



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

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

**TITLE 1. OFFICE OF  
ADMINISTRATIVE LAW**

**UNDERGROUND REGULATIONS:  
AMENDMENT OF  
SECTIONS 250, 260, 270, AND 280**

The Office of Administrative Law (“OAL”) proposes to adopt the amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

OAL will hold a virtual public hearing on May 12, 2021, at 9:00 a.m.

Attendees may participate via Microsoft Teams online meeting platform or telephone conferencing. To participate via Microsoft Teams online meeting platform please email [amy.gowan@oal.ca.gov](mailto:amy.gowan@oal.ca.gov) by 4:30 p.m. on May 11, 2021, to request a link to the meeting. A link to the meeting will also be posted under the Announcements heading on the front page of the OAL website, no later than 8:00 a.m. the morning of the hearing. To participate by telephone, call 1-916-282-3524 and enter Conference ID: 439 922 79#.

As a reasonable ADA accommodation, limited in person seating may be available at the hearing in the OAL Training Room, 300 Capitol Mall, Suite 1210, Sacramento, CA 95814. Attendees must comply with all COVID-19 safety protocols. Please contact Amy Gowan at [amy.gowan@oal.ca.gov](mailto:amy.gowan@oal.ca.gov) or (916) 323-6225 by 4:30 p.m. on May 11, 2021, if an accommodation is necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will continue on the date noted above until all testimony is submitted, or until 12:00 p.m., whichever is later. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. OAL requests, but does not require, that persons who make oral comments at the

hearing also submit a written copy of their testimony via email.

**WRITTEN COMMENT PERIOD**

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

Office of Administrative Law  
Attn: Amy Gowan  
300 Capitol Mall, Suite 1250  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 323-6826 or by e-mail to [amy.gowan@oal.ca.gov](mailto:amy.gowan@oal.ca.gov). The written comment period closes on May 12, 2021. To ensure OAL will consider your comment it must be received by May 12, 2021. When commenting, please indicate the proposed rulemaking action to which your comment refers.

**AUTHORITY AND REFERENCE**

Government Code section 11342.4 authorizes OAL to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 11000 and 11340.5 of the Government Code.

**INFORMATIVE DIGEST**

*Summary of Existing Laws and Effect of the Proposed Action*

Government Code section 11340.5 requires executive branch state agencies adopt regulations pursuant to California’s Administrative Procedure Act (“APA”), unless there is an express statutory exemption. Pursuant to section 11340.5, OAL may issue a determination as to whether an agency’s guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule that has not been adopted pursuant to the APA is a regulation as defined in law (i.e., an “underground regulation”) that must be adopted pursuant to the APA. Existing regulations establish standards and procedures for submitting petitions for review of purported underground regulations to OAL and issuance of these determinations by OAL. Existing regulations also establish the process by which OAL’s issuance of a determination must be suspended by an agency certifying that it will not issue, use, enforce, or attempt to enforce a purported underground regulation.

The amendments proposed in this rulemaking action would add specificity and greater detail regarding the information required to be submitted to OAL in a petition for underground regulation review, including

amending the definition of “interested person,” defining the “challenged agency,” and clear procedural requirements based on the delivery method of the petition (e.g., mail, personal delivery, e-mail). The amendments would identify certain circumstances for declining or issuing a summary disposition more appropriately as facts for OAL to consider when deciding whether to accept a petition. The amendments would clarify existing procedures for agencies to follow in certifying that they will not issue, use, enforce, or attempt to enforce alleged underground regulations, and clarify persons authorized to make these certifications. The amendments also add a procedure for OAL to reconsider a petition that has been suspended pursuant to section 280(a) if OAL learns that the challenged agency continues to issue, use, enforce, or attempt to enforce the challenged rule. The amendments would also include stylistic, grammatical, and minor, non-substantive changes to existing regulation text.

*Anticipated Benefits of the Proposed Regulations*

The broad objective of the regulations is to ensure that the processes for submittal and review of petitions for underground regulations are clear and precise. The specific benefits anticipated from the regulations are increased openness and transparency in government. A person’s ability to petition for underground regulation review is an important check on government overreach, and it is crucially important that the petition procedures are not confusing or ambiguous.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations*

OAL has determined that these proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area of law, OAL has concluded that these are the only regulations that concern the issuance of determinations pursuant to the California Administrative Procedure Act.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

OAL has made the following initial determinations: Mandate on local agencies or school districts: None.

Cost or savings to any state agency: Negligible.

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

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

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

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

Significant effect on housing costs: None.

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

*Results of the Economic Impact Analysis/Assessment*

OAL concludes that it is unlikely that (1) the proposal will eliminate any jobs, (2) the proposal will create any jobs, (3) the proposal will create any new businesses, or (4) the proposal will eliminate any existing businesses or result in the expansion of businesses currently doing business within the state. OAL believes the proposed amendments will benefit California residents by adding specificity to the underground regulation petition process and increased openness and transparency of government. OAL believes there may be minimal benefit to the environment by expressly permitting submission of petitions by email which may save paper. OAL does not anticipate any benefits to worker safety.

*Small Business Determination*

OAL has determined that the proposed regulations do affect small businesses. These regulations establish procedures that must be followed by interested parties submitting petitions to OAL which may include small businesses.

**CONSIDERATION OF ALTERNATIVES**

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

OAL invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

**CONTACT PERSONS**

Inquiries concerning the proposed rulemaking action may be directed to:

Amy Gowan  
Office of Administrative Law  
300 Capitol Mall, Suite 1250,  
Sacramento, CA 95814  
Phone: (916) 323-6225  
Email: [amy.gowan@oal.ca.gov](mailto:amy.gowan@oal.ca.gov)

The backup contact person for these inquiries is:

Thanh Huynh  
Office of Administrative Law  
300 Capitol Mall, Suite 1250,  
Sacramento, CA 95814  
Phone: (916) 323-6225  
Email: [thanh.huynh@oal.ca.gov](mailto:thanh.huynh@oal.ca.gov)

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

OAL will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, and the STD. 399. Please direct requests for copies to the contact person(s) listed above. Due to COVID-19 restrictions please contact Amy Gowan at [amy.gowan@oal.ca.gov](mailto:amy.gowan@oal.ca.gov) or (916) 323-6225 to make an appointment to review the rulemaking file in person.

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

After considering all timely and relevant comments received, OAL may adopt the proposed regulations substantially as described in this notice. If OAL makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before adopting the regulations as revised. Please send requests for copies of any modified regulations to the contact person(s) listed above. If substantive modifications are made, OAL 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, OAL will make copies of the Final Statement of Reasons available. Please send requests for copies to the contact person(s) listed above.

AVAILABILITY OF  
DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final

Statement of Reasons, when completed, and modified text, if any, can be accessed via OAL's website at [www.oal.ca.gov](http://www.oal.ca.gov).

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

**ADMINISTRATIVE PENALTY SCHEDULES**

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (herein after referred to as "Department") is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

A public hearing is scheduled starting at 2:00 p.m., Wednesday May 12, 2021 via Zoom teleconference. Based on guidance from the California Department of Public Health, a physical location will not be provided. Members of the public are encouraged to participate using the Zoom teleconference phone number provided below, so as to minimize the spread of COVID-19. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the Informative Digest.

To participate in the hearing, dial +1 669 900 6833 (toll free), enter meeting ID: 913 4335 6572 and Passcode: 0347116985 when prompted.

