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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**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:**

BETA Healthcare Group Risk Management Authority

A written comment period has been established commencing on April 2, 2021 and closing on May 17, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Amanda Apostol, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than May 17, 2021. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 324-3854.

**AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or

the respective agency. Requests for copies from the Commission should be made to Amanda Apostol, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

## **TITLE 4. GAMBLING CONTROL COMMISSION**

### **UPDATE FOR NON-COMMISSION FORMS CGCC-GCA-2021-03-R**

**NOTICE IS HEREBY GIVEN** that the California Gambling Control Commission (Commission) is proposing to take the action described in the Informative Digest after consideration of all relevant public comments, objections, and recommendations received concerning the proposed action. Comments, objections, and recommendations may be submitted as follows:

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission at any time during the 45-day public comment period, which closes on **MAY 18, 2021**. Written comments relevant to the proposed regulatory action may be sent by mail, facsimile, or e-mail, directed to one of the individuals designated in this notice as a contact person. To be eligible for the Commission's consideration, all written comments must be **received at its office no later than midnight on MAY 18, 2021. Comments sent to persons and/or addresses other than those specified under Contact Persons, or received after the date and time specified above, will be included in the record of this proposed regulatory action, but will not be summarized or responded to regardless of the manner of transmission.**

#### **PUBLIC HEARING**

The Commission has not scheduled a public hearing on this matter. Any interested person, or his or her authorized representative, may request a hearing pursuant to Government Code section 11346.8. A request for a hearing should be directed to the person(s) listed under Contact Persons no later than 15 days prior to the close of the written comment period.

#### **ADOPTION OF PROPOSED ACTION**

After the close of the public comment period, the Commission, upon its own motion or at the instance of any interested party, may thereafter formally

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

#### **AUTHORITY AND REFERENCE**

Pursuant to the authority vested by sections 19811, 19823, 19824, 19840, 19841, 19850, 19850.5, 19850.6, 19851, 19854, 19912, 19951, and 19984 of the Business and Professions Code and sections 326.3 and 326.5 of the Penal Code; and to implement, interpret or make specific sections 19801, 19811, 19823, 19824, 19826, 19841, 19850, 19850.5, 19850.6, 19851, 19852, 19854, 19855, 19856, 19857, 19864, 19865, 19866, 19867, 19868, 19876, 19878, 19880(d), 19883, 19890(e), 19893, 19912, 19951, 19982, and 19984 of the Business and Professions Code and sections 326.3 and 326.5 of the Penal Code, the Commission is proposing to adopt the following changes to Chapters 2 and 8 of Division 18 of Title 4 of the California Code of Regulations:

#### **INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW**

##### **INTRODUCTION:**

The California Gambling Control Commission ("Commission") is the state agency charged with the administration and implementation of the California Gambling Control Act ("Act").<sup>1</sup> Under the Act, the Commission is required to approve, condition, or deny an application for license or other approval at a meeting (evidentiary hearing) pursuant to certain provisions. As part of this approval process, the Bureau of Gambling Control within the Office of the Attorney General ("Bureau") conducts detailed background investigations on the individuals and businesses that apply for a license or other approval. As part of their application, an applicant submits information that includes forms created by agencies other than the Commission.

##### **EXISTING LAW:**

Section 19823 of the Business and Professions Code<sup>2</sup> provides that it is the responsibility of the Commission

<sup>1</sup>Business and Professions Code, Division 8, Chapter 4, section 19800 et seq.

<sup>2</sup>All statutory references hereinafter are to the Business and Professions Code, unless otherwise specified.

to ensure that licenses, approvals, and permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

Section 19841, subdivision (a) provides authority for adopting regulations that prescribe the method and manner of an application and the information must be furnished by an applicant including fingerprints as a method of identification.

**EFFECT OF REGULATORY ACTION:**

This proposed action has been prepared to modify the Commission’s regulations to correctly refer to the most recent versions of forms maintained by other agencies. This will maintain current requirements while also meeting the requirements of other agencies.

**ANTICIPATED BENEFITS OF PROPOSED REGULATION:**

This proposed action will have the benefit of providing clarity and consistency to the Commission’s application process by correctly referring to the current forms maintained by other agencies.

**SPECIFIC PROPOSAL:**

This proposed action will make changes within California Code of Regulations Title 4 Division 18 as follows:

CHAPTER 2 LICENSES AND WORK PERMITS.  
ARTICLE 2. INITIAL AND RENEWAL LICENSES AND WORK PERMITS.

**Amend 12112. Initial License Applications; Required Forms.**

Section 12112 provides the documents a person applying for initial Commission approval must submit to the Bureau.

Subsection (a) provides the application forms that are required to submit an application for licensure for either an employee category license or an owner category license. Section 4 of both the Application for Employee Category License and Application for Owner Category License as proposed to be amended to remove version dates from the referenced Commission’s forms.

Subsection (b) provides the supplemental documents that are included with an application, as applicable.

- Paragraphs (1) through (5), inclusive, provide five of the Commission’s supplemental forms, including those for Business Entities, Individual Owner/Principals, Key Employees or TPPPS Supervisors, Trusts, and Commission Work Permits or TPPPS Workers. All five of these supplemental forms have been amended to add the Request for Copy of Personal Income or Fiduciary Return, FTB–3516C1, side 1–PIT or Request for Copy of Corporation, Exempt Organization, Partnership, or Limited Liability Company Return, FTB–3516C1, side 2–CORP,

as appropriate, to the Additional Required Items list (which is either Section 8, 9, or 11 depending on which supplemental form). Additionally, consistent with the changes discussed above, these forms have been amended to remove reference dates for Commission forms.

- Paragraph (7) provides the Spousal Information form. In Section 4, the form includes a reference to the Request for Live Scan form, including the version date. As has been done with other supplemental forms, the revision date for the Request for Live Scan form has been repealed.
- Paragraph (8) provides the Request for Copy of Personal Income or Fiduciary Return, FTB–3516C1, side 1–PIT. This form is maintained by the Franchise Tax Board and is required for the Bureau to request a copy of the applicant’s tax returns. The form has been updated to the version dated 08/2015.
- Paragraph (9) provides the Request for Copy of Corporation, Exempt Organization, Partnership, or Limited Liability Company Return, FTB–3516C1, side 2–CORP. This form is maintained by the Franchise Tax Board and is required for the Bureau to request a copy of the applicant’s tax returns. The form has been updated to the version dated 08/2015.

Subsection (d) provides for the fingerprint form that is required of the applicant. Paragraph (1) provides that if an applicant is a resident of the State of California they are required to submit a Request for Live Scan Service. This form is maintained by the Department of Justice and is required to be submitted to third-party live scan companies that is then forwarded to the Department of Justice for review. The form has been updated to the version dated 02/20.

**Amend 12114. Renewal License Applications; Required Forms.**

Section 12114 provides the documents an applicant applying for a renewal of their Commission approval must submit to the Bureau.

Subsection (c) provides for the documents required for a complete application, as applicable.

- Paragraph (1) provides the application forms that are required to submit an application for licensure for either an employee category license or an owner category license. Section 4 of both the Application for Employee Category License and Application for Owner Category License are proposed to be amended to remove version dates from the referenced Commission’s forms.
- Paragraph (4) provides for the fingerprint form that is required of the applicant. Subparagraph (A) provides that if an applicant is a resident of the State of California they are required to submit

a Request for Live Scan Service. Consistent with the change discussed in Section 12112(d), this form is updated to the most recent version. For more information on this change and why it is necessary, see Section 12112(d).

