring licensees whose licenses have been placed on probation, and managing a diversion program for licensees whose competency may be impaired due to abuse of dangerous drugs or alcohol.

Pursuant to Code Section 1614, the Board is authorized to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the DPA.

In 1982, the California Legislature authorized the Board through legislation to seek ways and means to identify and rehabilitate licensees whose competency may be impaired due to abuse of dangerous drugs or alcohol, so that licensees so afflicted may be treated and returned to the practice of dentistry in a manner that will not endanger the public health and safety. The Legislature intended the Board implement the legislation by establishing a diversion program as a voluntary alternative approach to traditional disciplinary actions. The Board's diversion program is a confidential program that permits those licensed dentists and allied dental health professionals who meet eligibility criteria the opportunity to recover without the loss of a license to practice. Through the diversion program, the Board can closely monitor the recovery progress of licensees, thereby enhancing the Board's mission to provide consumer protection.

The Board is authorized to establish diversion evaluation committees (DEC) comprised of members with experience or knowledge in the evaluation and treatment of persons whose competency may be impaired due to alcohol or drug abuse. The Board currently has established two such committees: a northern DEC and southern DEC. Each committee consists of six members: three licensed dentists, one licensed dental auxiliary, one public member, and one licensed physician or psychologist. These committees assist the Board in the evaluation of licensees whose competency may be impaired due to the abuse of alcohol or dangerous drugs.

Despite several recruitment attempts, the Board has encountered difficulty in filling vacancies with individuals who possess the necessary experience or knowledge in the evaluation and treatment of alcohol or drug abuse and who are willing to serve as members of a DEC. This has created a shortage of available qualified candidates to serve on the Board's DEC.

The main purpose of this proposal is to amend California Code of Regulations, Title 16, Section 1020.4 to modify the requirements of DEC membership to no longer include one licensed dental auxiliary and to increase the number of public members to two (2), and to delete the limitation for DEC members to only serve two four-year terms. By modifying the composition of the DEC, the Board will be able to:

- Maintain full membership of its DEC by converting the currently vacant designated licensed dental auxiliary position to an additional public member position, while continuing to consider licensed dental auxiliaries who possess the necessary qualification to fill vacancies of the public member positions; and,
- Allow DEC members, who serve at the Board's pleasure, to continue serving until such time the Board deems it necessary to replace a DEC member or a DEC member no longer wishes to serve the Board.

This proposal is necessary to ensure the Board maintains a DEC comprised of qualified individuals who possess the necessary experience or knowledge in the evaluation and treatment of alcohol or drug abuse. Without qualified DEC members, the Board would be unable to continue managing its diversion program and effectively carry out its mission of protection of the public.

The benefit from these proposed regulations will be to ensure the Board maintains a DEC comprised of qualified individuals who possess the necessary experience or knowledge. Without qualified DEC members, the Board would be unable to continue managing its diversion program and effectively carry out its mission of protection of the public.

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. The Board is the only state entity that regulates the practice of dentistry and dental assisting through a licensure process in the interest of public protection; therefore, the Board is the only entity that

may regulate the composition of DEC members for the Board's diversion program.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations are not anticipated to result in a fiscal impact to the state because the Board currently convenes the DEC as standard operating practice and because the proposed regulations do not increase the number of DEC members or other requirements that could result in additional costs.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the proposed regulation would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because this proposal would not affect businesses. The Board has made this determination because this proposal would only impact qualified candidates interested in becoming members of the Board's DEC.

Cost Impact on Representative Private Person or Business:

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This proposal would only impact qualified candidates interested in becoming members of the Board's DEC.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses. This proposal would only impact qualified candidates interested in becoming members of the Board's DEC.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

This determination was made because the proposed changes are not sufficient to create or eliminate jobs or businesses.

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment: The benefit from these proposed regulations will be to ensure the Board maintains DEC members comprised of qualified individuals who possess the necessary experience or knowledge in the evaluation and treatment of alcohol or drug abuse. Without qualified DEC members, the Board would be unable to continue managing its diversion program and effectively carry out its mission of protection of the public.

This regulatory proposal does not affect worker safety because this proposal is not related to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative to the regulation would be either 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 regulation or would be more cost-effective to affected private persons and equally effective in implementing the statutory requirement or other provision of law.