WRITTEN COMMENT PERIOD

Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **beginning March 26, 2021 and ending on May 10, 2021**. Following the public hearing, the Department, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

*Authority and Reference:* Pursuant to the authority vested by section 407, Food and Agricultural Code (FAC), and to implement, interpret, or make specific sections 9166 and 10786(a)(1), the Department is proposing to adopt section 839 under Article 14, of

Chapter 2, Division 2, Title 3 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Existing law, section 11342.2 of the Government Code section, allows state agencies to adopt regulations that are reasonably necessary to effectuate the purpose of a statute, based on implied authority within that governing statute.

Existing law, section 407 of the Food and Agricultural Code, provides that the Secretary of the Department of Food and Agriculture (Department) may adopt such regulations as are reasonably necessary to carry out the provisions of the code which she is directed or authorized to administer or enforce.

Existing law, Chapter 1.5 (commencing with section 9201), of Part 1, Division 5 of the Food and Agricultural Code authorizes the secretary to impose such conditions on the production or use of blood or blood component products as is deemed necessary to accomplish the purposed of Chapter 1.5 for Commercial Blood Banks for Animals and Biologics.

Existing law, section 9561 of the Food and Agricultural Code authorizes the State Veterinarian of the Department to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health and safety of the citizens of this state. Section 9562 of the Food and Agricultural Code further authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

Existing law, sections 10324, 10326, 10327 and 10386 of Food and Agricultural Code authorize the adoption of regulations for the control and prevention of bovine brucellosis through limitations of movement, tests, vaccinations, or reports and records or other means as determined.

Existing law, section 10610, of the Food and Agricultural Code authorizes the Secretary of the Department to adopt regulations to control and eradicate cattle diseases through limitations on intrastate and interstate movement, and by requiring permits, diagnostic testing, vaccinations, or other appropriate methods of treatment and control.

Existing law, Chapter 2 (commencing with section 10901), of Part 3, Division 5 of the Food and Agricultural Code authorizes the director to make and enforce such regulations as are reasonable and necessary to carry out the provisions of Chapter 2 for Garbage Control in order to prevent the spread of vesicular exanthema and other contagious and infectious swine diseases.

Existing law, section 9166 of the Food and Agricultural Code authorizes any person who violates

any provision of Division 5 (commencing with section 9101) of the Food and Agricultural Code, and any regulations adopted pursuant to Division 5, is subject to an administrative penalty of not less than one hundred dollars (\$100) or more than one thousand dollars (\$1,000) for each violation. Each violation during any day constitutes a separate offense. Any money that is recovered under this section shall be paid into the State Treasury and shall be credited to the Department of Food and Agriculture Fund.

Existing regulations under Chapter 2 (Livestock Disease Control [Animal Quarantine]) (commencing with section 751), of Division 2 (Animal Industry), Title 3 of the California Code of Regulations, specify the requirements for livestock disease control and eradication, and traceability implemented through official identification, documentation, vaccination, and diagnostic testing for animals moving interstate and intrastate and were adopted pursuant to Division 5 of the Food and Agricultural Code.

Existing Articles 3 and 3.5, et seq. (commencing with section 760), of Chapter 2, Division 2, Title 3 of the California Code of Regulations, sets forth the requirements for the movement of sheep and goats into and within the state to prevent the introduction and spread of sheep scabies and scrapie diseases in California. These regulations were adopted pursuant to Division 5 section 9561 of the Food and Agricultural Code, by placing restrictions at the border on sheep and goat movement, it prevents animals that do not meet the requirements for disease free verification, from introducing or spreading diseases determined to be a risk to animal or the health and safety of the public.

Existing Article 13 (commencing with section 821), of Chapter 2, Division 2, Title 3 of the California Code of Regulations sets forth the requirements for the interstate movement of poultry. These regulations were adopted pursuant to Division 5 section 9561 of the Food and Agricultural Code, in that by placing restrictions at the border it prevents poultry that do not meet the requirements for disease free verification, from spreading or introducing diseases determined to be a risk to animal or the health and safety of the public

Additionally, Chapter 7 (Restricted Animals) (commencing with section 1300), of Division 2, Title 3 of the California Code of Regulations, establishes regulations for the transportation, sale and disposal of restricted or diseased animals and for the establishment of a quarantine on a premises and were adopted pursuant to Division 5 of the Food and Agricultural Code.

Existing law, section 10786(a)(1) of the Food and Agricultural Code provides that whenever a person violates any regulation that is adopted pursuant to Article 4 (commencing with section 10781) of Chapter

1, Part 3 of the Food and Agricultural Code, the department may impose an administrative penalty not to exceed one hundred dollars (\$100) per individual animal for each violation.

Existing law, Part 3 (commencing with section 10701), of Chapter 1, Division 5 of the Food and Agricultural Code authorizes the Director to adopt regulations to control or eradicate hog cholera, swine brucellosis, pseudorabies, and other swine diseases by limitations on the movement of swine, use of hog cholera vaccine or other biologics, testing and vaccinations, and any other means determined to be necessary and were adopted pursuant to Article 4, Chapter 1, Part 3, Division 5 of the Food and Agricultural Code.

The Department is proposing the adoption of section 839 under Article 14, of Chapter 2, Division 2, Title 3 of the California Code of Regulations, to specify penalty schedules for any person found to be in violation of specified statutes and regulations, following an investigation and consideration of the facts presented in each case.

*Anticipated Benefits of the Proposal:* This proposal benefits the livestock industry by serving to ensure that the Department has effective enforcement mechanisms in place by clearly classifying violation categories and establishing penalty schedules in regulation that applies to penalties that may be imposed for violations of specified statutes and regulations. Monetary benefits could include the potential reduction of violations as the penalty schedules may be a deterrent to potential violators of the statutes and regulations affecting the interstate and intrastate movement of livestock, and for meeting requirements for animal disease traceability which enables the Department to mitigate the spread of animal diseases that could negatively impact public health and the food supply.

The penalty schedules may also deter the unauthorized transportation, sale and disposal of diseased animals in accordance with existing statutes and regulations. An example of nonmonetary benefits would be consumer confidence that safe, wholesome and economical food supply is provided for human consumption.

*Consistency and Compatibility with Existing State Regulations:* The Department has evaluated this proposal and believes that it is not inconsistent or incompatible with the Department's existing State regulations.

*Documents Incorporated by Reference:* None.

*Technical, Theoretical, and Empirical Study, Report, or Similar Documents:* None.

FISCAL IMPACT ESTIMATES

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

*Nondiscretionary Costs/Savings to Local Agencies:* None.

*Local Mandate:* None.

*Cost to Any Local Agency or School District for Which Government Code section 17500 et seq. Require Reimbursement:* None.

*Business Impact:* The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made an initial determination that the proposed regulatory action will not have any significant statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal will impact persons and businesses involved in the livestock industry in California who are found, after investigation of the facts and evidence presented in each case, to have violated specified sections of the Food and Agricultural Code and any regulations implementing those Codes.

*Cost Impacts on Representative Private Persons or Businesses:* The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. Any costs imposed would be because any person found to be in violation of specified statutes and regulations, after investigation of the facts presented, that a penalty would be imposed as specified in the penalty schedules specified in this proposal. There would also be costs to a person wishing to appeal the penalty and any violation imposed by the Department to travel to the hearing location and if they wish to hire their own legal counsel.

