



California Regulatory Notice Register

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SUMMARY OF REGULATORY ACTIONS

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

STATE: California State Transportation Agency

MULTI-COUNTY: Caliber Schools

A written comment period has been established commencing on January 8, 2021 and closing on February 22, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon his or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive

Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than February 22, 2021. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite

3000, Sacramento, California 95811, telephone (916) 322-5660.

**TITLE 14. OFFICE OF SPILL
PREVENTION AND RESPONSE/
DEPARTMENT OF FISH AND
WILDLIFE**

Fund Administration
(Section 870.17)
Financial Responsibility
(Sections 791.7, 793)

Notice is hereby given that the Department of Fish and Wildlife, Office of Spill Prevention and Response (OSPR) proposes to amend sections 870.17, 791.7, and 793, within subdivision 4 of title 14 of the California Code of Regulations, pertaining to the fee assessed against non-tank vessels. OSPR invites interested persons to present comments, statements, or arguments with respect to the proposed rulemaking during the written comment period.

PUBLIC HEARING

As a result of the coronavirus pandemic and the Executive Order of the Governor of California to protect public health by limiting public gatherings and requiring physical distancing, OSPR has not scheduled a public hearing on this proposed action.

Pursuant to Government Code section 11346.8, OSPR will hold a virtual public hearing via electronic communication if a written request is received at the address below from any interested person or his or her authorized representative no later than fifteen (15) calendar days before the end of the 45-day comment period.

SUBMISSION OF WRITTEN COMMENTS

Any interested person or his or her authorized representative may submit to OSPR written comments relevant to the proposed regulatory action. **The written comment period closes at 11:59 p.m. (Pacific Standard Time) on Monday, February 22, 2021.** All written comments must be received by OSPR by then in order to be considered. Written comments may be submitted by mail or e-mail, as follows:

Department of Fish and Wildlife
Office of Spill Prevention and Response
P.O. Box 944209
Sacramento, California 94244-2090
E-mail: OSPRRegulations@wildlife.ca.gov

AUTHORITY AND REFERENCE

Government Code sections 8670.37.58, 8670.39, and 8670.41 grant the Administrator of OSPR the authority to adopt regulations and guidelines for the proposed regulations.

The proposed regulations implement, interpret and make specific Government Code sections 8670.37.54, 8670.39, 8670.40, and 8670.41.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Existing Law

The *Lempert-Keene-Seastrand Oil Spill Prevention and Response Act* (Act) of 1990 created a comprehensive state program for the protection of waters of the state from spills of oil and other deleterious materials. The Act provides, in part, for the development of oil spill contingency plans and a demonstration of financial responsibility by vessels arriving in California. Further, among its many provisions, the Act created the Oil Spill Prevention and Administration Fund (OSPAF), funded by fees paid by such vessels.

Under existing law (Government Code section 8670.41), the Administrator for oil spill response shall charge a non-tank vessel owner or operator a reasonable fee based upon the Administrator's costs to carry out the purposes of the Act. This fee is collected at the time an application for financial responsibility is submitted. A reduced fee for non-tank vessels which pose a reduced risk of pollution may be charged.

Policy Statement Overview and Anticipated Benefits of the Proposed Action

These regulatory amendments are necessary to increase the non-tank vessel fee and to make corresponding changes to the non-tank vessel application for certificate of financial responsibility. OSPR believes that the additional revenue generated from this fee increase would more appropriately approximate OSPR's costs to continue to manage a comprehensive non-tank vessel program, which includes field monitoring and support of non-tank vessels, a drills and exercise program, financial responsibility program, a contingency planning program, and an accounting element to track and audit receipts. Benefits include additional funding to support governmental entities including public and local that depend upon OSPAF-supported programs such as the Oiled Wildlife Care Network, State Lands Commission, the San Francisco Bay Conservation and Development Commission, and the Office of Environmental Health Hazard Assessment to name a few. Non-monetary benefits include the protection of the environment through this increased funding.

Evaluation of Inconsistency or Incompatibility with Existing Regulations

The proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that relate to fees assessed against non-tank vessels, OSPR has concluded none exist in California.

DETERMINATIONS REGARDING THE PROPOSED ACTION

OSPR has made the following determinations, as required by Government Code section 11346.5(a)(5), (6), (7), (9) and State Administrative Manual section 6601:

- (a) *Mandate upon local agencies and school districts:* None.
- (b) *Costs or savings to any state agency:* None.
- (c) *Costs or savings to any local agency:* None.
- (d) *Costs or savings to any local agency or school districts which must be reimbursed in accordance with part 7, division 4 (commencing with section 17500) of the Government Code:* None.
- (e) *Other non-discretionary costs or savings imposed upon local agencies:* None.
- (f) *Costs or savings in federal funding to the state:* None.
- (g) *Significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states:*

The proposed fee increase would not significantly impact non-tank vessel owners or operators as it is an adjustment for inflation that has occurred since the fee was last increased in 2012. See analysis in the Economic and Fiscal Impact Statement (Form STD 399) and its attachment.
- (h) *Cost a representative private person or business would necessarily incur in reasonable compliance:*

The cost a representative private person or business would incur with these proposed regulations is minor. The vessels that pay the largest fee are those vessels that have the largest carrying capacity and would experience a \$500 fee increase every other year.
- (i) *Significant effect on housing costs:* None.

DOCUMENTS INCORPORATED BY REFERENCE

The following revised form is incorporated by reference in the financial responsibility regulations and is available on the OSPR website and upon request.

- Application for Certificate of Financial Responsibility for Owners or Operators of Nontank Vessels, Form DFW 1972 (Rev. 07/21).

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Pursuant to Government Code sections 11346.2 and 11346.3, and State Administrative Manual section 6601, with regard to the proposed regulations, OSPR determines the following:

- *Whether this is a “major regulation”, having an economic impact on businesses and individuals exceeding \$50,000,000 in any 12-month period between the date the regulation is estimated to be filed with the Secretary of the State through 12 months after the regulation is fully implemented.*

These are not considered “major regulations” because the economic impact assessment concludes that the impacts, summing both costs and benefits, will be considerably less than \$50 million dollars annually.
- *Effects of the regulation on the creation or elimination of jobs within the State of California.* None.
- *Effects of the regulation on the creation of new businesses or the elimination of existing businesses within the State of California.* None.
- *Effects of the regulation on the expansion of businesses currently doing business within the State of California.* None.
- *Benefits of the regulation to the health and welfare of California residents, worker safety, and the State’s environment.*

The fee funds the non-tank vessel program, which supports the protection of the environment and the public from the potential damages from spills by ensuring that non-tank vessels develop oil spill contingency plans, demonstrate financial responsibility, and participate in oil spill response drills and exercises.
- *Business Reporting Requirement.* None.
- *Effect on small business*

This regulatory action will not affect small business. None of the businesses affected are small businesses as described and defined by

sections 11346.3(b)(4)(A) or 11342.610 of the Government Code.