Set forth below are the alternatives which were considered and the reasons each alternative was accepted or rejected:

Alternative 1: Amend Section 1020.4 as proposed by the Board.

Accepted: The Board determined that this alternative is the most feasible because it provides the Board with the means to ensure it maintains full membership of the DEC, with individuals who possess the necessary experience or knowledge in the evaluation and treatment of alcohol or drug abuse. Maintaining full membership of the DEC will allow the Board to process and adequately oversee more diversion cases and effectively carry out its mission of protection of the public.

Alternative No. 2: Do not seek a regulatory change.

Rejected: The Board's highest priority is the protection of the public while exercising its licensing, regulatory, and disciplinary functions. These proposed regulatory changes provide the Board with the means to ensure it maintains a DEC comprised of qualified individuals who possess the necessary experience or knowledge in the evaluation and treatment of alcohol

or drug abuse. Without qualified DEC members, the Board would be unable to continue managing its diversion program and effectively carry out its mission of protection of the public.

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 Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at https://www.dbc.ca.gov/about_us/lawsregs/.

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

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

Name:
Gabriel Nevin, Legislative & Regulatory Analyst
Dental Board of California

Address:
2005 Evergreen Street, Suite 1550
Sacramento, CA 95815

Telephone Number:
(916) 263-2027

Fax Number:
(916) 263-2140

E-Mail Address:
Gabriel.Nevin@dca.ca.gov

The backup contact person is:

Name:
Wilbert Rumbaoa, Administration Unit Manager
Dental Board of California

Address:
2005 Evergreen Street, Suite 1550
Sacramento, CA 95815

Telephone Number:
(916) 263-2215

Fax Number:
(916) 263-2140

E-Mail Address:
Wilbert.Rumbaoa@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's website at: <http://www.dbc.ca.gov/lawsregs/index.shtml>.

TITLE 19. OFFICE OF THE STATE FIRE MARSHAL

CALIFORNIA FIRE SERVICE TRAINING AND EDUCATION PROGRAM

The State Fire Marshal (SFM) is providing notice to adopt proposed regulations relevant to training standards for California fire service personnel described below, after considering all comments and objections or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. Written comments will be accepted for at least 45 days **beginning November 20, 2020 and ending January 4, 2021**. The written comment period **closes at 12:00 a.m. (Pacific Time)** on January 5, 2021. All written comments received by that date and time will be considered and responded to as part of the compilation of the rulemaking file.

Submit comments to contact via:

- Email: diane.arend@fire.ca.gov (include in the subject line of the email "**Comments: State Fire Training Burn Boss (CA-RX)**"); or
- US Mail (postmarked no later than January 4, 2021):

CAL FIRE/Office of the State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244-2460
Attn: Diane Arend, Code Development & Analysis

- Hand deliver to:

CAL FIRE/Office of the State Fire Marshal
2251 Harvard Street, Suite 400
Sacramento, CA 95815
Attn: Diane Arend, Code Development & Analysis
8:00 a.m. to 5:00 p.m. (PT)

PUBLIC HEARING

The SFM has not scheduled a public hearing on this proposed action. However, the SFM will hold a public hearing to accept comments if a written request is received from any interested party or their authorized representative no later than 15 days before the close of the 45-day written comment period, pursuant to Government Code Section 11346.8. Submit requests to the contact person(s) indicated below.

STATUTORY AUTHORITY

The proposed action will adopt regulations to reflect legislative requirements for compliance with Senate Bill 1260 (Jackson, Chapter 624, Statutes of 2018).

AUTHORITY AND REFERENCE

The proposed action will adopt regulations to reflect legislative requirements for compliance with Senate Bill 1260 (Jackson, Chapter 624, Statutes of 2018). The State Fire Marshal is proposing this regulatory action pursuant to Health and Safety Code Section 13155 with reference to 13159(d), Health and Safety Code to verify that minimum curriculum requirements are being met pertaining to facilities, and faculty standards for schools, seminars, or workshops operated by, or for the state, for the specific purpose of training fire service personnel. The proposed regulations implement, interpret, and make specific sections 13155 through and 13159.10 of the Health and Safety Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The broad objective of this proposed rulemaking action is to better define the regulatory requirements of the SFM Fire Service Training and Education Program and the enforcement and maintenance of those requirements for students, instructors, and academics.