- Paragraph (5) provides for the Spousal Information form. Consistent with the change discussed in Section 12112(b)(7), this form has been updated. For more information on this change and why it is necessary, see Section 12112(b)(7).

**CHAPTER 8. BINGO.**

**ARTICLE 2. MANUFACTURERS, DISTRIBUTORS, AND VENDORS OF BINGO EQUIPMENT, DEVICES, SUPPLIES, AND SERVICES.**

**Amend 12492. Interim Licenses; Initial and Renewal; Conditions.**

Section 12492 provides the process through which an applicant can apply for an initial or renewal interim license to manufacture, distribute, or provide remote caller bingo equipment, supplies, services or card-minding devices.

Subsection (d) provides the documents a person applying for initial Commission approval must submit to the Bureau. Paragraph (3) provides that an applicant is required to submit a Request for Live Scan Service. Consistent with the change discussed in Section 12112(d), this form is updated to the most recent version. For more information on this change and why it is necessary, see Section 12112(d).

Subsection (e) provides the documents an applicant applying for a renewal of their Commission approval must submit to the Bureau. Paragraph (3) provides that an applicant is required to submit a Request for Live Scan Service. Consistent with the change discussed in Section 12112(d), this form is updated to the most recent version. For more information on this change and why it is necessary, see Section 12112(d).

**ARTICLE 10. REMOTE CALLER BINGO INTERIM LICENSES AND INTERIM WORK PERMITS.**

**Amend 12500. Interim Licenses; Initial and Renewal; Conditions.**

Section 12500 provides the process through which an applicant can apply for an initial or renewal interim license for a fiduciary or caller.

Subsection (c) provides the documents a person applying for initial Commission approval must submit to the Bureau. Paragraph (3) provides that an applicant is required to submit a Request for Live Scan Service. Consistent with the change discussed in Section 12112(d), this form is updated to the most recent version. For more information on this change and why it is necessary, see Section 12112(d).

**Amend 12503. Interim Work Permits; Initial and Renewal; Conditions.**

Section 12503 provides the process through which an applicant can apply for an initial or renewal interim license for a remote caller bingo interim work permit.

Subsection (b) provides the documents a person applying for Commission approval must submit to the Bureau. Paragraph (3) provides that an applicant is required to submit a Request for Live Scan Service. Consistent with the change discussed in Section 12112(d), this form is updated to the most recent version. For more information on this change and why it is necessary, see Section 12112(d).

**CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS**

The Commission has evaluated this regulatory action and determined that the proposed regulations are neither inconsistent nor incompatible with any other existing state regulations.

The proposed action is intended to ensure that the Commission’s regulations, in this case requiring the submittal or use of other agency’s forms, are consistent with those other agency’s updated requirements.

**COMPARABLE FEDERAL LAW**

There are no existing federal regulations or statutes comparable to the proposed regulations.

**FISCAL IMPACT ESTIMATES**

**FISCAL IMPACT ON PUBLIC AGENCIES INCLUDING COSTS OR SAVINGS TO STATE AGENCIES OR COSTS/SAVINGS IN FEDERAL FUNDING TO THE STATE:**

There would be no fiscal impact on the Commission or to any state agencies, including costs or savings or costs/savings in Federal funding.

**NON-DISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES:** None.

**MANDATE IMPOSED ON ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:** None.

**COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT FOR WHICH PART 7 (COMMENCING WITH SECTION 17500) OF DIVISION 4 OF THE GOVERNMENT CODE REQUIRES REIMBURSEMENT:** None.

**EFFECT ON HOUSING COSTS:** None.

**IMPACT ON BUSINESS:**

The Commission has made a determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses

to compete with businesses in other states. This determination is based on the following facts or evidence/documents/testimony: The basis for this determination is that this proposed action imposes no mandatory requirement on businesses or individuals and does not significantly change the Commission's current practices and procedures. The proposed action only updates already required forms to their most recent versions.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS:**

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

**EFFECT ON SMALL BUSINESS:**

The Commission has made a determination that the proposed regulatory action would have no significant impact on small businesses as the proposed action only updates current requirements to require other agency's most recent forms versions.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

**IMPACT ON JOBS/NEW BUSINESSES:**

The Commission has determined that this regulatory proposal will not have any impact on the creation of new jobs or businesses, the elimination of existing jobs or businesses, or the expansion of businesses in California.

The basis for this determination is that this proposed action imposes no mandatory requirement on businesses or individuals and does not significantly change the Commission's current practices and procedures. The proposed action only updates already required forms to their most recent versions.

**BENEFITS OF PROPOSED REGULATION:**

This proposed action will have the benefit of providing clarity and consistency in the application process by helping to ensure that the Commission's application requirements are consistent with the requirements of other state agencies and to ensure that licenses, approvals, and permits are not issued to, or held by, unqualified or disqualified persons, or by persons whose operations are conducted in a manner that is inimical to the public health, safety, or welfare.

CONSIDERATION OF ALTERNATIVES

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

persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

INITIAL STATEMENT OF REASONS, INFORMATION AND TEXT OF PROPOSAL

The Commission has prepared an Initial Statement of Reasons and the exact language for the proposed action and has available all the information upon which the proposal is based. Copies of the language and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Commission at 2399 Gateway Oaks Drive, Suite 220, Sacramento, CA 95833-4231.

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

All the information upon which the proposed action is based is contained in the Rulemaking File that will be available for public inspection and copying at the Commission's office throughout the rulemaking process. Arrangements for inspection and/or copying may be made by contacting the primary contact person named below.

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

CONTACT PERSONS

All comments and inquiries concerning the substance of the proposed action should be directed to the following **primary** contact person:

Joshua Rosenstein, Legislative and Regulatory Specialist  
 Legislation and Regulatory Affairs Division  
 California Gambling Control Commission  
 2399 Gateway Oaks Drive, Suite 220,  
 Sacramento, CA 95833-4231  
 Telephone: (916) 274-5823  
 Fax: (916) 263-0499  
 E-mail: [jrosenstein@cgcc.ca.gov](mailto:jrosenstein@cgcc.ca.gov)

Requests for a copy of the Initial Statement of Reasons, proposed text of the regulation, modified text of the regulation, if any, or other technical information upon which the proposed action is based should be directed to the following **backup** contact person:

Alex Hunter, Legislative and Regulatory Specialist  
Legislation and Regulatory Affairs Division  
California Gambling Control Commission  
2399 Gateway Oaks Drive, Suite 220,  
Sacramento, CA 95833-4231  
Telephone: (916) 263-1301  
Fax: (916) 263-0499  
E-mail: [ahunter@cgcc.ca.gov](mailto:ahunter@cgcc.ca.gov)

**WEB SITE ACCESS**

Materials regarding this proposed action are also available on the Commission's website at [www.cgcc.ca.gov](http://www.cgcc.ca.gov).