CONSIDERATION OF ALTERNATIVES

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

OSPR invites interested persons to present reasonable alternatives to the proposed regulations during the written comment period

AVAILABILITY OF DOCUMENTS/OSPR CONTACT PERSON

OSPR will have the entire rulemaking file available for inspection and copying by appointment only. As of the date this notice is published in the California Notice Register, the rulemaking file consists of this notice, the modified text of the regulations, the Initial Statement of Reasons, the Economic and Fiscal Impact Statement (Form STD 399), any other information upon which the rulemaking is based. For inquiries concerning the regulatory process or to request an appointment to view and/or copy the rulemaking documents identified above, please contact:

Department of Fish and Wildlife
Office of Spill Prevention and Response
Attention: Christine Kluge
1010 Riverside Parkway
West Sacramento, California 95605
Phone: (916) 375-4676
Email: Christine.Kluge@wildlife.ca.gov

The backup contact person is: Ryan Todd at (916) 375-2077, or Ryan.Todd@wildlife.ca.gov.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

This notice and related rulemaking documents identified above can be accessed online on the Non-Tank Vessel Fee webpage on OSPR's website.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

At the close of the 45-day comment period, and considering all timely and relevant comments received, OSPR may adopt the proposed regulations substantially as described in this notice. If OSPR makes modifications which are sufficiently related to the originally proposed text, the modified text (with the changes clearly indicated) will be made available to the public for at least 15 days prior to the date of adoption. Any such modifications will also be posted on OSPR's website identified above. Please send requests for copies of any modified regulations to the attention of the contact person(s) as indicated above. OSPR will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Final Statement of Reasons will be available on OSPR's website and may be requested from the contact person(s) named in this notice.

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED 2020 AMENDMENTS TO AREA DESIGNATIONS FOR STATE AMBIENT AIR QUALITY STANDARDS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider adoption of the proposed 2020 amendments to the regulations designating areas of California as Attainment, Nonattainment, Nonattainment-Transitional, or Unclassified for pollutants with State ambient air quality standards.

DATE: February 25, 2021

TIME: 9:00 a.m.

Please see the public agenda which will be posted ten days before the February 25, 2021 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., February

25, 2021, and may continue at 8:30 a.m., on February 26, 2021. Please consult the agenda for the hearing, which will be available at least ten days before February 25, 2021, 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 during 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 January 8, 2021. Written comments not submitted during the hearing must be submitted on or after January 8, 2021, and **received no later than February 22, 2021**. 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:

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

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

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, 39607(e), 39608, and 40925.5. This action is proposed to implement, interpret, and make specific sections 39607(e), 39608, and 40925.5.

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

Sections Affected: Proposed amendment to California Code of Regulations, title 17, sections 60201 and 60210.

Background and Effect of the Proposed Regulatory Action:

CARB is charged with the responsibility of adopting ambient air quality standards in consideration of the public health, safety, and welfare (Health and Safety Code [H&SC] section 39606). To date, CARB has adopted State ambient air quality standards (State standards) for ten pollutants, set forth in the California Code of Regulations (CCR), title 17, section 70200. In addition, H&SC section 39607(e) requires CARB to establish designation criteria which provide the basis for designating areas of California as Attainment or Nonattainment with respect to the State standards. The designation criteria are set forth in CCR, title 17, sections 70300 through 70306, and appendices 1 through 3 thereof. H&SC section 39608 further requires CARB to establish and annually review area designations, based on these designation criteria, for State standards.

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

**OBJECTIVES AND BENEFITS OF THE
PROPOSED REGULATORY ACTION**

During the annual review, CARB determines whether changes to the existing area designations are warranted based on an evaluation of recent air quality data. The proposed amendments to the area designations classify the air quality in communities as to whether it meets the State standards. Depending on the proposed changes to an area's designation, the local air quality management district or air pollution control district (district) may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide. Districts may modify the emissions reduction strategy or alternative measure of progress in the plan if the district demonstrates to CARB's satisfaction that the modified strategy is at least as effective in improving air quality as the strategy in the plan.

The annual review and update of the area designations gives the public, businesses, and government an indication of whether the health-based standards are being met. This information allows the public to make more educated decisions regarding personal health

and residency, as well as participation in outdoor activities. In addition, businesses and government are given the opportunity to make informed decisions regarding worker health and safety.

Objectives:

This year’s review of the area designations is based on air quality data from 2017 through 2019. The proposed amendments provide for the following changes:

- Ozone Area Designations (section 60201):
 - Redesignate North Central Coast Air Basin as Attainment. This area is currently designated as Nonattainment–Transitional.
 - Redesignate Amador County in the Mountain Counties Air Basin as Nonattainment–Transitional. This area is currently designated as Nonattainment.
 - Redesignate Shasta County in the Sacramento Valley Air Basin as Nonattainment–Transitional. This area is currently designated as Nonattainment.
 - Redesignate Santa Barbara County in the South Central Coast Air Basin as Nonattainment. This area is currently designated as Attainment.
- PM_{2.5} (fine particulate matter) Area Designations (section 60210):
 - Redesignate the remainder of San Bernardino County (outside the county portion of the federal Southeast Desert Modified Air Quality Management Area (AQMA) for Ozone) and those portions of Kern County, Los Angeles County, and Riverside County in the Mojave Desert Air Basin as Attainment. These areas are currently designated as Unclassified.

Benefits:

Environmental Justice. Some communities experience higher exposures to air pollutants, and it is a priority of CARB to ensure that full protection is afforded to all Californians. CARB’s designations provide members of these communities with updated information about the air quality of their communities which, as stated, allows them to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities.

Safeguarding the quality of the physical environment. An area’s designation status provides a classification that assists local districts to more accurately assess

local air quality. As discussed above, depending on the proposed changes to an area’s designation, a district may be required to adopt and submit a plan to correct for deficiencies in meeting the State standards for ozone, carbon monoxide, nitrogen dioxide, and sulfur dioxide. As a result, indirect benefits to the quality of the physical environment may result if the district adopts or amends its regulations with a goal toward achieving the State standards.

Encouraging a regional approach to the State ambient air quality, whenever possible. The proposed designations by discrete areas allow each local district to assess the air quality of individual areas and address their unique situations and needs. This approach allows each local district to identify the most cost-effective, efficient, and acceptable approach to achieve the State standards.

Consistency with the State goal of providing a decent home and suitable living environment. The annual review and update of the area designations gives local districts an updated and more accurate indication of whether the health-based standards are being met. This information allows local districts to make informed decisions regarding appropriate actions to meet the State standards.

Protection of worker safety. The annual review and update of the area designations gives the public, businesses, and government an updated and more accurate indication of whether the health-based standards are being met. This information also allows businesses and government the opportunity to make better informed decisions regarding worker health and safety.

COMPARABLE FEDERAL REGULATIONS

There are no comparable federal or local regulations that address area designations for the State standards.

AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

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

The proposed changes, as well as the process for affecting those changes, to the area designations are consistent and compatible with existing State regulations.

In proposing the designation changes, CARB has considered the data for record (defined in California

Code of Regulations, title 17, section 70301(a)),¹ which meet the representativeness and completeness criteria. The representativeness criteria are set forth in Appendix B to the Initial Statement of Reasons and in the California Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 1. The completeness criteria are also set forth in Appendix B to the Initial Statement of Reasons and in the California Code of Regulations, title 17, Division 3, Chapter 1, Subchapter 1.5, Article 3, Appendix 3.

In addition, CARB has considered the criteria for designating areas as Nonattainment (California Code of Regulations, title 17, section 70303), Nonattainment–transitional for pollutants other than ozone (California Code of Regulations, title 17, section 70303.1), Nonattainment–transitional for ozone (California Code of Regulations, title 17, section 70303.5), and Attainment (California Code of Regulations, title 17, section 70304) in making these proposed designations.