*The anticipated compliance requirements as a result of this proposal:* The proposal contains no specific record keeping, paperwork or reporting requirements. It provides information to the regulated public on how the Department assess penalties for violations of statutes and regulations.

*Effect on Housing Costs:* None.

*Effect on Small Business:* The Department's proposal may affect small businesses if a producer is found, after investigation of the facts presented in the case, to be in violation of specified statutes or regulations, and that person may also be a small business owner as defined in Government Code section 11342.610.

RESULTS OF ECONOMIC  
IMPACT ASSESSMENT

*Impact on Jobs/New Businesses:* The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

*Persons/Businesses affected by this proposal:* The Department has made an initial determination that this regulatory proposal will only affect producers or persons involved in the livestock industries in California who are found, after investigation of the facts and evidence presented in each case, to have violated specified sections of the Food and Agricultural Code and any regulations implementing those Codes.

*Benefits of the regulation to the health and welfare of California residents, worker safety, and the State's environment:* The Department is not aware of any specific benefits this proposal will have on worker safety.

The proposed regulation benefits animal health, public health, the food supply, the economy and the environment by serving to ensure violations of specified statutes and regulations will be handled according to the penalty schedules specified in this proposal. This proposal serves to ensure that any violations of existing statutes and regulations as specified in this proposal, are handled quickly and in a cost-effective manner to all parties involved. As authorized by FAC sections 9166 and 10786(a)(1).

*Occupations/Businesses Impacted:* The Department has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in California.

The Department has made an initial determination that the proposed regulatory action will have no significant, statewide adverse economic impact directly affecting California businesses including the ability of California businesses to compete with businesses in other states.

The Department has made an initial determination that this regulatory proposal will only impact persons or businesses involved in the livestock industry in California who are found, after investigation of the facts and evidence presented in each case, to have violated specified sections of the Food and Agricultural Code and any regulations implementing those Codes.

*Business Reporting Requirement:* There are no new reporting requirements as a result of this proposal.

*Comparable Federal Regulations:* This proposal does not duplicate or conflict with federal regulations.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would either be more effective in carrying out the purpose for which the action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled public hearing or during the written comment period. This proposal is necessary to establish procedures for the implementation of administrative penalties against any person found to be in violation of specified statutes and/or regulations relating to livestock disease control and restricted animals.

INITIAL STATEMENT OF  
REASONS AND INFORMATION

The Department has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all the information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department's website as indicated below in this Notice.

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

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

Any person may obtain a copy of the Final Statement of Reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSONS

Inquiries and any written comments concerning this proposal are to be addressed to the following:



Angelina Velez  
 Department of Food and Agriculture  
 Animal Health & Food Safety Services  
 Animal Health Branch  
 1220 N Street, Sacramento, CA 95814  
 Telephone: (916) 900-5103  
 E-mail: [angelina.velez@cdfa.ca.gov](mailto:angelina.velez@cdfa.ca.gov)

The backup contact person is:

Andrew Halbert  
 Department of Food and Agriculture  
 Animal Health & Food Safety Services  
 1220 N Street, Sacramento, CA 95814  
 Telephone: (916) 900-5372  
 E-mail: [andrew.halbert@cdfa.ca.gov](mailto:andrew.halbert@cdfa.ca.gov)

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### REIMBURSEMENTS FOR TRAINING Regulation 1015

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

#### Public Comments Due by May 10, 2021.

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

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

#### AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506

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

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed amendments include adding clarifying language to both Regulation 1015 and the Presenter Reimbursement Request (PRR) form (POST 2-243) to clearly specify receipts shall be included in support of the requirement to include “actual course presentation costs” with the PRR form. The proposed amendments also identify which of the expenses eligible for reimbursement require receipts to be submitted with the PRR form. The PRR form is incorporated by reference in Regulation 1015.

The current version of the PRR form does not indicate that receipts should be included with the PRR form. The proposed amendments to POST 2-243 will update submission instructions to mirror the proposed amendments to Regulation 1015 and indicate the requirement to submit receipts to support “actual presentation costs” and which expenses will require the supporting documentation.

Additionally, the current PRR Form instructs presenters to submit the form by mail. However, due to the desire to become more environmentally friendly and to address issues related to the COVID-19 pandemic, presenters have been asked to submit the PRR form electronically via email. Shortly before the COVID-19 pandemic, POST began accepting digital signatures on the PRR form and submissions via email.

Due to health and safety concerns related to COVID-19, POST staff have been working remotely. This became the only acceptable method of submission after POST staff began teleworking. This has streamlined the process and cut down the time for review and processing of the reimbursement requests. Even after the pandemic passes, POST staff propose to continue the practice of electronic submissions of the PRR. The revisions to the POST 2-243 would update the submission instructions to direct presenters to submit PRRs electronically.

#### *Anticipated Benefits of the Proposed Regulation:*

The benefits by the proposed amendments to the regulations will increase the efficiency of the state of California in delivery services to stakeholders. Thus, ensuring the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety and welfare in California. There would

be no impact that would affect worker safety of the State's environment.

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

POST has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that will clarify language to both the regulation and the POST form.

**FORMS INCORPORATED BY REFERENCE**

Presenter Reimbursement Request (PRR) Form (POST 2-243) (2/2021)

**ADOPTION OF PROPOSED REGULATIONS**

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

**ESTIMATE OF ECONOMIC IMPACT**

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

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

Local Mandate: None.

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

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

Small Business Determination: The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect small business, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California business, include small businesses. The regulation addresses receipts shall be included in support of actual course presentation costs and for the allowance to electronically submit the PRR with supporting documentation. This only affects individuals associated with participating law enforcement agencies and/or course presenters.

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

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

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

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

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

**CONSIDERATION OF ALTERNATIVES**

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

implementing the statutory policy or other provision of law than the proposed action.

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Melanie Dunn, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-4866. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802.

TEXT OF PROPOSAL

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

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

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

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

**TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**Amend and Update Regulations 1071 and 1083; Minimum Training Standards for Basic Course Directors, Coordinators, Recruit Training Officers, and Scenario Managers and Evaluators**

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

**Public Comments Due by May 10, 2021.**

Notice is also given that any interested person, or authorized representative, may submit written

comments relevant to the proposed regulatory action by fax at (916) 227-6932, by email to Cheryl Smith at [cheryl.smith@post.ca.gov](mailto:cheryl.smith@post.ca.gov), or by letter to:

Commission on POST  
Attn: Cheryl Smith  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

AUTHORITY AND REFERENCE

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the training standard for newly appointed Directors and Coordinators of the basic courses.

The benefit anticipated by the proposed amendments to the regulations will be to update the training standards for newly appointed Directors and Coordinators of basic courses, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

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

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test the updated curriculum. The proposed effective date is October 1, 2021.

ADOPTION OF PROPOSED REGULATIONS

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

ESTIMATE OF ECONOMIC IMPACT

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

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

Local Mandate: None.

Costs to any Local Agency or School District Affecting Government Code § 17500-17630 requires reimbursement: None.

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

Small Business Determination: The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission's main function is to set selection and training standards for law enforcement which has no effect financially on small businesses.

Effect on Housing Costs: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF  
ECONOMIC IMPACT ASSESSMENT  
per Government Code § 11346.3(b)

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

The proposed amendments of regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no impact that would affect worker safety or the state's environment.

COST IMPACT ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESSES

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

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the Commission, 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 than the proposed action.

CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Cheryl Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-0544. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802, or by FAX at (916) 227-5271.

TEXT OF PROPOSAL

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

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

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

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

**TITLE 12. DEPARTMENT OF  
VETERANS AFFAIRS**

NOTICE IS HEREBY GIVEN that the California Department of Veterans Affairs (CalVet) is proposing to take the action described in the Informative Digest after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department has not scheduled a public hearing. However, any interested person or his or her authorized representative may request a hearing no later than fifteen (15) calendar days prior the end of the written comment period. Submit a request to Phil McAllister at the address below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalVet. Comments may also be submitted by facsimile (FAX) at (916) 653-2456 or by e-mail to [phil.mcallister@calvet.ca.gov](mailto:phil.mcallister@calvet.ca.gov). The written comment period closes at **5:00 p.m. on May 11, 2021**. CalVet will consider only comments received at CalVet offices by that time. Submit comments to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
1227 O Street, Suite 500  
Sacramento, California 95814  
[phil.mcallister@calvet.ca.gov](mailto:phil.mcallister@calvet.ca.gov)

AUTHORITY AND REFERENCE

Authority cited: The Statutes of 1990, Chapter 535, Section 2; The Statutes of 1993, Chapter 138, Section 4; and Section 700, Military and Veterans Code (M&VC). Reference: Sections 74, 79, 970, 972, 972.1 and 972.5, M&VC.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

A. Policy Statement Overview

CalVet's Veteran Service Division (VSD) is tasked with connecting veterans and their families throughout the state with the benefits and services earned through their sacrifice and service to our country. To perform this critical mission, the VSD provides advocacy, education, and service assistance to veterans and their families as they attempt to access their state and federal benefits.

With nearly 1.7 million veterans currently living in California, and an additional 30,000 returning to California each year, CalVet's efforts to accomplish VSD's goals requires coordination and collaboration with the network of veteran service providers on the federal, state, and local level. Fostering strong relationships with this state-wide system of care enables the VSD to act as a conduit for veterans, their families, to the services they have earned.

CalVet and the California Veteran Service Office (CVSO) have a long standing partnership that provides veterans the ability to access their benefits and services in the counties where they reside. The state provides \$5.6 million in a County Subvention program annually to support CVSO's efforts to provide veterans and their families with benefits and services. CalVet is charged with the responsibility to oversee the distribution of subvention funding based on an incentivized formula developed by CalVet.

Requirements for counties and CVSOs are established in CCR Sections 450-455 to include procedures for CalVet to audit and distribute subvention funding. The purpose of these proposed changes to existing regulations is to clarify some of the language and add a section in the Veterans Service Office Fund (VSOF) section regarding procedures for a new mentor program.

B. Informative Digest

Current laws and regulations govern the State General Fund Subvention Program requirements for CVSOs to qualify for funding. M&VC Sections 970-974.5 specify general overview of the county subvention program, basic requirements of each County, requirements by CalVet to report to the Legislature and state agencies annually, and general distribution of funding. 12 California Code of Regulations Sections 450-455 govern more specific details of the county requirements and distribution of funding.

*The specific purpose for each proposed amendment or adoption is as follows:*

**Section 452 (b):** The date was modified from October 1, 2018 to September 15, 2019 because the manual was updated.

**Procedure Manual for Subvention and Medi-Cal Cost Avoidance**

**Page 1 under “The CVSO”:** Language was added for clarity. No new standards or requirements have been added.

**Page 1 under “State Funding Sources”:** Language added to clarify that funds can be used for travel related to the mentor program. No new standards or requirements have been added.

**Page 2 under “Subvention Requirements Deadlines” 1):** Language added to clarify the requirements for reporting. No new standards or requirements have been added.

**Page 2 under “Subvention Requirements Deadlines” 2):** Language added to clarify the requirements for submitting the budget. No new standards or requirements have been added.

**Page 2 under “Subvention Requirements Deadlines” 3):** Section added to clarify the requirements for reporting. No new standards or requirements have been added.

**Page 3 under “Subvention Requirements Deadlines” 4):** Language added to clarify the requirements for claims. No new standards or requirements have been added.

**Page 3 under “Subvention Requirements Deadlines” 5):** Language added to clarify the requirements for the Annual Subvention Certificate of Compliance. No new standards or requirements have been added.

**Page 3 under “July 31<sup>st</sup> – No later than July 31<sup>st</sup>” 2):** Language added to clarify the requirements for reporting. No new standards or requirements have been added.

**Page 3 under “September 1”:** 1 was replaced by 1<sup>st</sup> to correct an inconsistency in the text.

**Page 5 “Subvention Program Administrative Requirements and Penalties”:** The modified language increased specificity of requirements and penalties for non-compliance to assist participants in preparing and submitting required information. Additionally, the modified language relates to overdue Subvention forms, and identifies how CalVet will notify the CVSO’s when documents are 15/30/45 days late.

**Page 5 “Subvention CalVet Accreditation Requirement and Penalties”:** This section contains duplicate language from page one. The information was consolidated into a single location on page four to increase consistency and clarity.

**Page 5 under “Records Retention Requirements”:** Language was added to clarify the retention requirements for documentation. The 5 year retention period aligns with other Department records retention requirements.

**Page 8:** Language added to increase clarity.

**Page 8 under “Subvention Payments” 1):** The reference to the regulation was added to increase clarity.

**Page 8 under “Subvention Payments” 2):** The reference to the regulation was added to increase clarity.

**Page 9:** Language added to increase clarity.

**Page 10 under “Subvention and Medi-Cal Cost Avoidance...”:** Language added to clarify requirements for submission.

**Page 12:** College Fee Waiver Delegation of authority consolidated with Medi-Cal/Subvention Delegation letter. Serves same purpose for some population.

**Page 16:** The Letter was updated and added to final version of the manual. Added the following language under the signature line: *(Or other County Official authorized by the Board to act on behalf of County Auditor/Controller)*. The Board has always had the authority to designate someone other than the County Auditor/Controller to sign the form; however, the prior version did not include language acknowledging this option.

**Page 14 under “Letter Creation Date” 2):** The language was modified to increase clarity.

**Page 15 under “County Certification”:** Language was added to provide clarity regarding the Medi-Cal payment cycle. These existing regulations lacked these dates and have been provided so the CVSO’s understand when they can expect payment. The payment cycle did not change.

**Medi-Cal Cost Avoidance Program Payments —** Language modified to increase clarity.

**Medi-Cal Cost Avoidance Program Payments —** Removed the specific amount as the amount can change depending on availability of federal funds.

**Eligible Medi-Cal Aid Codes —** Added updated list of aid codes. Language modified to increase clarity.

**Program Documentation —** Removal of CW 5 form which is no longer accepted by DHCS. All references to this form have been removed through the manual.

**PART II: WORKLOAD UNITS/AUDITABLE FORMS —** All changes in this section (pages 11–18) were made to ensure the manual and our processes are in line with the Appeals Modernization Act of 2017.

**DVS 19 — Medi-Cal Cost Avoidance Section (pages 19–20) —** Minor changes for clarity and removal of the CW5 form which is no longer accepted by DHCS.

**Medi-Cal Cost Avoidance Program Auditable Forms (Pages 35–38)** — Language modified to increase clarity.

**Awards Register/Overview (Page 39)** — Removal of dated language and the term “reopened”, which is no longer an applicable term.