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Subchapter 4, Construction Safety Orders

Article 2, Definitions, Section 1504

Article 12, Pile Driving and Pile Extraction, Section 1600

Article 15, Cranes and Derricks in Construction, Sections 1610, 1610.1, 1610.2, 1610.3, 1610.4, 1610.5, 1610.6, 1610.7, 1610.8, 1610.9, 1611, 1611.1, 1611.2, 1611.3, 1611.4, 1611.5, 1612, 1612.1, 1612.2, 1612.3, 1612.4, 1613, 1613.1, 1613.2, 1613.3, 1613.4, 1613.5, 1613.6, 1613.7, 1613.8, 1613.9, 1613.10, 1613.11, 1613.12, 1614, 1615, 1615.1, 1615.2, 1615.3, 1616, 1616.1, 1616.2, 1616.3, 1616.4, 1616.5, 1616.6, 1616.7, 1617, 1617.1, 1617.2, 1617.3, 1618, 1618.1, 1618.2, 1618.3, 1618.4, 1619, 1619.1, 1619.2, 1619.3, 1619.4, and 1619.5

Article 28, Miscellaneous Construction Tools and Equipment, Section 1694

Subchapter 5, Electrical Safety Orders

Group 2, High-Voltage Electrical Safety Orders

Article 37, Provisions for Preventing Accidents Due to Proximity to Overhead Lines, Section 2946

Subchapter 7, General Industry Safety Orders

Group 1, General Physical Conditions and Structures Orders, Article 1, Definitions, Section 3207

Group 13, Cranes and Other Hoisting Equipment, New Sections 4880, 4881, 4883; Section 4884; New Section 4884.1; Section 4885;

Article 93, Boom-Type Mobile Cranes, Section 4924; New Section 4928.1;

Article 94, Hydraulic Cranes and Excavators, Section 4949;

Article 95, Derricks, New Section 4959; Section 4960; New Sections 4960.1, 4960.2, 4960.3, 4960.4; Section 4961; and New Section 4962.1;

Article 96, Tower Cranes, Section 4965; New Section 4965.1; Sections 4966, 4968; New Sections 4968.1, 4968.2;

New Article 97.1, Floating Cranes/Derricks and Land Cranes/Derricks on Barges, New Sections 4988.1, 4988.2, 4988.3, 4988.4, 4988.5, 4988.6, 4988.7, 4988.8;

Article 98, Operating Rules, Section 4991; New Section 4991.1; Sections 4994, 4999, 5001; New Sections 5001.1, 5001.2, 5001.3; Section 5002; New Sections 5003.1, 5003.2, 5003.3, 5003.4; Sections 5004, 5005, 5006.1; New Section 5006.2; Section 5008; New Sections 5008.1, 5010, 5010.1, 5010.2, 5010.3, 5010.4, 5011, 5012;

New Article 98.1, Safety Devices and Operational Aids, New Sections 5017, 5018; Article 99, Testing, Section 5022;

Article 100, Inspection and Maintenance, Section 5031; New Sections 5031.1, 5031.2, 5031.3, 5033.1, 5036, 5037

Group 26, Article 153, Commercial Diving Operations, Section 6060

**PROPOSAL TO CONSOLIDATE CONSTRUCTION SAFETY ORDERS, ARTICLE 15 (CRANES AND DERRICKS IN CONSTRUCTION), INTO GENERAL INDUSTRY SAFETY ORDERS, GROUP 13 (CRANES AND OTHER HOISTING EQUIPMENT)**

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of Title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

**PUBLIC HEARING**

**PLEASE NOTE: In accordance with Executive Order N-29-20 and Executive Order N-33-20, the May Board Meeting will be conducted via teleconference.**

The Board will hold a public hearing starting at 10:00 a.m. on **May 20, 2021** via the following:

- Video-conference at [www.webex.com](http://www.webex.com) (meeting ID 268 984 996)
- Teleconference at (844) 992-4726 (Access code 268 984 996)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

WRITTEN COMMENT PERIOD

Any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. The written comment period commences on **April 2, 2021** and closes at 5:00 p.m. on **May 20, 2021**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments are to be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or

By fax at (916) 274-5743; or

By e-mail sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

AUTHORITY AND REFERENCE

Labor Code Section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code Section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Prior to July 7, 2011, all Title 8 crane standards resided in the General Industry Safety Orders (GISO); however, a federal negotiated rulemaking for cranes and derricks, referred to in the industry as CDAC, promulgated standards specific for cranes and derricks in construction (29 CFR 1926 Subpart CC). The Board initially intended to consolidate these standards into the GISO using an accelerated Horcher rulemaking process, pursuant to Labor Code Section 142.3(a)(3), which permits expedited adoption of federal standards where proposed state standards are substantially the same. However, because of general industry concerns about potential “over-reach” by using the Horcher process to consolidate federal construction standards into the GISO and because of federal time constraints on adopting the standard, the CDAC rules were placed in CCR Title 8 Construction Safety Orders (CSO) in 2011.

Since that time, the Board has received numerous comments from stakeholders that it would make sense to consolidate all the crane safety orders into a single location to provide “one stop shopping,” the logic being that a crane, particularly a mobile crane, can work on construction and general industry-type projects in the same day. This proposal is to consolidate the CSO crane safety orders into the GISO

to simplify access with unified crane standards. Since both the CSO and the GISO are based on ASME B30 standards, the consolidation is expected to have little regulatory impact on General Industry, and exceptions are proposed for the limited cases where the CDAC standards would impose new requirements on cranes used solely in general industry.

Due to the size of the proposal, it was divided into several smaller portions for Advisory Committee (AC) review. Each AC consisted of stakeholders from labor, management, manufacturers, crane certifiers, safety experts, and the Division of Occupational Safety and Health (DOSH). The end product contains AC-recommended revisions and clarifications based on their input.

This proposed rulemaking action is not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system’s component regulations is provided by such things as: (1) the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

Since this rulemaking consolidates existing CSO standards for cranes and derricks into the GISO, and since those rules were largely based on the federal rules for cranes and derricks in construction, the consolidation maintains conformity with corresponding federal standards. The only departures may be that in some cases, by virtue of consolidating the CSO into the GISO, the state standards will be more protective than the federal standards since some of the federal standards are found only in 29 CFR 1926 Subpart CC (for construction) and not in 29 CFR 1910 (for general industry). However, the consolidation was reviewed with industry stakeholders at a number of AC meetings (four plus one subcommittee) convened during 2014 and 2015, and the AC consensus was that differences would not be burdensome or onerous.

It should be noted this rulemaking also includes the Federal Operator and Certification for Construction amendments which were promulgated on November 9, 2018, as 29 Code of Federal Regulations, Part 1926, Subpart CC, Sections 1926.1427 and 1926.1430(c) adopted by the Board on February 20, 2020, via the Horcher process. These amendments consist of, but were not limited to, verbatim federal language having to do with certifying crane operators including requirements for physical examination, introduction of term licensure, written formal testing and a practical hands on examination, training and retraining, evaluation and operator assessment. These

requirements became effective in California on April 6, 2020, and as stated earlier are included as part of this proposal.

**Anticipated Benefits**

This consolidation of Crane Safety Orders for cranes and derricks from the CSO into the GISO standards for cranes and derricks was requested by Standards Board members as the result of requests from management, labor and interested parties in the crane industry. Cranes used in construction often are mobile or they can be disassembled, moved and reassembled. In the case of mobile cranes this can sometimes occur in the same day. Due to the itinerant nature of many crane types, they can be used in both construction and general industry settings, exposing them to dual, sometimes inconsistent, standards under the current CSO/GISO arrangement where the standards overlap, but have not generally been coordinated. The crane industry therefore favors consolidated crane standards to eliminate overlapping and conflicting standards.