Specifically, this action proposes the amendment of Sections 1990.00, 1990.01, and 1990.12 in Division 1, Chapter 13, Article 2, of Title 19, CCR. The regulations proposed in this rulemaking action implement, interpret, clarify, and make specific the regulatory requirements of the SFM Fire Service Training and Education Program by making the following changes:

- Provide editorial updates and changes without regulatory effect identified in Title 19 California Code of Regulations.
- Update incorporated reference document: State Fire Training Procedures Manual (May 2020) and its related forms.
- Add Certification Training Standard (CTS) Guide for State-Certified Prescribed-Fire Burn Boss (September 2020).
- Comply with Senate Bill 1260 (Jackson, Chapter 624, Statutes of 2018) requiring curriculum development, implementation, certification, and continuing education for engagement in a prescribed burning operation and entrance into contracts related to prescribed burning operation.
 - This bill requires the State Fire Marshal, on or before January 1, 2021, with the involvement of the Statewide Training and Education Advisory Committee, to develop a curriculum, or amend an existing curriculum, for a certification program for fire bosses, as provided.

Summary of Existing Laws

Health and Safety Code Section 13157 authorizes the California Fire Service Training and Education Program to be established in the Office of the State Fire Marshal and to:

- (a) Promulgate and adopt rules and regulations necessary for implementation of the program.
- (b) Establish the courses of study and curriculum to be used in the program.
- (c) Establish prerequisites for the admission of personnel who attend courses offered in the program.
- (d) Establish and collect admission fees and other fees that may be necessary to be charged for seminars, conferences, and specialized training given, which shall not be deducted from state appropriations for the purposes of this program.
- (e) Collect such fees as may be established pursuant to subdivision (d) of Section 13142.4.

Summary of Existing Regulations

Existing regulations regarding the proposed changes establish the requirements in California Code of Regulations, Title 19, Division 1, Chapter 13, for the California Fire Service Training and Education Program.

The State Fire Marshal is proposing to amend CCR, Title 19, Chapter 13, Section 1990.00 Incorporated References.

The SFM consulted with the Statewide Training and Education Advisory Committee (STEAC) along with the State Board of Fire Services (SBFS) for recommendations and analysis of the proposed curriculum and they concur with this proposal. Further, both advisory committees, STEAC and SBFS, had made recommendations to the State Fire Marshal to implement this curriculum. These conversations were conducted during agendized meetings and the curriculum documents were reviewed and approved.

Summary of Effect

These regulations impact the California Fire Service and related stakeholders by administering a voluntary certification training system for all position levels of the California Fire Service. This regulatory proposal clarifies and updates the training requirements and standards in California and those documents incorporated by reference. The proposed regulations will require participants to successfully obtain and maintain certification as State–Certified Prescribed–Fire Burn Boss. The intent of SB 1260 is to establish a common standard for certification. These changes have a negligible effect on the training system.

Comparable Federal Statute or Regulations

There are no comparable federal regulations or statutes.

Objective and Anticipated Benefits

The broad objective of the proposed action is to establish a common standard for State–Certified Prescribed–Fire Burn Boss certification. A specific benefit anticipated from the regulation is the standardized certification of Prescribed–Fire Burn Bosses statewide. The regulation will positively effect fire ecology in the State of California through range improvement and wildfire relief.

The SFM developed the regulations in accordance with Senate Bill 1260 directive. STEAC and SBFS have provided knowledge and approval through their recommendations and analysis of the proposed amendments.

Evaluation of Consistency

The Office of the State Fire Marshal (OSFM) determined this proposed regulation is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the OSFM has concluded that this is the only regulation that concerns firefighter training and education for the purposes cited in Health and Safety Code Section 13157.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the Office of the State Fire Marshal, or to any specific regulation or class of regulations. There are no other matters to identify.

DISCLOSURES REGARDING THE PROPOSED ACTION

The State Fire Marshal has made the following initial determinations:

1. Mandate on local agencies and school districts: **None.**
2. Cost or savings to any other State agency: **Unknown, new regulation**
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code, Sections 17500–17630: **None.**
4. Other non–discretionary cost or savings imposed upon local agencies: **None.**
5. Cost or savings in federal funding to the State: **Unknown, new regulation.**
6. Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other States: **None.**

Statewide adverse economic impact directly affecting businesses and individuals: The Board concluded that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

7. Significant effect on housing costs: **None.**
8. There is minimal cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The impact is limited to the cost of participation in the course. Participation in the State Fire Training system is voluntary.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The SFM concludes that the adoption of these regulations *will not*:

- a) Create or eliminate jobs within California;
- b) Create new businesses or eliminate existing businesses within California; or

c) Affect the expansion of businesses currently doing business within California.