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

DISCLOSURES REGARDING THE
PROPOSED REGULATION

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

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

Under Government Code section 11346.5, subdivisions (a)(5) and (a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings to any State agency and would not create costs or savings in federal funding to the State. The proposed regulatory action would trigger reporting requirements under the Health and Safety

¹ California Code of Regulations, title 17, section 70301(a) provides: “Except as otherwise provided in this article, designations shall be based on ‘data for record.’ (1) Data for record are those data collected by or under the auspices of the state board or the districts for the purpose of measuring ambient air quality, and which the Executive Officer or his or her delegate has determined comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures. (2) Any other data which are provided by a district or by any other person will be data for record if the Executive Officer or his or her delegate determines within 90 days of submittal of complete supporting documentation that the data comply with the siting and quality assurance procedures established in Part 58, Title 40, Code of Federal Regulations or other equivalent procedures...”

Code sections 40910–40930 and potentially create costs to one local district, which are not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), and cost savings to other local districts by allowing suspension of the reporting requirements under the Health and Safety Code sections 40910–40930. The proposed regulatory action would not impose any other non–discretionary costs or savings on local agencies.

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

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

Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§ 11346.3, subdivision (a), 11346.5, subdivision (a)(7), 11346.5, subdivision (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, subdivision (a)(10)):

NON–MAJOR REGULATION: STATEMENT
OF THE RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT (EIA)

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

The area designations are labels that describe the healthfulness of the air quality in each area. Because these regulations by themselves are simply labels of an area’s air quality, they do not contain any specific requirements for action, but may trigger or suspend the review, adoption, and submittal of a triennial plan by a local district. As a result, in most cases they have no specific, direct economic impact. In general, this regional approach to categorizing air quality allows each district to identify the most cost–effective and

efficient approach to achieve the ambient air quality standards. The change in ozone designation from Attainment to Nonattainment for Santa Barbara County would reinstate a reporting requirement for the Santa Barbara County Air Pollution Control District and would result in costs to the District. Conversely, the change in ozone designation from Nonattainment–Transitional to Attainment for the North Central Coast Air Basin would suspend a reporting requirement for that Air Basin and would result in cost savings. For Shasta County in the Sacramento Valley Air Basin and Amador County in the Mountain Counties Air Basin, the change in ozone designation for both from Nonattainment to Nonattainment–Transitional could suspend some reporting requirements and could result in cost savings. The change in PM_{2.5} designation from Unclassified to Attainment for the portion of San Bernardino County outside the federal Southeast Desert Modified AQMA for Ozone as well as those portions of Kern County, Los Angeles County, and Riverside County in the Mojave Desert Air Basin would not result in any change in reporting requirements.

In addition, the annual review and update of the area designations gives the public an indication of whether the health–based standards are being met, thereby allowing the public to make more educated decisions regarding personal health and residency, as well as participation in outdoor activities. These personal health and residency decisions may translate into cost savings from reduced medical expenses, hospitalizations, and time off from work, as well as improved psychological benefits. It also allows businesses and government the opportunity to make informed decisions about worker health and safety. These business and government decisions may also translate into cost savings from reduced workers’ expenses such as medical expenses, hospitalizations, time off from work, and worker’s compensation, as well as improved worker morale.

Benefits of the Proposed Regulation:

The objective of the proposed regulatory action is to review and update the area designations which give the public, businesses, and government an indication of whether the health–based standards are being met.

A summary of these benefits is provided above in “Objectives and Benefits” under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code section 11346.5, subdivision (a)(3) discussion above.

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

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on

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

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

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because the proposed regulatory actions are simply labels of an area’s air quality; they do not contain any specific requirements for action, other than triggering the review, adoption, and submittal of a triennial plan by the local district. As a result, they have no specific, direct impact on small businesses.

Consideration of Alternatives (Gov. Code, § 11346.5, subdivision (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.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulation and concluded that this is exempt pursuant to CEQA Guidelines §15061(b)(3) because it can be seen with certainty that there is no possibility that the proposed action may result in significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Section VII of the Initial Statement of Reasons (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 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, Jenette Kwong, Air Resources Engineer, Air Quality Analysis Section, at (916) 324-9460 or (designated back-up contact) Theresa Najita, Air Pollution Specialist, Central Valley Air Quality Planning Section, at (916) 282-6295.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: the ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Proposed 2020 Amendments to Area Designations for State Ambient Air Quality Standards."

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 January 5, 2021. 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 nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322-6533.

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

HEARING PROCEDURES

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

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

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2021/sad2020>.

TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0520-03

CalWORKs Reporting and Resource Limits

California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments relating to the proposed

regulations in writing, e-mail, or by facsimile to the address, e-mail address, or numbers listed below. All comments must be received by February 23, 2021.

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

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on CDSS' emergency regulations page (<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/cdss-regulation-changes-in-process-and-completed-regulations/emergency-regulations>). Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed below. Following the public notice period, copies of the Final Statement of Reasons will also be available at the following address:

CONTACT

California Department of Social Services
Office of Regulations Development
744 P Street, MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2586, Fax: (916) 654-3286
Email: ord@dss.ca.gov

Contact Person: Kenneth Jennings (916) 657-2586
Backup: Oliver Chu (916) 657-2586

CDSS has not scheduled a public hearing on this proposed action. However, CDSS will hold a public 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. Any request should be made to the contact information provided above.

CHAPTERS

Manual of Policies and Procedures (MPP) sections 42-201, 42-207, 42-211, 42-213, 42-215, 44-111, 44-113, 44-207 and 44-316.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed regulations make the following changes to the California Work Opportunity and Responsibility to Kids (CalWORKs) program:

- Increases the Earned Income Disregard (EID) and Disability-Based Unearned Income Disregards (DBI) used to calculate grant amounts from \$225 to \$500, initially, followed by additional increases to \$550 one year after the first increase, and to \$600 two years after the initial increases;
- Replaces the 3-tier Income Reporting Threshold (IRT) system with a 2-tier system; the existing Tier 2 IRT will be replaced with the existing Tier 3 IRT, which is 130 percent of the Federal Poverty Level (FPL), or the amount likely to render a recipient ineligible for federal Supplemental Nutrition Assistance Program (SNAP) benefits (known as CalFresh in California);
- Allows recipient Assistance Units (AUs) to maintain CalWORKs eligibility until their gross income exceeds the new Tier 2 IRT;
- Increases the maximum resource limit from \$2,250 to \$10,000, or \$15,000 for AUs that include a member who is 60 years of age or older or disabled; and
- Increases the maximum equity value of any nonexempt motor vehicle from \$9,500 to \$25,000.

These changes are a result of Senate Bill (SB) 80 (Chapter 27, Statutes of 2019), effective June 1, 2020, or when the CDSS notifies the Legislature that the Statewide Automated Welfare Systems (SAWS) can perform the necessary automation, whichever is later.

These proposed regulations increase the disability-based unearned income and earned income disregards from \$225 to \$500 effective June 2020, from \$500 to \$550 effective June 2021, and from \$550 to \$600 effective June 2022. The 50 percent disregard on the remaining earned income remains unchanged. Income disregards are used in the calculation of CalWORKs grants. When calculating the amount of the grant, some of the income is not counted, or disregarded. By disregarding more income, more applicants and recipients will be eligible for CalWORKs, allowing them access to supportive services and longer engagement with the program, allowing them to achieve more economic balance prior to exit, and effectively create a bridge to stability.