**“Stale” Award Advisory (Page 40)** — Extended from 12 to 18 months based on feedback from users.

**Prior Awards Verified (Page 41)** — Language modified to increase clarity.

Medi-Cal Awards Register DVS 20MC (Page 31) — Language modified to increase clarity.

**PART III: WORKLOAD VERIFICATION AND AUDIT PROTOCOL (Pages 42,43)** — Minor changes for clarity

**Detailed Audit (Pages 43–44)** — Changes to sampling section required due to new forms used in the updated VA Appeals Process

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

After conducting an evaluation for any regulations related to this area, CalVet has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate or affect these regulations, CalVet has concluded that these regulations support and clarify all statutes in the M&VC sections 970–974.5. These are the only regulations pertaining to the county subvention program.

*Benefits of the Proposed Regulation:*

These regulations establish a baseline level of knowledge requirement for CVSOs and their staff filing claims for USDVA benefits, which may improve services to Californians. These regulations also establish policies to ensure CalVet maintains proper oversight for the state CVS0 subvention program, thus increasing transparency of state policies in regards to the county subvention program. These regulations also require CVS0s to report metrics regarding outreach activities to CalVet, which will also increase transparency of CVS0 work and enable CalVet to meet statutory requirements to report the outreach activities of CVS0s in an annual report to the Legislature, Department of Finance, California Veterans Board, and DHCS. (M&VC Section 974(c)). The purpose of these proposed changes to existing regulations is to clarify some of the language and add a section in the VSOF section regarding procedures for a new mentor program. By providing the proper regulations to require CVS0s to adhere to CalVet policies and procedures for receiving county subvention funding, the State of California and its residents will benefit from CVS0s in their communities providing high-quality services to veterans and their families.

DISCLOSURES REGARDING THE PROPOSED ACTION

*CalVet has made the following initial determinations:*

Mandate on local agencies and school districts: These regulations will create a local mandate on counties. Counties will be required to ensure all CVS0 directors (County Veterans Service Officers) as well as county veterans service representatives who file USDVA claims are accredited by CalVet within 12 months of hire. This mandate requirement is reimbursable by the state in the way of funding provided through the county subvention program to mitigate the costs of travel to attend the accreditation training and exam.

Cost or savings to any state agency: No additional cost or savings to state agencies; in the case that a county does not receive their full allocation of funds, CalVet redistributes the funding to the qualifying counties.

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

Other nondiscretionary cost or savings imposed on local agencies: None. CalVet provides funding to assist with expenses incurred with attending the required training.

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

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

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

Significant effect on housing costs: None.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

CalVet does not anticipate that there will be significant impacts on the public, private persons, or business due to the proposed regulation. (1) CalVet does not anticipate that there will be an expansion of existing business in California. (2) CalVet does not anticipate that jobs will be created (including state jobs as the current workload for CalVet staff is absorbed with existing resources); none will be eliminated. (3) CalVet does not anticipate that new businesses will be created or that existing businesses will be eliminated; (4) CalVet has determined that it is unlikely that the proposal will affect the expansion of businesses currently doing business.

### BENEFITS OF PROPOSED ACTION

The proposed regulation will ensure CalVet is able to provide proper oversight and accountability for the state CVSO subvention program. The result of the regulations include improved knowledge base of claims representatives as well as transparency in the county subvention program. These improvements may improve the health and welfare of California's veterans and their families through higher quality claims and best use of state funding in support of CVSOs.

### SMALL BUSINESS DETERMINATION

CalVet has determined that the proposed regulation will not affect small business. The proposed regulation will not affect small businesses because it is only pertaining to counties.

### BUSINESS REPORT

The proposed regulation does not require a business report.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), CalVet must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed 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.

CalVet invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

### CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Phil McAllister, Regulatory Actions Coordinator  
California Department of Veterans Affairs  
1227 O Street, Suite 500  
Sacramento, California 95818  
Telephone: (916) 653-1961  
Fax: (916) 653-2456  
Email: [phil.mcallister@calvet.ca.gov](mailto:phil.mcallister@calvet.ca.gov)

The backup contact person for these inquiries is:

David Lawrence  
Veteran Services Division  
1227 O Street, Suite 500  
Sacramento, CA 95814  
Telephone: (916) 651-3068  
Fax: (916) 503-8027  
Email: [david.lawrence@calvet.ca.gov](mailto:david.lawrence@calvet.ca.gov)

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Phil McAllister at the above address.

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

CalVet will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file will consist of this notice, the proposed text of the regulations, and the initial statement of reasons. Copies of the exact language (express terms) of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained by contacting Phil McAllister at the address or phone number listed above. These documents may also be viewed and downloaded from the CalVet website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, CalVet may adopt the proposed regulations substantially as described in this notice. If CalVet makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before CalVet adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Phil McAllister at the address indicated above. CalVet 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, copies of the Final Statement of Reasons may be obtained by contacting Phil McAllister at the above address.



AVAILABILITY OF  
DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <https://www.calvet.ca.gov/about-us/laws-regulations>.

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND  
WILDLIFE**

CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Doctor Fine Bridge Replacement Project  
2080–2021–003–01  
Del Norte County

The California Department of Fish and Wildlife (CDFW) received a notice on March 2, 2020 that the California Department of Transportation (Caltrans) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves the replacement of the Doctor Ernest Fine Bridge including construction of a temporary detour bridge, demolition of the old bridge, and construction of the new bridge. Proposed activities will include, but are not limited to, fish relocation, concussive demolition activities, and pile driving. The proposed project will occur on U.S. Highway 101 over the Smith River in Del Norte County, California.

The National Marine Fisheries Service (NMFS) issued a federal biological opinion (BO)(Service Ref. No. WCRO–2020–00584) in a memorandum to Caltrans on March 19, 2020, which considered the effects of the proposed project on state and federally threatened Southern Oregon and Northern California coho salmon (*Oncorhynchus kisutch*). An incidental take statement (ITS) which applies to this project with non-discretionary terms and conditions was included with BO.

Pursuant to California Fish and Game Code section 2080.1, Caltrans is requesting a determination that the ITS and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and its associated BO are consistent with CESA for the proposed project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

**DEPARTMENT OF PUBLIC HEALTH**

**TITLE:**

PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (PHHSBG) STATE PLAN FOR FEDERAL FISCAL YEAR (FFY) 2021

**ACTION:**

NOTICE OF ADVISORY COMMITTEE MEETING FOR FFY 2021 STATE PLAN

**SUBJECT:** The Centers for Disease Control and Prevention anticipates making funds available to California to support public health infrastructure, address emerging health issues, and optimize the health and well-being of the people in California. The purpose of this Advisory Committee (AC) Meeting is to discuss and receive member comments on the use of FFY 2021 PHHSBG funds for the California Department of Public Health (CDPH) and the California Emergency Medical Services Authority during State Fiscal Year (SFY) 21/22.

**NOTIFICATION:** Notice is hereby given that CDPH will hold an AC Meeting commencing at 10:00 a.m. and ending at 12:00 p.m. PDT on Wednesday, April 7, 2021 via GoToTraining Webinar. During this time, CDPH will discuss future use of PHHSBG funding. The AC members will have an opportunity to ask questions and make funding recommendations for the use of FFY 2021 funds during SFY 21/22; and the public will have an opportunity to submit verbal or written comments.