The State Fire Marshal has assessed that this regulatory proposal:

d) will benefit the public health and welfare of California residents, worker safety, and the environment by providing standardized training throughout the state.

SMALL BUSINESS DETERMINATION

The State Fire Marshal has made the initial determination that the amendments to these regulations will have minimal effect on small businesses and the State Fire Marshal has not identified any alternatives that would lessen any adverse impact, if any, on small businesses.

BUSINESS REPORT

This regulatory proposal mandates new reporting or recordkeeping requirements beyond the business practice that has already been established by the SFM, which has been satisfied through the development of a personnel designation specific to the State-Certified Prescribed-Fire (CA-RX) Burn Boss (2020) curriculum.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), SFM must determine that no reasonable alternative it considered to the regulation 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 described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSON(S)

Inquiries concerning the proposed regulatory action, or requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or

other information upon which the rulemaking is based may be directed to:

- CAL FIRE/Office of the State Fire Marshal:

General Inquiries or requests for copies:

Diane Arend, Regulations Coordinator
(916) 568-2917

diane.arend@fire.ca.gov

Substantive or technical questions:

Caryn Petty, Deputy State Fire Marshal,
State Fire Training

(916) 662-0611

caryn.petty@fire.ca.gov

Chris Fowler, Supervising Deputy State Fire
Marshal, State Fire Training

(916) 508-4120

chris.fowler@fire.ca.gov

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

The State Fire Marshal will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office indicated above. As of the date this notice is published in the Notice Register, the SFM’s rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons for the proposed action, the economic impact assessment contained in the initial statement of reasons and any other materials or documents incorporated by reference or relied upon. Copies may be obtained through the contact person(s) at the address or telephone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a public hearing, if requested, and considering all timely and relevant comments received by the State Fire Marshal, and following the 45-day comment period, the SFM may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text — with changes indicated — shall be made available to the public for at least 15 days before the SFM adopts, amends, or repeals the regulations as revised. The SFM will accept written comments on the modified

regulations for 15 days after the date on which they are made available. To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modified regulations. Please send requests for copies of any modified regulations to the contact person.

The State Fire Marshal invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons (FSOR) may be obtained by making a written request to the contact person at the above address or by accessing the website listed below.

**AVAILABILITY OF
DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Action (NOPR), the Initial Statement of Reasons (ISOR), the Text of Proposed Regulations in underline and strikeout, and any other materials or documents incorporated by reference or relied upon may be accessed through the SFM website at: <https://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/>.

**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 # 2020-0929-01
Tethered Operation Amendments, 2020

This action adopts a regulatory framework for tethered logging operations.

Title 14
Amend: 895.1, 914, 914.2, 914.3, 914.6, 934, 934.2, 934.3, 934.6, 954, 954.2, 954.2, 954.6, 1034, 1098.2, 1038.4, 1052, 1090.5, 1090.7, 1092.09, 1094.6, 1094.8
Filed 11/10/2020
Effective 01/01/2021
Agency Contact: Eric Hedge (916) 653-9633

California Alternative Energy and Advanced
Transportation Financing Authority
File # 2020-1026-02
Sales and Tax Exclusion Program

This emergency rulemaking by the California Alternative Energy and Advanced Transportation Financing Authority amends the Sales and Use Tax Exclusion Program to revise definitions, application requirements, eligibility requirements, compliance deadlines, and update cross-references and numbering.

Title 04
Amend: 10031, 10032, 10033, 10034, 10035, 10036
Filed 11/04/2020
Effective 11/04/2020
Agency Contact: Ashley Emery (916) 651-5100

Commission on Peace Officer Standards and Training
File # 2020-0921-02
Minimum Standards for Training

This rulemaking action by the Commission on Police Officer Standards and Training (POST) amends Continuing Professional Training (CPT) requirements to allow certain POST-developed informational videos in topics of high priority or urgency due to their impact on the law enforcement community to count toward required hours of CPT.