These proposed regulations revise the CalWORKs IRT for better alignment with the CalFresh IRT, as the majority of CalWORKs families are also enrolled in CalFresh. The three-tier system will be replaced by a two-tier system. The Tier 1 IRT will remain the same, and the existing CalWORKs Tier 2 IRT will be replaced with the existing CalWORKs Tier 3 IRT, which is 130 percent of the Federal Poverty Level (FPL), or the amount likely to render a recipient ineligible for federal Supplemental Nutrition Assistance Program (SNAP) benefits (known as CalFresh in California).

The IRT is the level of income that triggers the need for a CalWORKs assistance unit (AU) to report a mid-period change in income. AUs with income over IRT will have their benefits lowered or stopped. Replacement of the CalWORKs Tier 2 IRT with the higher CalWORKs Tier 3 IRT allows recipients to receive aid for a longer period of time, reflecting a positive step toward mitigating the far-reaching and long-lasting effects of poverty. This provision of SB 80 supports increased economic gains and mobility opportunities among employed CalWORKs recipients, and improves alignment with updates to the minimum wage. CalWORKs families will receive additional support through longer engagement with the program and allow them to achieve more economic balance prior to exit, and effectively create a bridge to stability.

These proposed regulations increase the maximum asset and vehicle value limits for CalWORKs applicants and recipients. The maximum equity value of any non-exempt motor vehicle will be \$25,000 for all applicants and recipients. The maximum resource limit will be \$10,000, or \$15,000 for AUs that include a member who is 60 years of age or older or disabled. These changes will allow families to save money and build assets without fear of losing eligibility for CalWORKs benefits.

Benefits:

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: These amended regulations that reflect the increased Earned Income Disregard (EID) and resource and vehicle value limits, and replacement of the CalWORKs Tier 2 IRT with the CalWORKs Tier 3 IRT present a positive step toward mitigating the far-reaching and long-lasting effects of poverty. These provisions of SB 80 support increased economic gains and mobility opportunities among employed CalWORKs recipients, and improve alignment with updates to the minimum wage. These increases will assist CalWORKs families with additional supports through longer engagement with the program by allowing them to achieve more economic balance prior to exit, and effectively create a bridge to stability. There are no additional benefits for worker safety or the state’s environment, as the

regulations only affect recipients of the CalWORKs program.

Consistency:

CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. CDSS has found that these are the only regulations concerning the IRT, EID, DBI, resource limits, and equity value of vehicles in CalWORKs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations but do fulfill the intent of the legislature in enacting SB 80.

Incorporation by Reference:

This regulatory action does not incorporate documents by reference.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: None.

LOCAL MANDATE STATEMENT

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

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the CalWORKs population to aid and strengthen needy families towards achieving economic self-sufficiency.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS 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 regulatory action is designed to impact only the CalWORKs population in order to aid

and strengthen needy families and there are no known expected costs associated to the individuals.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses because these regulations are only applicable to state and county agencies. These regulations are mandated by SB 80 and are only applicable to CalWORKs applicants and recipients; therefore, they do not have a cost impact on the private sector, including small businesses.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments 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 implementation of this regulatory action will benefit CalWORKs applicants and recipients. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals receiving or applying for CalWORKs benefits.

STATEMENT OF EFFECT ON HOUSING COSTS

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

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider alternatives because regulations for Welfare and Institutions Code (WIC) sections 11155, 11265.3, and 11451.5 are required by SB 80, Sections 34, 41, 42, 59 and 60. CDSS is legally bound to develop regulations for this WIC section.

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

AUTHORITY AND REFERENCE CITATIONS

Welfare and Institutions Code sections 10553, 10554, 10604, 11265, 11450, 11451, 11155, and 18900; SB 80 (Chapter 27, Statutes of 2019); 34 CFR VI.

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. To allow interested persons an opportunity to submit statements or arguments concerning these regulations noticed to the public for a minimum of 45 days in accordance with Government Code Section 11346.4.

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 PROPOSITION 65

PROPOSED AMENDMENTS TO ARTICLE 6 CLEAR AND REASONABLE WARNINGS

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to amend certain sections of Article 6 of Title 27 of the California Code of Regulations.¹ OEHHA adopted new Article 6 Clear and Reasonable Warnings regulations in August 2016, which became operative in August 2018. The Article 6 regulations adopted safe harbor warning methods and content for consumer product exposures that included provisions for a short-form warning. However, there has been widespread use of short-form warnings in ways that were not intended and do not further the purposes of Proposition 65. OEHHA has also received numerous inquiries from businesses seeking clarification as to whether the short-form warning could be used to provide safe harbor warnings for food products, and for additional guidance on the safe harbor warning content for short-form food warnings. OEHHA has therefore determined that further amendments of certain sections of Article 6 are necessary. This rulemaking includes amendments to Section 25601, Safe Harbor Clear and Reasonable Warnings — Method and Content; Section 25602, Consumer Product Exposure Warnings — Methods of Transmission; Section 25603, Consumer Product Exposure Warnings — Content;

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

and Section 25607.1 Food Exposure Warnings — Methods of Transmission.

the public hearing date. The notice will provide the date, time, and information for accessing the hearing.

PUBLIC PROCEEDINGS

CONTACT

Written Comment Period

Any written comments concerning this proposed regulatory action, regardless of the form or method of transmission, must be received by OEHHA no later than March 8, 2021, the designated close of the written comment period. Due to the COVID-19 emergency, OEHHA is providing a longer period than required under the Administrative Procedure Act. All written comments will be posted on the OEHHA website at the close of the public comment period.

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela at (916) 323-2517, or by e-mail to monet.vela@oehha.ca.gov.

Mario Fernandez is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or mario.fernandez@oehha.ca.gov.

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

AUTHORITY

Health and Safety Code section 25249.12.

All non-electronic submissions should be directed to:

REFERENCE

Health and Safety Code sections 25249.6, 25249.7 and 25249.11(f).

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
Fax: 916-323-2610

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

BACKGROUND

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.

OEHHA is the lead agency that implements Proposition 65³ and has the authority to promulgate and amend regulations to further the purposes of the Act. The Act requires businesses to provide a clear and reasonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity.⁴ The Act also prohibits the discharge of listed chemicals to sources of drinking water.⁵ The proposed amendments would revise the method of transmission and content of short-form warnings for consumer products. In addition, the proposed amendments would eliminate the use of short-form warnings for internet or catalog purchases.

Public Hearing

A public hearing on these proposed regulatory amendments will only be scheduled upon request. The hearing would be web-based due to the COVID-19 emergency². To request a hearing, send an e-mail to Monet Vela at monet.vela@oehha.ca.gov or to the address listed above. The request must be received no later than February 22, 2021. If such a request is made, OEHHA will e-mail a notice of the hearing to the requester and interested parties, and the notice will be posted on OEHHA's website at least ten days before

SPECIFIC BENEFITS OF THE
PROPOSED REGULATIONS

The proposed regulatory action will facilitate businesses' compliance with the Act by providing clarifying guidance concerning the provision of safe

² Executive Orders N-25-20 and N-29-20.

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

⁴ Health and Safety Code section 25249.6.

⁵ Health and Safety Code section 25249.5.

harbor warnings under Proposition 65. The health and welfare of California residents will likely benefit by increasing the public's ability to understand the warnings they receive for certain consumer products they may choose to purchase.