Coherent and coordinated standards will also benefit workers who find themselves working in differing industries, subject to different standards, due to the mobile/transient nature of the cranes and equipment they work on.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

The specific changes are as follows:

Construction Safety Orders  
Article 2. Definitions

*Section 1504. Definitions.*

Section 1504 defines terms applicable to the CSO. It is proposed to add a definition for “Dedicated Pile Driver” using the same definition as will be used for GISO Section 3207 (Definitions). The definition for both the CSO and GISO is based on federal standard 1926.10, and the term “dedicated pile driver” will be used in new amendments to both safety orders. The effect of this action will be to enable consolidation of CSO Article 15 into GISO Group 13.

CSO Article 12. Pile Driving and Pile Extraction

*Section 1600. Pile Driving.*

*Subsection (g):* The cross-reference in existing Section 1600(g)(1)(B) to CSO Article 15, Section 1616.6(p) will be changed to GISO Group 13, Section 5004(p) where the existing corresponding provisions

will be relocated. This is necessary because all CSO Article 15 requirements, with the exception of Section 1619.4 (which will be renumbered to 1610) and Section 1619.5 (which will be relocated to subsection (u) – see below), are being consolidated into GISO Group 13.

*Subsection (u):* This new subsection will contain provisions being relocated from Section 1619.5. The effect of these modifications is to clarify the application of GISO Group 13 to cranes used as pile drivers.

CSO Article 15. Cranes and  
Derricks in Construction

*Section/header 1610.*

This section number is currently used as a header for the 1610 series of general requirement standards. All 1610 series standards will be repealed and relocated to GISO Group 13 except as indicated below. Section 1610 will be re-allocated to the contents of Section 1619.4, which will be relocated here due to the vacation of this section number and the relocation of other CSO Article 15 standards to GISO Group 13.

See Section 1619.4 for an explanation of changes made in relocating Section 1619.4 to Section 1610. The effect of these modifications will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.1. Scope.*

This section currently specifies the application of, and exclusions from, Article 15, and the effective date for CSO Article 15, the date when federal standards for cranes and derricks in construction became effective in California. It is proposed to relocate Section 1610.1 to Section 4880 with revisions and clarifications based on AC input. The consolidation will obviate the need for Section 1610.1(g), effective date. The effect of these revisions will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.2. Design Standards.*

This section currently lists reference national consensus design standards for cranes and derricks in construction. Those manufactured prior to July 7, 2011, are required to be designed, constructed and installed in accordance with the applicable standards of General Industry Safety Orders, Section 4884. Those manufactured on or after July 7, 2011, the effective date for Article 15, were to be designed, constructed and installed in accordance with the applicable standards listed in Section 1610.2(b).

The need for subsection (c) which adds that all electrically powered cranes and derricks must comply with the Electrical Safety Orders will be obviated by the consolidation since this subsection was copied from GISO, Section 4884(g).

Section 1610.2 will be relocated to GISO Section 4884 and be incorporated as subsection (d).

The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.3. Definitions.*

This section currently contains definitions for terms used in CSO Article 15. These definitions will be moved to and harmonized with those in GISO Section 4885. Some of the definitions have been modified based on AC input. The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.4. Design, Construction and Testing.*

This section currently lists design, construction and testing requirements from national consensus standards that are applicable to equipment having a rated hoisting/lifting capacity of more than 2,000 pounds. This section also prescribes requirements for prototype and proof load testing, load charts and related information, hooks, hook and ball assemblies, posted warnings, cabs, equipment guarding, and the like. The disposition of CSO Section 1610.4 subsections in the GISO is proposed as follows:

*Subsections (a) and (b)* are covered by B30.5 standards incorporated by reference in Section 4884(c) (1) and (d).

*Subsection (c)* [prototype testing as prescribed by 29 CFR 1926.1433(c), which in turn is derived from ASME B30 standards] is relocated to Section 4884(j).

*Subsection (d)* equivalent requirements are found in GISO Article 92 for cranes (except boom type mobile), Article 93 for boom-type mobile, and Article 96 for tower cranes. Each article contains crane type-specific requirements, thus it was not necessary to repeat them as a new section in the GISO.

*Subsection (e)* requirements are verified using frequent inspections as prescribed in Section 5031.

*Subsection (f)* is no longer needed since it refers to GISO Section 5022.

The effect of these relocations will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.5. Ground Conditions.*

This section currently contains requirements for ground preparation and support material as may be necessary to provide conditions meeting the equipment manufacturer's specifications for adequate support and degree of level for the equipment. It is proposed to relocate these provisions to GISO Section 4991.1. The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.6. Equipment Modifications.*

This section currently contains requirements for review and approval of modifications or additions that affect the capacity or safe operation of the equipment. It is proposed to relocate these provisions to GISO Section 4884.1 with AC-recommended modifications.

The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.7. Fall Protection.*

This section currently contains fall protection requirements for assembly/disassembly and work on specific crane types. In general, these provisions supplement and clarify fall protection requirements found elsewhere in the safety orders. It is proposed to relocate these requirements to GISO Section 5011. The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.8. Equipment with a Rated Hoisting/Lifting Capacity of 2,000 Pounds or Less.*

This section currently specifies which requirements of Article 15 apply for equipment with a maximum rated hoisting/lifting capacity of 2,000 pounds or less. It is proposed to relocate these provisions to Section 4883 (using corresponding requirements from Group 13) and to specify that they only apply to equipment used in construction since the federal standard from which they come only applies to construction. Thus, the requirements of this section will be limited to construction. The effect of these relocations will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1610.9. Equipment over Three Tons Rated Capacity.*

This section currently prescribes requirements for examining, testing, and certifying cranes and derricks over 3 tons rated capacity. It is proposed to repeal Section 1610.9 since these requirements are exactly the same as those found in GISO Section 5021. The effect of this deletion will be to avoid duplication with GISO Group 13.

*Section/header 1611.*

This section number is currently used as a header for the 1611 series of assembly/disassembly standards. All 1611 series standards will be deleted and relocated to GISO Group 13 as indicated below, and this section and header will be vacated. The effect of these modifications will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1611.1. Assembly/Disassembly — Selection of Manufacturer or Employer Procedures.*

This section currently lists two options for requirements to be followed when assembling or disassembling equipment (or attachments); applicable manufacturer procedures unless it can be demonstrated that employer procedures satisfy specific requirements of Section 1611.4. It is proposed to relocate these requirements to GISO Section 5010 with a cross-reference to Section 5010.3 in place of the cross-reference to Section 1611.4. The note regarding synthetic slings will not be carried forward as requirements for all types of slings are

already covered in Section 5010.1. The effect of these modifications will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1611.2. Assembly/Disassembly — General Requirements (Applies to All Assembly and Disassembly Operations).*

This section currently lists general requirements for assembly/disassembly operations including, but not limited to, supervisor qualifications, crew instructions and protection, site and ground conditions, pick requirements, outriggers, blocking and rigging. GISO currently covers these requirements broadly under the Injury and Illness Prevention Program (IIPP) (Section 3203) and Lockout/Tagout (Section 3314). However, the federal standards upon which this section is based [29 CFR 1926.1404] are more descriptive, thus it is proposed to relocate these requirements to GISO Section 5010.1 for equivalency. The effect of these modifications will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1611.3. Disassembly — Additional Requirements for Dismantling of Booms and Jibs (Applies to Both the Use of Manufacturer Procedures and Employer Procedures).*