Any person may present statements or arguments orally or in writing relevant to the action described in this notice. The CDPH — Chronic Disease Control Branch (CDCB), PO Box 997377 MS 7208, Sacramento, California, 95899–7377 must receive any written statements or arguments by 5:00 p.m. Thursday, April 8, 2021, which is hereby designated as the close of the written comment period for this AC Meeting. Any person may submit statements or arguments via email to [PHHSBG@cdph.ca.gov](mailto:PHHSBG@cdph.ca.gov).

Due to the COVID–19 pandemic, Governor Gavin Newsom issued Executive Order N–25–20 (<https://www.gov.ca.gov/wp-content/uploads/2020/03/3.12.20-EO-N-25-20-COVID-19.pdf>), which allows public meetings to be held via teleconferencing only.

**WEBINAR INFORMATION:** Attendees may attend the AC Meeting via webinar. Please register for the PHHSBG AC webinar (<https://attendee.gototraining.com/r/3216108204913998594>) scheduled on Wednesday, April 7, 2021 from 10:00 a.m. – 12:00 p.m. PDT. It is highly recommended that attendees register early. After registering, you will receive confirmation e-mail containing information about

joining the webinar. Please contact [PHHSBG@cdph.ca.gov](mailto:PHHSBG@cdph.ca.gov) if you experience technical difficulties.

**AGENDA:** The Agenda will be available for review beginning on March 26, 2021 on the following website: [The California Department of Public Health \(https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CDCB/Pages/PHHSBGAdvisoryCommitteeMtgs.aspx\)](https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CDCB/Pages/PHHSBGAdvisoryCommitteeMtgs.aspx).

**AVAILABILITY OF INFORMATION FOR REVIEW:** This Notice will be made available in appropriate alternative formats, upon request by any person with a disability as required by Section 202 of the Americans with Disabilities Act of 1990 (42 USC Sec 12132), and the applicable federal rules and regulations.

**CONTACT:** Inquiries concerning the action described in this notice may be directed to Cha Xiong at [Cha.Xiong@cdph.ca.gov](mailto:Cha.Xiong@cdph.ca.gov) or the CDCB at (916) 552-9900 or [PHHSBG@cdph.ca.gov](mailto:PHHSBG@cdph.ca.gov). For email inquiries, please identify the action by using the Department Control letters "PHHSBG."

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

**Public Notice Requirement for Issuance of Treated Wood Waste Variances**

The week of March 1, 2021, the Department of Toxic Substances Control (DTSC) issued variances for the management of treated wood waste. The variances were issued pursuant to Health and Safety Code section 25143(b)(1) and California Code of Regulations, title 22, section 66260.210.

The variances authorize the recipients to manage treated wood waste, a California hazardous waste, in accordance with a set of alternative management standards. The variances are effective for six months and may be extended once for an additional six months.

The variance recipients are listed by variance type, and the information provided includes the variance identification number, recipient name, and recipient location.

*Recipients of Disposal Facility Variances*

- TWW-2021-DF-00049, Keller Canyon Landfill, 901 Bailey Road, Pittsburg, CA 94565
- TWW-2021-DF-00050, Vasco Road Landfill, 4001 North Vasco Road, Livermore, CA 94551
- TWW-2021-DF-00051, Johnson Canyon Landfill, 31400 Johnson Canyon Road, Gonzales, CA 93926

- TWW-2021-DF-00053, Chicago Grade Landfill, 2290 Homestead Road, Templeton, CA 93465
- TWW-2021-DF-00054, Newby Island Landfill, 1601 Dixon Landing Road, Milpitas, CA 95035
- TWW-2021-DF-00056, CWMI Kettleman Hills Facility, 35251 Old Skyline Road, Kettleman City, CA 93239
- TWW-2021-DF-00059, Eastlake Sanitary Landfill, 16015 Davis Avenue, Clearlake, CA 95422
- TWW-2021-DF-00062, Western Regional Sanitary Landfill, 3195 Athens Avenue, Lincoln, CA 95648
- TWW-2021-DF-00063, Imperial Landfill, 104 East Robinson Road, Imperial, CA 92251
- TWW-2021-DF-00064, Calabazas Landfill, 5300 Lost Hills Road, Agoura, CA 91301
- TWW-2021-DF-00055, Fink Road Landfill, 4000 Fink Road, Crows Landing, CA 95313
- TWW-2021-DF-00061, American Avenue Disposal Site, 18950 W. American Avenue, Kerman, CA 93630
- TWW-2021-DF-00065, Monterey Peninsula Landfill, 14201 Del Monte Blvd., Marina, CA 93933
- TWW-2021-DF-00066, Salton City Solid Waste Site, 935 W Hwy 86, Salton City, CA 92275
- TWW-2021-DF-00067, Santa Cruz Sanitary Landfill, 605 Dimeo Lane, Santa Cruz, CA 95060
- TWW-2021-DF-00068, Anderson Landfill, 18703 Cambridge Rd., Anderson, CA 96007
- TWW-2021-DF-00070, Highway 59 Landfill, 7040 N. State Highway 59, Merced, CA 95348
- TWW-2021-DF-00075, Kiefer Landfill, 12701 Kiefer Blvd., Sloughouse, CA 95683

**Recipients of Handler / Transporter Variances**

- TWW-2021-HT-00069, JDK Railroad Materials, LLC., 9800 Owensmouth Avenue, Chatsworth, CA 91311
- TWW-2021-HT-00071, Zanker Road Resource Management, LTD., 705 Los Esteros Road, San Jose, CA 95134 and 675 Los Esteros Road, San Jose, CA 95134

For additional information, contact Ryan Batty of the Department of Toxic Substances Control at (916) 823-7617 or by e-mail at [Ryan.Batty@dtsc.ca.gov](mailto:Ryan.Batty@dtsc.ca.gov).

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

#### CHEMICAL SELECTED FOR CONSIDERATION FOR LISTING BY THE CARCINOGEN IDENTIFICATION COMMITTEE AND REQUEST FOR RELEVANT INFORMATION ON THE CARCINOGENIC HAZARD OF: PERFLUOROCTANE SULFONATE (PFOS) AND ITS SALTS AND TRANSFORMATION AND DEGRADATION

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65<sup>1</sup>. The Carcinogen Identification Committee (CIC) of OEHHA's Science Advisory Board serves as the state's qualified experts and renders an opinion about whether a chemical has been clearly shown to cause cancer<sup>2</sup>. Chemicals identified as carcinogens by the CIC are added to the Proposition 65 list.

OEHHA has selected perfluorooctane sulfonate (PFOS) and its salts and transformation and degradation precursors (referred to hereafter as "this chemical") for the CIC's review for possible listing under Proposition 65<sup>3</sup>. This was selected from chemicals prioritized by the CIC in 2020. For details, follow this link: <https://oehha.ca.gov/proposition-65/agenda/november-17-2020-virtual-meeting-carcinogen-identification-committee>.

OEHHA is initiating the development of hazard identification materials, for presentation at a future meeting of the CIC for consideration of listing under Proposition 65. By this notice, OEHHA is giving the public an opportunity to provide information relevant to the assessment of the evidence of carcinogenicity

for this chemical. Relevant information includes but is not limited to:

- Transformation and/or degradation precursors of PFOS
- Cancer bioassays
- Cancer epidemiological studies
- Genotoxicity testing
- Other pertinent data on:
  - Pharmacokinetics
  - Effects on biochemical and physiological processes, including findings in humans

Interested parties wishing to provide such information should submit it in accordance with the instructions given below.