**NO INCONSISTENCY OR INCOMPATIBILITY
WITH EXISTING REGULATIONS**

OEHHA has conducted an evaluation and has determined that Article 6 is the only regulation concerning Proposition 65 warnings. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations. The action does not change the existing mandatory requirements on businesses subject to Proposition 65, state or local agencies and does not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms⁶ does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings to the state or in federal funding to the state because of the proposed regulatory action.

EFFECT ON HOUSING COSTS

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

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

The proposed regulatory action provides compliance assistance to businesses subject to the Act by providing guidance concerning an existing regulation in that it specifies the method of transmitting and the content of safe harbor short-form warnings for consumer products including food products. The proposed action modifies an optional safe-harbor method that businesses may choose to use to provide the required

⁶ See Health and Safety Code section 25249.11(b).

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

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

Creation or Elimination of Jobs within the State of California

The proposed regulatory action will not impact the creation or elimination of jobs within California. The action will conform the short-form warning provisions to the original stated intent that a short-form warning should only be used where, due to limited label space on a consumer product, a full-length warning will not fit. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food.

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

The proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within California. The action will conform the short-form warning provisions to the original stated intent that a short-form warning should only be used where, due to limited label space on a consumer product, a full-length warning will not fit. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food.

The Expansion of Businesses Currently Doing Business within the State

OEHHA does not anticipate any major impact on the expansion of businesses currently doing business within the state. The action will conform the short-form warning provisions to the original stated intent that a short-form warning should only be used where, due to limited label space on a consumer product, a full-length warning will not fit. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food.

BENEFITS OF THE PROPOSED REGULATION

The proposed regulatory action will benefit the health and welfare of California residents by providing more meaningful information regarding their exposures to listed chemicals. The action will also provide clarification and specificity regarding the use of short-form warnings for exposures to listed chemicals from food. The action furthers the right-to-

know purposes of the statute and therefore promotes public and worker health and safety.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action. The action does not impose any new requirements upon private persons or businesses. Instead, it modifies an existing, non-mandatory safe harbor warning method.

EFFECT ON SMALL BUSINESSES

The proposed regulatory action will not adversely impact very small businesses because Proposition 65 is limited by its terms to businesses with 10 or more employees.⁷

REASONABLE ALTERNATIVES TO THE REGULATION AND THE AGENCY’S REASONS FOR REJECTING THOSE ALTERNATIVES

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA’s website at www.oehha.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any proposed regulation that is changed or modified from the express terms of this

⁷ Health and Safety Code section 25249.11(b).

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA’s website at www.oehha.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION NUMBER 2080-2020-011-01

Project: Lower Moffett Creek Scour — DES Brokered Project

Location: Siskiyou County

Applicant: California Department of Transportation

Background

California Department of Transportation (Applicant) proposes to replace the bridge over Moffett Creek on State Route 3 (SR 3), approximately 6 miles north of Fort Jones, and 11.6 miles south of Yreka, in Siskiyou County. The Lower Moffett Creek Scour — DES Brokered Project (Project) includes the demolition of the existing bridge and replacement with a new bridge that completely spans the creek within the same alignment as the existing bridge. The existing bridge is deteriorating in the structural steel of the deck and supporting pillars. The new bridge will provide widened shoulders, reduced long-term maintenance, and will be a full span over Moffett Creek, thus eliminating a pier that is situated in Moffett Creek supporting the current bridge. The work is planned for a single work season and an alternate routing of SR 3

traffic will occur over the bridge on Peach Tree Lane which parallels SR 3.

The Applicant's contractor will construct access roads to Moffett Creek and temporarily divert the creek into a culvert in order to have road access across the creek. The bridge will be demolished, and catchment devices will be installed to prevent any debris from entering the creek or being left anywhere on site. The existing pier within Moffett Creek will be removed. A temporary coffer dam will be created to dewater the creek and remove the pier. The new bridge will be reconstructed in the same alignment and will fully span Moffett Creek. The abutments will be well outside the floodplain. No pile driving will be used in the construction of the new bridge. The Project is currently scheduled to be constructed during the late spring, summer, and early fall of 2021.

The Project activities described above are expected to incidentally take¹ coho salmon (*Oncorhynchus kisutch*), of the Southern Oregon–Northern California Coast evolutionary significant unit (SONCC coho salmon) where those activities take place within lower Moffett Creek. In particular, SONCC coho salmon could be incidentally taken as a result of the capture and relocation of fish from the work area associated with dewatering. The relocation of fish will involve the installation of block nets upstream and downstream of the project to prevent fish movement into the project site, then all fish will be captured between the block nets and relocated outside the project limits. Take may occur due to the installation of block nets, electro-fishing, or transport. SONCC coho salmon are designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, §2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(2)(D).)

SONCC coho salmon individuals have been periodically documented as present, in the past 20 years, near or within the Project site and there is suitable coho salmon habitat within the creek immediately upstream and downstream of the Project site. Only juvenile SONCC coho salmon have been encountered in the last 20 years. SONCC coho use of the site is likely limited due to the heavy agricultural diversions occurring along Moffett Creek and also due to the loss of riparian vegetation upstream and downstream of the Project site. In years with below average rainfall

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459,507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take' ... means to catch, capture or kill").

or snowfall, Moffett Creek is frequently disconnected from the Scott River due to excessive sediment at the junction and has only subsurface flow through much of the reach downstream of the Project Site and the junction with the Scott River. Although flows are typically perennial at the Project Site in most years, adjacent groundwater pumping has exacerbated the problem of little or no surface flows in Moffett Creek in the reach downstream of the Project Site. Records of possible SONCC coho salmon are sporadic and uncertain during the past 20 years and these are cited in the Applicants' Category 3 Notification Form. Because of the possible occurrences of all life stages of SONCC coho salmon at the Project site, the known dispersal patterns of SONCC coho salmon, and the presence of suitable SONCC coho salmon habitat within the Project site during the Project's work period, the National Marine Fisheries Service (Service) has determined that up to 12 juvenile SONCC coho salmon may be captured/handled during dewatering activities, and up to 1 may die due to capture and/or handling. Thus, Project activities may result in the incidental take of SONCC coho salmon.

According to the Service the Project will result in the temporary loss of 0.0991 acre of riparian SONCC coho salmon habitat, and 0.061 acre of open water SONCC coho salmon habitat, totaling 0.1601 acre of temporary habitat loss. Construction of the Project will also result in the permanent loss of 0.0449 acre of riparian SONCC coho salmon habitat outside of the stream channel, totaling 0.0449 acre of permanent riparian habitat loss. Construction of the Project will also result in the gain of 0.0012 acre of open water SONCC coho salmon habitat in the stream channel through the removal of an existing in-channel pier.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the Applicant, as a Federal Highway Administration (FHA) agent consulted with the Service as required by the ESA. On January 7, 2019, the Service sent an e-mail to the Applicant with the determination that the National Oceanic and Atmospheric Administration National Marine Fisheries Service Programmatic Biological Opinion, Caltrans' Routine Maintenance and Repair Activities Programmatic Biological Opinion (Programmatic BO), and issued to the Applicant as biological opinion (Service file No. 2013–9731), is applicable to this Project. The Programmatic BO requires the Applicant to comply with terms of the Programmatic BO and its incidental take statement (ITS), and combined with the Category 3 Notification Form which incorporates additional measures, covers all aspects of the Project. The Programmatic BO, ITS, and Category 3 Notification Form Revised Edition Moffett Creek Project November 17, 2020 (Cat. 3 Form Revised Nov. 17) require the Applicant to implement

and adhere to measures to ensure all impacts on state-listed species are fully mitigated under CESA. On November 17, 2020 the Service sent an e-mail to the Applicant approving the Cat. 3 Form Revised Nov. 17 pre-project notification form for the Lower Moffett Creek Scour — DES Brokered Project as complete and adequate to append to the Applicants Programmatic BO. The Cat. 3 Form Revised Nov. 17 itemizes all specific actions that will be undertaken as part of the Project Actions and associated Additional Best Management Practices, on pages 6–8.