This section currently contains requirements regarding removal of pins during dismantling or changing the length of booms and jibs. These requirements are applicable to both manufacturer and employer dismantling procedures. GISO currently covers these requirements broadly under the IIPP (Section 3203) and Lockout/Tagout (Section 3314). However, the federal standards upon which this section is based [29 CFR 1926.1405] are more descriptive, thus it is proposed to relocate these requirements to GISO Section 5010.2 for equivalency. The effect of these modifications will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1611.4. Assembly/Disassembly — Employer Procedures — General Requirements.*

This section currently contains requirements when using employer procedures for assembly and disassembly, such as preventing unintended dangerous movement, providing adequate support and stability, protecting employees and providing qualified supervision. GISO currently covers these requirements broadly under the IIPP (Section 3203) and Lockout/Tagout (Section 3314). However, the federal standards upon which this section is based [29 CFR 1926.1406] are more descriptive, thus it is proposed to relocate these requirements to Section 5010.3 for equivalency. The effect of this relocation

will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1611.5. Power Line Safety (Up to 350 kV) — Assembly and Disassembly.*

This section specifies provisions to be followed when assembling or disassembling equipment within 20 feet of a power line (up to 350 kV). Subsection (a) lists 3 options when assembling or disassembling equipment within 20 feet of a power line. Subsection (b) prescribes requirements for preventing encroachment and electrocution. Subsection (c) prohibits assembly/disassembly below power lines. Subsection (d) generally prohibits assembly/disassembly inside Table A clearances. Subsection (e) prescribes obtaining voltage information. Subsection (f) generally requires that lines be assumed to be energized and subsection (g) prescribes the posting of warnings. Although these requirements are broadly covered in the High-Voltage Electrical Safety Orders (HVESO), the federal standards are more descriptive, thus it is proposed to relocate these requirements to Section 5010.4 for equivalency. The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section/header 1612. Power Line Safety.*

This section number is currently used as a header for the 1612 series of standards regarding operations in the vicinity of power lines. All 1612 series standards will be deleted and relocated to GISO Group 13 as indicated below, and this section and header will be vacated. The effect of these relocations will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1612.1. Power Line Safety (Up to 350 kV) — Equipment Operations.*

This section specifies precautions to be taken before operating equipment within 20 feet of a power line (up to 350 kV). Subsection (a) lists 3 options when equipment operations could potentially be within 20 feet of a power line. Subsection (b) prescribes requirements for preventing encroachment and electrocution. Subsection (c) prescribes requirements for obtaining voltage information. Subsection (d) generally prohibits work below power lines with only limited exceptions. Subsection (e) generally requires lines to be assumed to be energized unless the utility owner/operator confirms that the power line has been deenergized and it is visibly grounded at the worksite. Subsection (f) contains provisions for work near transmitter/communication towers. Subsection (g) prescribes training requirements and subsection (h) contains provisions for the use of safety devices

and operational aids designed to prevent power line contact or electrocution. These standards were reviewed and clarified based on AC discussions and recommendations. The resultant have been relocated to Section 5003.1. The effect of these modifications and relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1612.2. Power Line Safety (Over 350 kV).*

This section modifies the requirements of Sections 1611.5 and 1612.1 for power lines over 350 kV. It is proposed to repeal and relocate this section to Section 5003.2. These provisions harmonize with HVESO Section 2946. The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1612.3. Power Line Safety (All Voltages) — Equipment Operations Closer Than the Table A Zone.*

This section prescribes that equipment operations in which any part of the equipment will be closer than the minimum approach distance under Table A is prohibited. It also, with a limited exception, prohibits the operation, erection, machinery or handling of tools, etc., over energized overhead high-voltage lines. It is proposed to relocate these provisions to Section 5003.3 with an exception added for consistency with HVESO Section 2946(b)(1). The effect of the clarifications and relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1612.4. Power Line Safety — While Traveling Under or Near Power Lines with No Load.*

This section establishes procedures and criteria for equipment traveling under or near a power line on a construction site with no load. It is proposed to relocate these provisions to Section 5003.4. The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section/header 1613. Inspections.*

This section number is currently used as a header for the 1613 series of standards regarding equipment inspections and repair. All 1613 series standards will be deleted and relocated to GISO Group 13 as indicated below, and this section and header will be vacated. The effect of these relocations will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.1. Inspections — Modified Equipment.*

Subsection (a) and (b) currently require inspection for equipment that has had modifications or additions which affect safe operation. Subsection (c) requires proof load testing in the case of major modifications or repairs to important structural components.

It is proposed to relocate the provisions of subsections (a) and (b) to Section 5031.2 with clarifications recommended by the AC. Subsection (c)

is already covered by GISO Section 5022 and thus can be rescinded as part of the consolidation.

The effect of the rescission and relocations will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.2. Inspections — Repaired/Adjusted Equipment.*

This section provides that equipment that has had a repair or adjustment that relates to safe operation (such as a repair or adjustment to a safety device or operator aid, or to a critical system, hook, or in-use operating mechanism), shall be inspected by a qualified person after completion of the repair or adjustment and prior to initial use. It is proposed to relocate these requirements to new Section 5031.3. The effect of this relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.3. Inspections — Post-Assembly.*

This section requires equipment to be inspected by a qualified person or certifying agency upon completion of assembly and before use to assure that it is properly configured. These provisions are included within the provisions of GISO 5022. However, per AC input the CSO text has been modified to clarify that modifications may not degrade below the manufacturer's specs and to differentiate between modifications and maintenance. The resultant has been relocated to Section 5031.1. The effect of the modification and relocation will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.4. Inspections — Each Shift.*

This section currently requires that a qualified person inspect the crane's or derrick's controls, rigging and operating mechanism prior to the first operation on any work shift for apparent deficiencies. Taking apart equipment components and booming down is not normally required unless warranted by results of the inspection or trial operation. Any unsafe conditions disclosed are to be corrected promptly. These requirements are already covered broadly in GISO Section 5031(a) and (b); however, they will be clarified with more descriptive federal requirements as indicated. The effect of the relocation with minor revisions will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.5. Inspections — Periodic.*

This section prescribes the frequency of and requirements for periodic (quarterly) inspections. The periodic inspection shall include the items included in the shift inspection plus additional items listed in this section. These requirements are mostly already covered in Section 5031(c); however, they will be supplemented with the CSO requirements as indicated. The effect of the relocation with minor revisions will

be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.6. Inspections—Annual/Comprehensive.*

This section requires equipment to be inspected at least annually by a certifying agency. Disassembly is required as necessary to complete the inspection; however, whenever it is practical and advisable to avoid disassembly of equipment, examination of structure or parts by nondestructive methods may be carried out. Section 1613.6 includes an extensive list of items to be inspected. Most of the inspection items are already listed in Sections 5031(d) and 5022(d); however, some minor modification of the GISO sections have been made as recommended by AC input. The effect of the relocation with revisions will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.7. Inspections—Severe Service.*

This section requires that where the severity of use/conditions is such that there is a reasonable probability of damage or excessive wear, the employer shall stop using the equipment and a qualified person shall inspect the equipment for structural damage to determine if the equipment can continue to be used safely. Remedial procedures are specified if a deficiency is found. GISO Sections 5031(a) and 5035 provide equivalent protection, thus this section will be rescinded. The effect of this rescission will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.8. Inspections—Equipment Not in Regular Use.*