The publication of this notice marks the start of a 45-day data call-in period, ending on **Monday, May 10, 2021**. The information received during this period will be reviewed and considered by OEHHA as it prepares the cancer hazard identification materials on this chemical.

Hazard identification materials will be made available to the public for comment prior to the CIC's consideration of the chemical for possible listing. The availability of hazard identification materials will be announced in the *California Regulatory Notice Register* and on OEHHA's website. Public comments received on these materials will be sent to the CIC for its consideration prior to the meeting at which this chemical will be considered for listing. OEHHA will announce the time, date, location, and agenda of CIC meetings in the *California Regulatory Notice Register* and on its website.

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

All non-electronic submissions should be directed to:

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

**To be considered at this point in the process, the relevant information must be received at OEHHA by Monday, May 10, 2021.**

<sup>1</sup>The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup>Title 27, Cal. Code of Regs., section 25302 *et seq.*

<sup>3</sup>Using the procedure described in the OEHHA 2004 document "Process for Prioritizing Chemicals for Consideration under Proposition 65 by the State's Qualified Experts."

OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT

CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

CHEMICALS SELECTED FOR  
CONSIDERATION FOR LISTING BY THE  
DEVELOPMENTAL AND REPRODUCTIVE  
TOXICANT IDENTIFICATION  
COMMITTEE

AND REQUEST FOR RELEVANT  
INFORMATION ON THE  
REPRODUCTIVE TOXICITY HAZARDS  
OF: PERFLUORODECANOIC  
ACID (PFDA) AND ITS SALTS,  
PERFLUOROHEXANESULFONIC  
ACID (PFHxS) AND ITS SALTS,  
PERFLUORONONANOIC ACID  
(PFNA) AND ITS SALTS, AND  
PERFLUOROUNDECANOIC ACID  
(PFUnDA) AND ITS SALTS

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for the implementation of Proposition 65<sup>1</sup>. The Developmental and Reproductive Toxicant Identification Committee (DARTIC) of OEHHA's Science Advisory Board serves as the state's qualified experts and renders an opinion about whether a chemical has been clearly shown to cause reproductive toxicity<sup>2</sup>. The chemicals identified by the DARTIC are added to the Proposition 65 list.

OEHHA has selected perfluorodecanoic acid (PFDA) and its salts, perfluorohexanesulfonic acid (PFHxS) and its salts, perfluorononanoic acid (PFNA) and its salts, and perfluoroundecanoic acid (PFUnDA) and its salts for the DARTIC's review for possible listing under Proposition 65<sup>3</sup>. These chemicals were selected from chemicals prioritized by the DARTIC in 2020. For details, follow this link: <https://oehha.ca.gov/proposition-65/crrn/december-10-2020-meeting-developmental-and-reproductive-toxicant-identification>.

<sup>1</sup>The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup>Title 27, Cal. Code of Regs., section 25302 *et seq.*

<sup>3</sup>Using the procedure described in the OEHHA 2004 document "Process for Prioritizing Chemicals for Consideration under Proposition 65 by the State's Qualified Experts."

OEHHA is initiating the development of hazard identification materials, for presentation at future meetings of the DARTIC for consideration of listing under Proposition 65. By this notice, OEHHA is giving the public an opportunity to provide information relevant to the assessment of the evidence of developmental and male and female reproductive toxicity for PFDA and its salts, PFHxS and its salts, PFNA and its salts and PFUnDA and its salts. Interested parties wishing to provide such information should submit it in accordance with the instructions given below.

The publication of this notice marks the start of a 45-day data call-in period, ending on **Monday, May 10, 2021**. The information received during this period will be reviewed and considered by OEHHA as it prepares the hazard identification materials on these chemicals.

Hazard identification materials will be made available to the public for comment prior to the DARTIC's consideration of the chemical(s) for possible listing. The availability of the hazard identification materials will be announced in the *California Regulatory Notice Register* and on OEHHA's website. Public comments received on these materials will be sent to the DARTIC for its consideration prior to the meeting at which the chemical(s) will be considered for listing. OEHHA will announce the time, date, location, and agenda of DARTIC meetings in the *California Regulatory Notice Register* and on its website.

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

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Sacramento, California 95812-4010  
Telephone: 916-445-6900

**In order to be considered at this point in the process, the relevant information must be received at OEHHA by Monday, May 10, 2021.**

**OAL REGULATORY  
DETERMINATION**

**OFFICE OF ADMINISTRATIVE LAW**

OAL REGULATORY DETERMINATION

Date: March 10, 2021  
 To: Melvin Williams  
 From: Chapter Two Compliance Unit  
 Subject:

**2021 OAL DETERMINATION  
NUMBER 2(S)**

**(CTU2021-0119-01)**

(Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., Title 1, section 270(f))

Petition challenging as underground regulations the Administrative Remedies for Inmates and Parolees (Cal. Code Regs., tit.15, secs. 3480-3487) adopted in OAL matter number 2020-0309-01EON

On 1/19/2021, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the Administrative Remedies for Inmates and Parolees (Cal. Code Regs., tit. 15, secs. 3480-3487), adopted by the California Department of Corrections and Rehabilitation (CDCR) in OAL matter no. 2020-0309-01EON, constitute underground regulations. The challenged rules are attached hereto as Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,<sup>1</sup> which should have been, but was not, adopted pursuant to the Administrative Procedure Act (APA).

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, Title 1, section 250:

The following definitions shall apply to the regulations contained in this chapter:

<sup>1</sup>“Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

(a) “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, *but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA* and is not subject to an express statutory exemption from adoption pursuant to the APA. [Emphasis added.]

The Administrative Remedies for Inmates and Parolees (Cal. Code Regs., tit. 15, secs. 3480-3487), which the petition identifies as underground regulations, were duly adopted as an emergency by operational necessity by CDCR pursuant to Penal Code section 5058.3 and Chapter 3.5 of Part 1 of Division 3 of Title 2 of the Government Code, i.e., the APA. The regulations were reviewed and approved by OAL in OAL matter number 2020-0309-01EON and filed with the Secretary of State on 3/25/2020.<sup>2</sup> Because the challenged rules were adopted pursuant to the APA, approved by OAL, and filed with the Secretary of State, they do not meet the second part of the definition of an underground regulation: “has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA.”

For the reasons discussed above, we find that the rules challenged by your petition are not underground regulations.<sup>3</sup> The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

<sup>2</sup>The regulations were further readopted as emergency regulations by CDCR in OAL matter number 2021-0205-02EON which was approved by OAL and filed with the Secretary of State on 2/25/2021.

<sup>3</sup>The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

(f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.

(2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:

(A) The challenged rule has been superseded.  
 (B) The challenged rule is contained in a California statute.  
**(C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.**  
 (D) The challenged rule has expired by its own terms.  
 (E) An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.

March 10, 2021

/s/

For Dale P. Mentink  
Attorney IV

Copy:

Kathleen Allison, Secretary [without attachment]  
Anthony Carter, CCII [without attachment]

**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 # 2021-0129-01

Advanced Clean Trucks Regulation

In this rulemaking, the California Air Resources Board (CARB) adopted two new regulatory components. First, it requires manufacturers to sell Zero Emission Vehicles (ZEVs) as an increasing percentage of annual truck sales in California. Second, it requires one-time reporting of information from large organizations including retailers, manufacturers, and government agencies about their medium- and heavy-duty vehicle fleet.