The Cat. 3 Form Revised Nov. 17 requires the Applicant to implement and adhere to measures to fully mitigate for the impacts to SONCC coho salmon, and includes financial assurances that mitigation measures will be carried out and the Applicant shall implement and adhere to measures contained within the Programmatic BO and ITS.

On November 20, 2020 the Director of the Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the Programmatic BO and appended Cat. 3 Form Revised Nov. 17, as submitted to the Service, is consistent with CESA for purposes of the Project and SONCC coho salmon for the Project. (Cal. Reg. Notice Register 2020, No. 49–Z, p. 1535.)

Determination

CDFW has determined that the Programmatic BO, including the ITS and the appended Cat. 3 Form Revised Nov. 17, is consistent with CESA as to the Project and SONCC coho salmon because the mitigation measures contained in the Programmatic BO, ITS, and Cat. 3 Form Revised Nov. 17 meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of SONCC coho salmon will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the Programmatic BO, ITS, and Cat. 3 Form Revised Nov. 17 will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of SONCC coho salmon. The mitigation measures in the Programmatic BO, ITS, and Cat. 3 Form Revised Nov. 17 include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- Prior to initiation of construction activities, Caltrans shall fund the Scott River Watershed Council with \$65,000 to develop, implement and manage the Klamath River Basin Passive

Integrated Transponder (KRBPIIT) Tagging Database, to contribute to fully mitigating the impact of the authorized incidental take of SONCC coho salmon, as well as the removal of riparian vegetation to accommodate the new bridge’s wider abutment. The KRBPIIT Tagging Database will take existing databases from the USGS and Karuk and Yurok Tribes and merge them into a single database into which data from the CDFW, US Fish and Wildlife Service, Humboldt State University and others, will be added in order to create a Klamath River Basin wide database for tracking the movement of fish within the basin and among the sub-watersheds.

- Prior to initiation of construction activities, Caltrans shall fund the Shasta Valley Resource Conservation District (SVRCD), with up to \$20,000, who will implement and manage onsite habitat improvement to benefit the SONCC coho salmon within the right-of-way. The onsite habitat improvement shall consist of planting up to 16 individual native alders, cottonwoods, or willows as pole plantings or rooted plants; several poles or plants will be planted per cage, and each pole planting site will be individually caged to protect the willows planted from grazing and browsing animals.
- The Applicant shall not initiate any ground-breaking construction activities until the Applicant has transferred the \$65,000 to the Scott River Watershed Council and \$20,000 to the SVRCD, which will fund the mitigation actions that have been agreed to with the submission of the Cat. 3 Form Revised Nov. 17 as part of operations under the Programmatic BO and ITS.
- If it is determined after construction that there is insufficient space to achieve the goal of up to 16 plantings on-site, then alder, cottonwood, or willow poles or rooted plants will be planted offsite at a SVRCD restoration project site.
- The Applicant shall conduct in-water work activities during the period of June 15–October 15, when Moffett Creek is in low flow conditions, only during daylight hours.
- The Applicant shall use block nets to exclude fish from the work area prior to and during the placement of diversion structures. The Applicant will use hand-labor to drive t-posts into the ground and attach exclusion fencing.
- The Applicant or Applicant’s contractor shall retain a qualified biologist with expertise in the areas of anadromous salmonid biology, including handling, collecting and relocating salmonids, salmonid habitat relationships and biological monitoring of salmonids. The Applicant shall

ensure that all biologists working on the Project will be qualified to conduct fish collections and relocations in a manner which minimizes all potential risks to the SONCC coho salmon.

- The Applicant shall implement water-drafting specifications to prevent injury to fish and to prevent significant changes to flow conditions of their habitat, including limiting the diversion rate and reduction in pool volume to no more than 10 percent, using an appropriate screen mesh as defined by the Service. The Applicant shall cease pumping if the screen becomes more than 10 percent obstructed by debris.
- The Applicant shall limit disturbance or removal of vegetation to the minimum necessary to complete construction activities. The Applicant will replant disturbed areas using native riparian plant species.
- The Applicant shall maintain fuel storage and refueling sites and will service equipment in an upland location at least 50 feet from surface water. The Applicant will not operate construction equipment in anadromous waters unless the channel is dewatered or otherwise dry.
- Access roads and a temporary stream crossing including temporary fills, cofferdams, and diversion cofferdams that are left in stream channels will be composed of washed, rounded, spawning-sized gravel between 0.4 to 4 inches in diameter; gravel in contact with flowing water will be left in place, modified (i.e., manually spread out using hand tools if necessary) to ensure adequate fish passage for all life stages, and then allowed to disperse naturally by high winter flows; materials placed above the ordinary high water mark must be clean washed rock or contained to prevent material conveyance to the stream or mixing with clean gravel.
- The minimum amount of wood, sediment and gravel, and other natural debris will be removed using hand tools, where feasible, only as necessary to maintain and protect culvert function, and ensure that suitable fish passage conditions are maintained, with minimal disturbance of the streambed.
- Cofferdams and diversion cofferdams will affect no more of the stream channel than is necessary to support completion of the maintenance or construction activity.
- Immediately upon completion of in-channel work, temporary fills, cofferdams, diversion cofferdams, and other in-channel structures that will not remain in the stream, (i.e., excess clean, spawning-sized gravel), will be removed

in a manner that minimizes disturbance to downstream flows and water quality.

- All structures and imported materials placed in the stream channel or on the banks during construction that are not designed to withstand high flows will be removed by October 15th of any year in which construction is taking place.
- The Applicant shall notify CDFW and the Service in advance of the dates of block net installation and fish relocation activities. Applicant will immediately report the capture or incidental take of SONCC coho salmon to CDFW and the Service by telephone at the earliest opportunity, given conditions of limited telephone accessibility on site.

Monitoring and Reporting Measures

- Alder, cottonwood, and willow plantings will be monitored monthly through the growing season for three years. The Applicant shall forward annual reports, completed by the SVRCD, on the progress of the plantings on-site, off-site, or both. The Applicant shall provide CDFW and the Service with a final monitoring report no later than four years following construction.
- The Applicant shall document fish capture and relocation activities. Although not a condition of the Programmatic BO, CDFW requests a copy of the report.
- The Applicant will submit a Category 3 Post-Project Reporting Form to the Service within 10 business days of the Project Completion. Although not a condition of the Programmatic BO, CDFW requests a copy of the Category 3 Post-Project Reporting Form that is sent to the Service.
- The Applicant will provide monitoring reports to the Service and CDFW for the restoration of the Project sites. The reports shall include all success criteria, data, data analysis, and photo documentation as required to document progress towards successful restoration of the Project site(s).
- Caltrans shall provide CDFW and the Service with the completed KRBPIT Tagging Database report (which will describe the database and data) as conducted by the Scott River Watershed Council, no later than four years following the completion of construction activities.