This section requires equipment that has been idle for 3 months or more to be inspected in accordance with the requirements of Section 1613.5 (Inspections – Periodic) before initial use. It is proposed to relocate this section to GISO Section 5031(g). The effect of the relocation is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.9. Inspections—General.*

This section provides that any part of a manufacturer's procedures regarding inspections related to safe operation (such as to a safety device, operational aid, critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism) that is more comprehensive or has a more frequent schedule of inspection than the requirements of Article 15 is to be followed. It is proposed to relocate this requirement to Section 5031(e). Subsection (b) requirements for record keeping are covered by Section 5031(c)(3) and (d)(5). The effect of the relocation is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.10. Inspections—Wire Rope.*

This section contains requirements for shift, monthly and annual/comprehensive inspections for wire rope, actions to be taken for deficiencies discovered and requirements for removal from service. Requirements for daily inspections are covered by GISO Section 5031(a) and (b). More protective requirements for periodic and annual/comprehensive inspections for cranes in construction, including deficiencies and removal from service are relocated to Section 5036. The effect of the relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.11. Repairs.*

This section refers to GISO Section 5034(e) and (f) for repairs to load sustaining members and other critical crane and derrick parts. Since CSO requirements are proposed to be consolidated into the GISO, this section can be deleted. The effect of this deletion is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1613.12. Damaged Booms.*

This section refers to GISO Section 5035 for repairs to boom sections or boom suspension components that have been damaged. Since CSO requirements are proposed to be consolidated into the GISO, this section can be deleted. The effect of this deletion is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1614. Wire Rope—Selection and Installation Criteria.*

Section 1614 will be deleted and relocated to GISO Group 13 as indicated below.

*Subsection (a)* contains general requirements for wire rope selection and installation. This requirement will be relocated to Section 5037(a).

*Subsection (b)* contains wire rope design criteria. These criteria are covered by GISO Section 4884.

*Subsection (c)* requires the wire rope to be compatible with safe functioning of the equipment. This requirement will be covered by Section 5037(b).

*Subsection (d)* contains requirements for boom hoist reeving. These requirements will be covered by Section 4884 under the consolidation.

*Subsection (e)* contains requirements and limitations on the use of rotation resistant ropes. These requirements were revised per AC review and will be located at Section 5037(c).

*Subsections (f)–(h)* cover aspects of wire rope terminations and they will be covered by Section 5037(d) in the consolidation.

The effect of these relocations and revisions is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section/header 1615. Safety Devices.*

This section number is currently used as a header for the 1615 series of standards regarding equipment safety devices. All 1615 series standards will be deleted and relocated to GISO Group 13 as indicated below, and this section and header will be vacated. The effect of these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1615.1. Safety Devices.*

This section lists equipment safety devices and requirements for proper operation. Based on AC review and input, several devices currently listed as “operational aids” in the federal standards will be reclassified as safety devices as part of the consolidation. All these requirements will be found in Section 5017 in the consolidation. The effect of the relocation and reclassification is to provide safety equivalent to current practice in California and to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1615.2. Operational Aids.*

This section lists operational aids and requirements for their maintenance and functioning. As noted above, per AC input, some devices currently listed as “operational aids” in the federal standards are being reclassified as “safety devices” in Section 5017 as part of the consolidation. The remaining operational aids will be relocated to Section 5018. The effect of these relocations will be to provide safety equivalent to current practice in California and to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1615.3. Rigging Equipment for Material Handling.*

*Subsection (a)* contains general requirements for marking and safe practices for use of rigging equipment. These requirements are already covered in GISO Section 5042(a)(4) and (15).

*Subsections (b) and (c)* contain requirements for wire rope slings. Subsection (b) requirements are covered by Section 5042(a)(4) and subsection (c) requirements are covered by Section 5045 (g)(1).

*Subsection (d)* contains requirements for shackles. These requirements are already covered in GISO Section 5049(g).

The effect of these deletions and relocations to the GISO will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section/header 1616. Operations.*

This section number is currently used as a header for the 1616 series of standards regarding equipment operations. All 1616 series standards will be deleted and relocated to GISO Group 13 as indicated below, and this section and header will be vacated. The effect of these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1616.1. Operation.*

*Subsections (a)–(c)* prescribe requirements for manuals, operating procedures, load charts and the like. These requirements will be relocated to Section 5008.1(a), (b) and (d).

*Subsections (d) and (e)* prescribe operator duties. The requirements of subsection (d) will be relocated to GISO Section 5008.1(c). Subsection (e) is already covered by GISO Section 5008(e). Subsection (c) is covered by Section 4965(b) and (c).

*Subsection (f)* prescribes precautions to be taken when a load is to remain suspended for a considerable time. This provision will be covered by GISO Section 4999(i) as revised.

*Subsection (g)* prescribes tag-out procedures. These provisions will be relocated to GISO Section 5008.1(e).

*Subsection (h)* describes precautions to be taken before starting the engine. These precautions are already covered in GISO Section 5008(f).

*Subsection (i)* describes when steps must be taken to secure the crane in the event of a storm warning. This requirement will be relocated to GISO Section 5008.1(f).

*Subsection (j)* describes notification procedures when equipment adjustments or repairs are necessary. These requirements will be relocated to GISO Section 5008.1(g).

*Subsection (k)* states that safety devices and operational aids shall not be used as a substitute for the exercise of professional judgment by the operator. This requirement will be relocated to Section 5008.1(h).

*Subsection (l)* prescribes steps to be taken if a slack rope condition requiring re-spooling of the rope occurs. This requirement is already covered by GISO Section 4999(e)(4).

*Subsection (m)* requires a competent person to adjust the equipment and/or operations to address the effect of wind, ice, and snow on equipment stability and rated capacity. This requirement will be relocated to Section 5008.1(i).

*Subsection (n)* states that equipment shall not be operated in excess of its rated capacity, and lists measures to be taken to prevent overloading. This requirement will be relocated to GISO Section 4999(b)(1).

*Subsection (o)* states that the load, boom, or other parts of the equipment shall not contact any obstruction in a way which could cause falling material or damage to the boom. This provision is already covered by GISO Section 4999(f).

*Subsection (p)* limits side-loading of booms. This requirement is already covered by GISO Section 4999(g).

*Subsection (q)* provides that on wheel-mounted equipment, loads shall not be lifted over the front area, except as permitted by the manufacturer. This

provision is covered by GISO Section 4999(k) as modified per AC input.

*Subsection (r)* provides that the brakes shall be tested each time a load is 90% or more of the rated load by raising the load a few inches and applying the brakes. It also provides an exception for duty-cycle or repetitive lifts. This requirement will be covered by GISO Section 4994(c) as amended per AC input.

*Subsection (s)* provides that the load or the boom shall not be lowered below the point where less than two full wraps of rope remain on grooved drums and three full wraps on ungrooved drums. This requirement is covered by Section 4994(d).

*Subsection (t)* contains provisions for travel of cranes or boom-type excavators. These requirements will be relocated to Section 4991(c) and (d) with clarifications recommended by the AC.

*Subsection (u)* requires that when rotating the crane, sudden stops shall be avoided and rotational speed shall be such that the load does not swing out beyond the radius at which it can be safely controlled. These requirements are already covered by Section 4993(a).

*Subsection (v)* provides that a tag or restraint line shall be used if necessary to prevent hazardous rotation of the load. This requirement is already covered by Section 4993(b).