Title 11
Amend: 1005
Filed 11/09/2020
Effective 01/01/2021
Agency Contact: Brad NewMyer (916) 227-3893

Contractors State License Board
File # 2020-1104-01
Fees

This emergency rulemaking by the Contractors State License Board increases fees for license renewal for active licenses, inactive licenses and renewal of a home improvement salesperson registration.

Title 16
Amend: 811
Filed 11/10/2020
Effective 11/10/2020
Agency Contact: Betsy Figueria (916) 255-3369

Department of Aging
File # 2020-0729-01
Posting of Notice, Facility Entry, Interference with
Actions of Office

This action amends regulations governing the long-term care ombudsman program with respect to presentation of identification and applicable laws to help ensure access to visited facilities, clarify the meaning of willful interference, and alter language to align with existing statutes, among other things.

Title 22
Amend: 8010, 8020, 8040
Filed 11/10/2020
Effective 01/01/2021
Agency Contact: Gretchen Kjose (916) 419-5261

Department of Social Services
File # 2020-0526-04
Intercounty Transfer Process

In this regular rulemaking the Department of Social Services (the “Department”) is revising the California Work Opportunities and Responsibility to Kids Intercounty Transfer Procedures for a recipient of aid who changes residence from one county to another within the state. Additionally, the Department is revising the Application for CalFresh, Cash Aid, and/or Medi-Cal/Health Care Programs, which is incorporated by reference in the Manual of Policies and Procedures.

Title MPP
Amend: 40-181, 40-187, 40-188, 40-189, 40-190, 40-191, 42-405, 80-301, 80-310
Filed 11/04/2020
Effective 01/01/2021
Agency Contact: Oliver Chu (916) 657-3588

Office of the State Fire Marshal
File # 2020-0527-01
Building Materials Listings — Fee Increase

In this rulemaking action, the State Fire Marshal (SFM) increases a number of fees for the evaluation by the SFM of fire alarm systems or devices, building materials, and equipment, and the listing by the SFM of those products that have been found to comply with building standards relating to fire and panic safety in the State Building Standards Code and with other fire and panic safety requirements adopted by the SFM in Title 19 of the California Code of Regulations.

The action also adopts a “Building Materials Listing Program Application for Listing Service” form which must be used by manufacturers of these products who are seeking evaluation and listing of them.

Title 19
Amend: 206, 208, 209, 216
Filed 11/05/2020
Effective 01/01/2021
Agency Contact: Diane Arend (916) 568-2917

State Allocation Board
File # 2020-1027-01
Emergency Powers of the Executive Officer; States of
Emergency

This action by the State Allocation Board readopts a prior emergency regulation, with amendments, to authorize the extension of deadlines for programs under the authority of the board during periods of emergency proclaimed by the Governor.

Title 02
Amend: 1580
Filed 11/06/2020
Effective 11/06/2020
Agency Contact: Lisa Jones (916) 376-1753

State Water Resources Control Board
File # 2020-1030-02
FY 2020-21 Waste Discharge Requirement Fees

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge permits. These fees are adjusted each fiscal year to conform to the revenue levels set forth in the Budget Act. Pursuant to Water Code section 13260(f)(2), this action is a statutorily deemed emergency, is not subject to review by the Office of Administrative Law, and shall remain in effect until revised by the state board.

Title 23
Amend: 2200, 2200.6
Filed 11/06/2020
Effective 11/06/2020
Agency Contact: Glen Osterhage (916) 341-5032

State Water Resources Control Board
File # 2020-1030-04
Emergency Regulation Amending FY 20-21 Water
Rights Fee Schedule

The State Water Resources Control Board (Board) submitted this emergency rulemaking action to amend a regulation pertaining to submission of reports for groundwater extraction, adjust fees for FY 2020-21 in seven regulations pertaining to water rights administration, applications, permits, and other water rights activities, and to adjust a fee for FY 2020-21 in one

regulation pertaining to water quality certifications required by federal law for Federal Energy Regulatory Commission licensed hydroelectric projects. The Board is required by statute to adjust these fees annually to conform to the amounts appropriated by the Legislature for expenditure from the Water Rights Fund for support of water rights program activities.

Title 23

Adopt: 1041

Amend: 1032, 1044, 1062, 1063, 1064, 1066, 1069, 3833.1

Repeal: 1041

Filed 11/09/2020

Effective 11/09/2020

Agency Contact: Glen Osterhage (916) 341-5032

**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.