Financial Assurances

- The Applicant shall not initiate any ground-breaking construction activities until the Applicant has transferred the \$65,000 to the SRWC, and \$20,000 to the SVRCD, which will fund the mitigation actions that have been

agreed to with the submission of the Cat. 3 Form Revised Nov. 17 as part of operations under the Programmatic BO and ITS.

- The Applicant shall submit written evidence of the transfer of \$65,000 to the SRWC, and \$20,000 to the SVRCD, and acknowledgment by the SRWC and the SVRCD of receipt of those funds. Evidence of these transactions must be submitted to CDFW prior to the initiation of any ground disturbing activities.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of SONCC coho salmon, provided the Applicant implements the Project as described in the appended Cat. 3 Form, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the Programmatic BO, ITS, and Cat. 3 Form. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the Programmatic BO, ITS, or Cat. 3 Form, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & Game Code, §§2080.1, 2081, subdivisions (b) and (c)). This determination is limited to consistency of the Programmatic BO as applied specifically to the Project, and does not cover other activities that might be appended to the Programmatic BO in the future. Separate determination(s) or take authorization(s) must be obtained for future activities that may result in take of CESA-listed species.

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2077 of the Fish and Game Code, the California Fish and Game Commission (Commission), on November 13, 2020, received from the California Department of Fish and Wildlife (Department) a five-year status review concerning Milo Baker's lupine (*Lupinus milobakeri*) recommending up-listing the species from threatened to endangered status. This five-year status review is considered the equivalent of a petition with a Department recommendation to accept and consider the petition (Fish and Game Code sections 2072.7 and 2077).

Milo Baker's lupine is endemic to California, and its range is restricted to Round Valley in eastern Mendocino County and Bear Valley in western Colusa County. The natural habitat of this species before roads

were constructed through Covelo (Round Valley) is not known. It is presumed, based on the current location of Milo Baker's lupine in wet, roadside ditches, that this species used to be common along streams and in areas of high groundwater in the Covelo area. In the open and grazed grassland habitat of Bear Valley in 1985, Milo Baker's lupine was seen growing near dark soil rich in clay by gullies that were very wet in the springtime. Beyond this, little is definitively known about the habitat necessary for survival of the species.

The Commission formally received the five-year status review at its December 9–10, 2020 meeting via teleconference and webinar. The Commission will consider the five-year status review at its February 10–11, 2021, meeting via teleconference and webinar.

Interested parties may contact Isabel Baer, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, CA 94244–2090, telephone (916) 203–3193, or email Isabel.Baer@wildlife.ca.gov for information on the petition or to submit information to the Department relating to the petitioned species.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY**

AIR TOXICS HOT SPOTS PROGRAM

**NOTICE OF PUBLIC COMMENT PERIOD
AND WORKSHOP ON DRAFT REFERENCE
EXPOSURE LEVELS FOR CHROMIUM
(TRIVALENT) AND INORGANIC
WATER-SOLUBLE TRIVALENT
CHROMIUM COMPOUNDS**

The Office of Environmental Health Hazard Assessment (OEHHA) is releasing a document for public review, summarizing the toxicity and derivation of Reference Exposure Levels (RELs) for Chromium (Trivalent) and Inorganic Water-Soluble Trivalent Chromium Compounds (Cr(III)). RELs are airborne concentrations of a chemical that are not anticipated to result in adverse non-cancer health effects for specified exposure durations in the general population, including sensitive subpopulations.

OEHHA is required to develop guidelines for conducting health risk assessments under the Air Toxics Hot Spots Program (Health and Safety Code Section 44360(b)(2)). In implementing this requirement, OEHHA develops RELs for many air pollutants.

The draft Cr(III) REL document is available today on the OEHHA website at <http://www.oehha.ca.gov>. **The posting of the document will commence a 45-day public review period that will end on February 22, 2021.** A remote public workshop will be held virtually on January 31, 2021 at 10:00 a.m. Instructions on how to participate will be provided in a future public notice.

Due to the continuing COVID-19 emergency, the public is strongly encouraged to submit written information via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: <https://oehha.ca.gov/comments>.

Hard-copy comments may be mailed, faxed, or hand-delivered to the address below:

Dr. John Budroe
Chief, Air Toxicology and Risk Assessment
Section
Air, Community, and Environmental Research
Branch
Office of Environmental Health Hazard
Assessment
1515 Clay Street, 16th Floor
Oakland, CA, 94612
E-mail: John.Budroe@oehha.ca.gov
Telephone: (510) 622-3145
Fax: (510) 622-3210

After the close of the public comment period, the documents will be revised as appropriate by OEHHA, and peer reviewed by the state's Scientific Review Panel on Toxic Air Contaminants. Information about dates and agenda for meetings of the Scientific Review Panel can be obtained from the California Air Resources Board website at <http://www.arb.ca.gov/srp/srp.htm>.

**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.

Air Resources Board
File # 2020-1112-04
Control Measure for Ocean-Going Vessels At Berth

This action by the Air Resources Board adopts additional emissions limits upon auxiliary diesel engines onboard ocean-going vessels at berth in a California port to reduce oxides of nitrogen, reactive organic gases, particulate matter, diesel particular matter, and greenhouse gas emissions.

Title 13, 17
Adopt: 2299.3, 93118.3
Amend: 93130, 93130.1, 93130.2, 93130.3, 93130.4, 93130.5, 93130.6, 93130.7, 93130.8, 93130.9, 93130.10, 93130.11, 93130.12, 93130.13, 93130.14, 93130.15, 93130.16, 93130.17, 93130.18, 93130.19, 93130.20, 93130.21, 93130.22
Filed 12/30/2020
Effective 01/01/2021
Agency Contact: Chris Hopkins (916) 445-9564

Board of Behavioral Sciences
File # 2020-1113-01
Fee Revisions

This action without regulatory effect amended various fee amounts with respect to licensing of marriage and family therapists, clinical social workers, professional clinical counselors, and educational psychologists, pursuant to Assembly Bill 3330 (Calderon, Chapter 359, Statute of 2020) and general examination nomenclature pursuant to Senate Bill 800 (Committee on Business, Professions, and Economic Development, Chapter 573, Statutes of 2017).

Title 16
Amend: 1816, 1816.1, 1816.2, 1816.4
Repeal: 1816.5, 1816.6, 1816.7
Filed 12/30/2020
Agency Contact: Christy Berger (916) 574-7817

Board of Pharmacy
File # 2020-0717-01
Substantial Relationship and Rehabilitation Criteria

This rulemaking action by the Board of Pharmacy proposes to adopt criteria to evaluate the rehabilitation of an applicant or licensee when considering the denial, suspension, or revocation of a license. The action also includes criteria for determining when a crime is substantially related to the qualification, functions, and duties of the profession in which the applicant seeks licensure or in which the licensee is licensed in compliance with Assembly Bill 2138 (Stats. 2018, ch. 995).

Title 16
 Amend: 1769, 1770
 Filed 12/28/2020
 Effective 12/28/2020
 Agency Contact: Lori Martinez (916) 574-7917

Board of Vocational Nursing and Psychiatric Technicians
 File # 2020-1112-03
 Amend Fee Regulations to Comply with Statute

This action without regulatory effect by the Board of Vocational Nursing and Psychiatric Technicians amends various fee amounts with respect to licensing of vocational nurses and psychiatric technicians in accordance with Senate Bill 1480 (Stats. 2018, ch. 571.)