*Subsection (w)* provides that brakes shall be adjusted in accordance with manufacturer procedures to prevent unintended movement. This requirement is already covered by Section 5034(d).

*Subsection (x)* requires that the rigger be trained and capable of safely performing the rigging operation. This requirement is already covered by Section 4999(a).

*Subsection (y)* contains provisions for swinging locomotive cranes. These requirements are already covered by Section 4993(d).

*Subsection (z)* contains requirements for counterweights and ballast. These requirements will be relocated to Section 5008.1(j).

*Subsection (aa)* is a printing error. Subsection (aa) is covered by Group 13, Article 101.

The effect of all these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

#### *Section 1616.2. Authority to Stop Operation.*

This section gives the operator authority to stop the lift whenever there is a concern as to safety, until a qualified person has determined that it is safe to proceed. It is proposed to delete this section as it will now be covered under Section 5008(c) as revised. The effect of this relocation is to facilitate consolidation of CSO Article 15 into GISO Group 13.

#### *Section 1616.3. Work Area Control.*

This section prescribes requirements for protecting employees from swing radius hazards. It is proposed to delete this section as it is covered in the GISO by

Section 4993.1. The effect of this deletion is to facilitate consolidation of CSO Article 15 into GISO Group 13.

#### *Section 1616.4. Overhead Loads.*

This section prescribes means and methods for preventing exposure or protecting employees whose work requires them to work where potentially exposed to overhead loads (such as when hooking/unhooking, and guiding suspended loads). It also contains requirements for tilt-up operations. It is proposed to relocate these requirements to Section 5002 with revisions to include these requirements. The effect of this relocation is to facilitate consolidation of CSO Article 15 into GISO Group 13.

#### *Section 1616.5. Free-Fall and Controlled Load Lowering.*

*Subsections (a) and (b):* (a) Lists conditions where boom free-fall (live boom) is prohibited; (b) prescribes requirements for preventing boom free-fall. These provisions are proposed to be relocated to Section 4928.1(a) and (b).

*Subsection (c)* requires that hydraulic telescoping booms shall have an integrally mounted holding device to prevent the boom from retracting in the event of hydraulic failure. This subsection is covered by Section 4949(d) in the GISO.

*Subsection (d)* lists conditions under which controlled load lowering is required and load line free-fall is prohibited. This subsection is proposed to be relocated to Section 4928.1(c).

The effect of all these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

#### *Section 1616.6. Hoisting Personnel.*

*Introduction and subsection (a)* prohibit the use of equipment to hoist employees except where it can be demonstrated that the erection, use, and dismantling of conventional means of reaching the work area, would be more hazardous, or is not possible because of worksite conditions. This subsection does not apply to work covered by CSO Section 1710, Steel Erection. These provisions are covered in the GISO by Section 5004(a) and (c).

*Subsection (b)* details limitations on the use of personnel platforms. These limitations have been relocated to GISO Section 5004, new subsection (k) (10).

*Subsection (c)* lists requirements for leveling, and stabilization for lifting equipment set-up. These requirements will be covered in the GISO by Section 5004(d)(4) as revised.

*Subsection (d)(1)–(d)(3)* prescribes capacity limitations. These requirements will be covered by GISO Section 5004(d)(5) as revised.

*Subsection (d)(4)* prescribes braking requirements when the platform is in a stationary working position.

These requirements will be covered by Section 5004(d)(3) as revised.

*Subsection (d)(5)* lists required safety devices when using suspended personnel platforms. These requirements will be covered by Section 5004(e) as revised.

*Subsections (e)(1)–(e)(4)* contain provisions for design and attachment of the personnel platform. These requirements are covered by Section 5004(f)(1)–(f)(3) with new subsection (f)(4).

*Subsection (e)(5)* prescribes qualifications for welded construction of the platform. These requirements are covered by Section 5004(g)(8).

*Subsections (e)(6)–(e)(8)* contain design requirements for platform guardrails, grab rails and gates. These requirements are covered by Sections 5004(f)(3) and (g)(1)–(g)(4).

*Subsections (e)(9)–(e)(10)* prescribe headroom and head protection for workers. These requirements are covered by Sections 5004(g)(5) and (g)(6).

*Subsection (e)(11)* requires that edges exposed to employee contact shall be smooth enough to prevent injury. This requirement is covered by Section 5004(g)(7).

*Subsection (e)(12)* requires that the platform weight and capacity shall be conspicuously posted on the platform. This requirement is covered by Section 5004(g)(9).

*Subsection (f)* limits platform loading to employees, their tools, and the materials necessary to do their work. It further prohibits platforms from being used to hoist materials or tools when not hoisting personnel, and requires that materials and tools be secured and evenly distributed. These requirements are covered by Section 5004(h).

*Subsection (g)* contains requirements for hooks, shackles and other detachable devices, bridles, slings and other rigging hardware used for connection between the hoist line and the personnel platform. These requirements are covered by Section 5004(i) as revised.

*Subsection (h)* specifies when trial lifts are required, and the components and procedures to be followed in conducting a trial lift. These requirements will be covered by Section 5004(j) as revised.

*Subsection (i)* is not used.

*Subsection (j)* describes proof testing of the platform. These requirements are covered by Section 5004(j)(6).

*Subsection (k)(1)* describes practices for hoisting the personnel platform. These practices are covered by Section 5004(d)(1).

*Subsections (k)(2)–(k)(6)* describe platform work practices. These practices are covered by Section 5004(k)(1)–(k)(4) as revised.

*Subsection (k)(7)* describes requirements for platforms with controls. This section will be deleted in

the consolidation per AC recommendation for safety reasons.

*Subsection (k)(8)* requires hoisting of employees to be discontinued upon indication of any dangerous weather conditions or other impending danger. It is proposed to relocate this requirement to Section 5004(k)(5) as revised.

*Subsection (k)(9)* requires employees being hoisted to be in direct communication with the signal person or the operator. This provision is covered by Section 5004(k)(6).

*Subsection (k)(10)* requires the use a fall arrest system when working on a personnel platform. This provision is covered by Section 5004(k)(7).

*Subsection (k)(11)* prohibits lifts on any other of the equipment's load lines while personnel are being hoisted. This requirement is covered by Section 5004(k)(8).

*Subsections (k)(12) and (k)(13)* list restrictions on travel while hoisting employees. These restrictions are covered by Section 5004(l) as revised.

*Subsection (l)* is not used.

*Subsection (m)* contains pre-lift meeting requirements. These requirements are covered by Section 5004(m).

*Subsection (n)* prescribes clearances to be maintained when hoisting personnel near power lines. These prescriptions will be relocated to Section 5004(n).

*Subsection (o)* contains requirements to be followed when hoisting personnel in drill shafts. These requirements will be relocated to Section 5004(o).

*Subsection (p)* contains requirements to be followed when hoisting personnel for pile driving operations. It is proposed to relocate these requirements to Section 5004(p) with AC recommended revisions and clarifications.

*Subsection (q)* is not used.

*Subsection (r)* contains requirements for hoisting personnel for marine transfer. It is proposed to relocate these requirements to Section 5004(r).

*Subsection (s)* contains requirements when hoisting personnel for storage-tank, shaft and chimney operations. It is proposed to relocate these requirements to Section 5004(s).