Title 13

Adopt: 1963, 1963.1, 1963.2, 1963.3, 1963.4, 1963.5, 2012, 2012.1, 2012.2

Filed 03/15/2021

Effective 03/15/2021

Agency Contact: Bradley Bechtold (916) 322-6533

California Department of Tax and Fee Administration

File # 2021-0225-02

Hospitals and Other Medical Facilities

This request by the California Department of Tax and Fee Administration for the filing of regulations with the Secretary of State and printing them in the California Code of Regulations concerns the sales and

use tax liability of medical facilities for tangible personal property furnished in connection with medical services. This action is exempt from the Administrative Procedure Act and Office of Administrative Law review under Government Code section 15570.40(b).

Title 18

Amend: 1503, 1591

Filed 03/17/2021

Effective 03/17/2021

Agency Contact: Kim DeArte (916) 309-5227

California Energy Commission

File # 2020-1218-02

Repeal Self-Contained Lighting & Amendments

This action by the California Energy Commission amends appliance efficiency regulations by repealing the self-contained lighting control requirements, making updates to conform with federal law, removing outdated minimum lumen output requirements for portable luminaires and modifies data submittal requirements for certain appliances.

Title 02

Amend: 1601, 1602, 1604, 1605, 1605.1, 1605.2, 1605.3, 1606, 1607

Filed 03/16/2021

Effective 03/16/2021

Agency Contact:

Corrine Fishman (916) 654-4976

California Gambling Control Commission

File # 2021-0205-01

Licensing Correction

This action by the California Gambling Control Commission (Commission) makes changes without regulatory effect to the Commission's licensing regulations.

Title 04

Amend: 12057, 12130, 12470

Filed 03/16/2021

Agency Contact:

Adrianna Alcalá-Beshara (916) 261-4259

California Gambling Control Commission

File # 2021-0301-02

Financial Report Requirements and Temporary Table Decreases

In this emergency rulemaking action, the Commission amends regulations to require licensees to submit copies of independent auditor's or accountant's reports no longer than 270 calendar days following the end of the fiscal year covered by the financial statements. The Commission also amends Form CGCC-CH7-07 to include requests for temporary reductions of tables and additional temporary tables.

Further, the Commission adopts a regulation to establish a fee schedule for licensees who temporarily operate with reduced tables.

Title 04  
 Adopt: 12474.1  
 Amend: 12313, 12470, 12472, 12474  
 Filed 03/11/2021  
 Effective 03/11/2021  
 Agency Contact:  
 Adrianna Alcalá-Beshara (916) 261-4259

California Workforce Development Board  
 File # 2021-0218-04  
 Conflict of Interest Code

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

Title 02  
 Amend: 58600  
 Filed 03/16/2021  
 Effective 04/15/2021  
 Agency Contact: Jeff Jacobstein (916) 675-1444

Department of Corrections and Rehabilitation  
 File # 2021-0127-02  
 Education Assignments

This certificate of compliance action by the Department of Corrections and Rehabilitation makes permanent the emergency changes made in OAL File No. 2020-0408-04EON. In that action, the Department adopted requirements regarding the placement of inmates into educational assignments.

Title 15  
 Adopt: 3040.3  
 Filed 03/11/2021  
 Effective 03/11/2021  
 Agency Contact: Sarah Pollock (916) 445-2308

Department of Justice  
 File # 2021-0126-02  
 California Consumer Privacy Act

This action is a resubmittal of various withdrawn provisions that were originally proposed in OAL no. 2020-0603-03 to implement the California Consumer Privacy Act of 2018 (CCPA), which conferred new privacy rights on consumers and imposes corresponding obligations on businesses subject to it.

Title 11  
 Amend: 999.306, 999.315, 999.326, 999.332  
 Filed 03/12/2021  
 Effective 03/15/2021  
 Agency Contact: Julia Zuffelato (916) 210-6040

Department of Toxic Substances Control  
 File # 2020-1113-04  
 Appendix I — Permit Modifications

The Department of Toxic Substances Control submitted this action as one without regulatory effect, pursuant to California Code of Regulations, title 1, section 100, to make numerous nonsubstantial changes to Appendix I, Classification of Permit Modifications (Appendix I), that is located in California Code of Regulations, title 22, division 4.5, chapter 20, article 7. The changes to Appendix I include formatting changes in the appendix for consistency, removal of a reference to an obsolete regulation, punctuation changes, and other minor, technical changes.

Title 22  
 Amend: Division 4.5, Chapter 20, Article 7, Appendix I  
 Filed 03/11/2021  
 Agency Contact: Randy Snapp (916) 255-3711

Department of Toxic Substances Control  
 File # 2021-0108-01  
 Alternative Management Standards for Treated Wood Waste

The Department of Toxic Substances Control repeals thirteen sections related to the alternative management standards for treated wood waste as a non-substantive change.

Title 22  
 Repeal: 66261.9.5, 67386.1, 67386.2, 67386.3, 67386.4, 67386.5, 67386.6, 67386.7, 67386.8, 67386.9, 67386.10, 67386.11, and 67386.12  
 Filed 03/16/2021  
 Agency Contact: Larry Rohlfes (916) 322-4068

Education Audit Appeals Panel  
 File # 2021-0302-01  
 Supplement to Audits of K-12 LEAs – FY 2020-21

This emergency action adopts the supplemental 2020-21 Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting.

Title 05  
 Adopt: 19810.5  
 Amend: 19810  
 Filed 03/12/2021  
 Effective 03/12/2021  
 Agency Contact: Mary Kelly (916) 445-7745

Public Utilities Commission  
 File # 2020-1012-01  
 Rules of Practice and Procedure

This action adopts and amends regulations concerning the rules of practice and procedure before the

California Public Utilities Commission (Commission). Among many other things, the action conforms the Commission's regulations to statutory changes regarding the determination of the need for a hearing and regarding catastrophic wildfire proceedings. The action also adopts a new regulation regarding the procedure for public comments, parties' responses to public comments, and the Commission's use of public comments, and a new regulation for expedited proceedings for matters concerning threats to public safety or major, direct financial impacts to customers.

Title 20

Adopt: 1.18, 2.8, 2.9, 7.5, 13.9

Amend: 1.3, 1.4, 1.9, 1.10, 1.13, 1.14, 2.1, 2.4, 2.5, 2.6, 2.7, 3.6, 4.1, 4.3, 4.5, 5.2, 6.2, 7.1, 7.2, 7.3, 7.6, 8.1, 8.2, 8.3, 8.4, 8.5, 10.1, 11.5, 12.1, 13.1, 13.2, 13.3, 13.6, 13.9, 13.10, 13.11, 13.12, 13.13, 13.14, 14.2, 14.3, 14.4, 14.5, 14.6, 15.1, 15.3, 15.4, 15.5, 16.1

Repeal: 7.5

Filed 03/15/2021

Effective 05/01/2021

Agency Contact: Sophia Park (415) 703-2782

State Mining and Geology Board

File # 2021-0126-01

Reclamation Plan Appeals

In this regular rulemaking, the State Mining and Geology Board (the "Board") is amending regula-

tions for appeals to the Board concerning the denial of approval of a reclamation plan pursuant to Public Resources Code section 2770.

Title 14

Amend: 3650, 3651, 3652, 3653, 3654, 3655, 3656, 3657, 3658, 3659

Filed 03/10/2021

Effective 07/01/2021

Agency Contact: Matthew Livers (916) 214-2066

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

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