Title 16
 Amend: 2537, 2537.1, 2590, 2590.1
 Filed 12/30/2020
 Agency Contact: Doris Pires (916) 263-7864

California Gambling Control Commission
 File # 2020-1224-01
 Emergency Based Remote Counts

The California Gambling Control Commission (Commission) filed this emergency readoption action to further amend a regulation addressing count rooms in gambling establishments that was amended in an emergency action filed with the Secretary of State on September 17, 2020. The amendments align subdivision numbering and terminology resulting from a comprehensive regular rulemaking action by the Commission that was filed with the Secretary of State on December 15, 2020.

Title 04
 Amend: 12385
 Filed 12/30/2020
 Effective 01/01/2021
 Agency Contact:
 Adrianna Alcalá-Beshara (916) 261-4259

California Horse Racing Board
 File # 2020-1207-03
 Penalties for Medication Violations

The California Horse Racing Board amended a regulation regarding penalties for medication violations. The amendments add in the regulation that the use of Extracorporeal Shock Wave Therapy on a horse is subject to Class A penalties and clarify that the penalties in the regulation apply to the veterinarian.

Title 04
 Amend: 1843.3
 Filed 12/30/2020
 Effective 04/01/2021
 Agency Contact: Rick Pimentel (916) 274-6043

California School Finance Authority
 File # 2020-1116-02
 Charter School Revolving Loan Fund Program Regulations

This action makes permanent the California School Finance Authority's emergency Charter School Revolving Loan Fund Program regulations which, among other things: define "good standing" and "non-profit entity"; prohibit charter schools operated as for-profit entities from applying for loans; and change the loan application schedule from annual to an ongoing first-come-first-served basis based on the availability of funding.

Title 04
 Amend: 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.24
 Filed 12/30/2020
 Effective 12/30/2020
 Agency Contact:
 Katrina Johantgen (213) 620-4608

Department of Insurance
 File # 2020-1102-01
 Credit for Reinsurance

In these changes without regulatory effect, the Department amends its regulations to reflect the changes made to Insurance Code sections 922.4 and 922.425. These statutory changes were made by Assembly Bill 2049 (Stats. 2020, Chap. 71).

Title 10
 Amend: 2303.25, 2303.6
 Filed 12/28/2020
 Agency Contact:
 Monica Macaluso (415) 538-4118

Department of Justice
 File # 2020-1116-03
 Department of Financial Protection and Innovation Bond Form

This action by Department of Justice amends section 31.27, Student Loan Servicing Act Licensee Bond, in the title 11 listing of approved surety bonds for the Department of Financial Protection and Innovation.

Title 11
 Amend: 31.27
 Filed 12/29/2020
 Effective 12/29/2020
 Agency Contact:
 Sarah L. Fabian (510) 879-0272

CALIFORNIA REGULATORY NOTICE REGISTER 2020, VOLUME NUMBER 2-Z

Department of Justice
File # 2020-1116-04
Department of Financial Protection and Innovation
Bond Form

This action by Department of Justice amends section 31.10, Bond of Finance Lender, Broker, or Proram Administrator, in the title 11 listing of approved surety bonds for the Department of Financial Protection and Innovation.

Title 11
Amend: 31.10
Filed 12/28/2020
Effective 12/28/2020
Agency Contact:
Sarah L. Fabian (510) 879-0272

Department of Social Services
File # 2020-1116-01
Welfare-to-Work Employment Regulation
Amendments (2017-18 Leg. Cycle)

In this regular rulemaking, the Department of Social Services is both adopting regulations to facilitate diaper supportive service payments to Welfare-to-Work participants and amending Welfare-to-Work regulations in response to recent statutory amendments.

Title MPP
Amend: 42-701, 42-708, 42-709, 42-711, 42-716, 42-750, 42-751
Filed 12/30/2020
Effective 04/01/2021
Agency Contact: Everardo Vaca (916) 657-2363

Division of Workers' Compensation
File # 2020-1110-01
Inpatient Hospital Fee Schedule

This action by the Division of Workers' Compensation within the Department of Industrial Relations amends the Official Medical Fee Schedule — Inpatient Hospital located within section 9789.25 in title 8 of the California Code of Regulations. This action was submitted to OAL for filing and printing only pursuant to Labor Code section 5307.1, subdivision (g)(2).

Title 08
Amend: 9789.25
Filed 12/23/2020
Effective 12/01/2020
Agency Contact: Karen Pak (510) 932-9286

Fair Employment and Housing Council
File # 2020-1109-02
Changes Without Regulatory Effect to the California
Family Rights Act

This action without regulatory effect amends regulations implementing the California Family Rights Act and New Parent Leave Act to align with statutory changes.

Title 02
Amend: 11087, 11088, 11089, 11090, 11091, 11092, 11093, 11094, 11095, 11096, 11097
Filed 12/30/2020
Agency Contact:
Kara Brodfueherer (916) 207-7959

Fair Political Practices Commission
File # 2020-1124-02
Cost of Living Adjustments

This rulemaking action by the Fair Political Practices Commission makes cost of living adjustments to various campaign and gift limits and ceilings.

Title 02
Amend: 18545, 18700, 18730, 18940.2
Filed 12/23/2020
Effective 01/01/2021
Agency Contact:
Amanda Apostol (916) 322-5660

Fair Political Practices Commission
File # 2020-1124-03
Statement of Economic Interests

This rulemaking action by the Fair Political Practices Commission makes changes to regulations pertaining to Statements of Economic Interests.

Title 02
Adopt: 18115, 18115.1, 18115.2, 18723.1
Amend: 18732.5, 18735, 18754
Repeal: 18115
Filed 12/23/2020
Effective 01/22/2021
Agency Contact:
Amanda Apostol (916) 322-5660

Fish and Game Commission
File # 2020-1116-05
Recreational and Commercial Groundfish

This rulemaking action by the Fish and Game Commission amends recreational and commercial fishing regulations for groundfish and associated species for consistency with federal rules for the years 2021 and 2022.

Title 14

Amend: 27.30, 37.35, 27.45, 28.27, 28.28, 28.54,
28.55, 29.65, 150.16

Filed 12/28/2020

Effective 01/01/2021

Agency Contact:

Sherrie Fonbuena (916) 654-9866

Fish and Game Commission

File # 2020-1221-01

2020 Purple Sea Urchin Emergency Rule

In this emergency action, the Commission re-adopts its amendment to temporarily remove the daily bag limit for purple sea urchin (PSU) in Caspar Cove, Mendocino County, so long as they are taken by hand or with manually operated hand-held tools.

Title 14

Adopt:

Amend: 29.06

Filed 12/30/2020

Effective 12/30/2020

Agency Contact: David Thesell (916) 653-4899

Structural Pest Control Board

File # 2020-0716-02

Disciplinary Criteria

The Structural Pest Control Board (Board) amended three regulations that incorporate by reference four application forms and amended two regulations that establish criteria for determining when a crime or act, or professional misconduct is substantially related to the qualifications, functions, and duties of a

licensee of the Board, or when a licensee has made a showing of rehabilitation related to a crime or act, or professional misconduct that resulted in the denial of a license or disciplinary action against the licensee. The amendments to the four incorporated by reference application forms remove two questions that ask for disclosure of criminal history and information. The action implements amendments to the Business and Professions Code made in A.B. 2138 (Stats. 2018, ch. 995).

Title 16

Amend: 1936, 1936.1, 1936.2, 1937.1, 1937.2

Filed 12/23/2020

Effective 12/23/2020

Agency Contact: David Skelton (916) 561-8722

**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.