The effect of all these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1616.7. Multiple-Crane/Derrick Lifts – Supplemental Requirements.*

This section contains provisions for planning and coordinating multiple-crane/derrick lifts. It is proposed to relocate these provisions to new Section 4994(f). The effect of the relocation is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section/Header 1617. Signals.*

This section number is currently used as a header for the 1617 series of standards regarding signals. All

1617 series standards will be deleted and relocated to GISO Group 13 as indicated below, and this section and header will be vacated. The effect of these actions is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1617.1. Signals — General Requirements.*

*Subsections (a)–(d)* prescribe when a signal person is required, their qualifications, and types of signals. These provisions will be covered by Section 5001(a), (c) and (d) as revised.

*Subsections (e)–(g)* list requirements for signal suitability, continuity of communication, and emergency stopping procedures. These provisions will be relocated to Section 5001(g)–(i).

*Subsection (h)* provides that only one person shall give signals to a crane or derrick at a time. This requirement is already covered by Section 5008(b).

*Subsection (i)* is not used.

*Subsections (j)–(k)* prescribe conventions to be used by the signal person in communicating with the crane/derrick operator(s). These requirements will be relocated to Section 5001(j)–(k).

The effect of these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1617.2. Signals — Radio, Telephone or Other Electronic Transmission of Signals.*

This section contains requirements for testing, dedicated channels, hands-free reception by the operator and procedures to be followed in the event of interruption. It is proposed to relocate these requirements to new Section 5001.1. The effect of these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1617.3. Signals — Voice Signals — Additional Requirements.*

This section requires the operator, signal person and lift director, to contact each other prior to beginning operations and agree on the voice signals that will be used. It also prescribes three elements of each signal and requires that the parties be able to communicate effectively in the language to be used. These requirements will be relocated to new Section 5001.2. The effect of these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section/Header 1618. Qualification and Training.*

This section number is currently used as a header for the 1618 series of standards regarding qualification and training. All 1618 series standards will be deleted and relocated to GISO Group 13 as indicated below, and this section and header will be vacated. The effect of these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1618.1. Operator training, certification and evaluation.*

*Subsection (a)* requires the employer to ensure that, prior to operating any covered equipment, the operator is either under supervised training, or they are trained, certified/licensed, and evaluated to operate the equipment in accordance with one of two listed options. The training requirement is covered by GISO Sections 3203(a)(7) and 5006.2(a). The requirement for certification is covered by Section 5006.2(a).

*Subsection (a)(1)* provides criteria under which a non-military government entity may issue operator licenses. Under this option, the operator will only be licensed for operation of equipment within that entity's jurisdiction. This provision will be covered by Section 5006.2(e), new Exception (2)(C).

*Subsection (a)(2)* provides that where subsection (a)(1) does not apply, the operator shall be certified by an accredited crane operator certifying entity. This requirement will be covered by Section 5006.1(a)–(c).

*Subsection (a)(3)* requires the employer to provide certification or licensure (where required) at no cost to the employee. This requirement is covered by Section 3203(a)(7).

*Subsection (b)* makes provision for an employee who is not yet qualified or certified to be able to operate equipment as an operator-in-training. This provision will be covered by Section 5006.2(b) as revised.

*Subsection (c)* describes operator certification and licensing requiring the employer to ensure each operator is certified and licensed in accordance with subsection (d) or (e) of this section. This provision will be covered by Section 5006.2(b).

*Subsection (d)* describes requirements for Option 1, certification by an accredited crane operator certifying entity, one of the two California options for certification. These requirements are covered in the GISO in Section 5006.2(d)(1)–(d)(4).

*Subsection (e)* describes requirements for Option 2, licensing by a government entity, the second California option for certification/licensing. These requirements will be relocated to Section 5006.2(e)(1)–(e)(3) as new Exception (2)(C).

*Subsection (f)* describes the evaluation process, who the evaluator must be, and the documentation requirements to ensure each operator is qualified to operate the equipment. This provision will be covered by Section 5006.2(f).

*Subsection (g)* describes the certification criteria operators must pass to obtain a certificate of competency to operate a crane covered by this Article. This provision will be covered by Section 5006.2(g).

*Subsection (h)* lists effective dates. The effective date of Section 5006.1(f) pre-dates those of Section 1618.1; however, new exceptions to Section 5006.1 harmonize

with CSO and clarify application of effective dates. This provision will be covered by Section 5006.2(i).

The effect of these relocations and modifications is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1618.2. Signal Person Qualifications.*

This section requires the employer to ensure that only qualified persons give signals. Two options for qualification are provided: (1) third party qualified evaluator or (2) employer's qualified evaluator. The employer is to maintain documentation of such training and to provide re-training where indicated. This section also lists qualification requirements. It is proposed to relocate these provisions to new Section 5001.3.

The effect of these relocations is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1618.3. Qualifications of Maintenance and Repair Employees.*

This section lists qualifications for maintenance and repair employees in order for them to operate cranes or derricks in the performance of their duties. These requirements will be relocated to new Section 5033.1.

The effect of this relocation is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1618.4. Training.*

This section requires the employer to provide training as follows:

*Subsection (a)* requires each employee to be trained in power line safety (up to 350 kV) as required by Section 1612.1. These requirements will be covered as well as safety training for voltages over 350 kV in new Sections 5003.1(f) and 5003.2.

*Subsection (b)* lists training and qualifications for signal persons. These requirements are covered by Section 3203 and new Section 5001.3.

*Subsection (c)(1)* prescribes training requirements for operators subject to Section 1618.1. It also requires retraining if the trainee does not pass testing and certification. These requirements have been relocated to new Section 5012(a).

*Subsection (c)(2)* requires employers train operators covered under the Exceptions to Section 1618.1. The Exceptions to Section 1618.1 have been relocated to Exceptions to Section 5006.2.

*Subsection (c)(3)* prescribes training for use of boom hoist brakes and for emergency procedures for halting unintended equipment movement. These provisions have been relocated to new Section 5012(b).

*Subsection (d)*, based on federal verbiage, prescribes training for competent persons and qualified persons. By definition (Section 3207), competent persons and qualified persons are required to be knowledgeable in the particular hazards for which they are competent or

qualified, thus there is no need to copy subsection (d) into the GISO.

*Subsection (e)* requires that each employee shall be trained to keep clear of crush/pinch hazard points and holes. These requirements are covered by existing Sections 4993.1(a)(2) and 3203(a)(6) and (7).

*Subsection (f)* requires the operator and any other employee authorized to start/energize equipment or operate equipment controls (such as maintenance and repair employees), to be trained in tag-out and start-up procedures. These requirements are covered by lockout/tagout training required by Section 3314(l).

*Subsection (g)* prescribes training administration requirements. These requirements are covered by Section 3203, thus there is no need to copy them into Group 13.

The effect of the relocations described above is to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section/Header 1619. Supplemental Requirements.*

This section number is currently used as a header for the 1619 series of standards regarding supplemental requirements. All 1619 series standards, except Section 1619.4, will be deleted and relocated to GISO Group 13 as indicated below, and this header will be vacated. The text of Section 1619.4 will be retained and relocated to Section 1610 as it contains requirements for overhead and gantry cranes that are unique to construction. The effect of these relocations will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1619.1. Tower Cranes.*

*Subsection (a)* scopes the requirements of this section; i.e., supplemental requirements for tower cranes. There is no need to relocate this scope as it is covered in existing GISO Section 4965(a).

*Subsection (b)* requires the erection, climbing (up and down) and dismantling of a fixed tower crane to comply with the requirements of Title 8, Section 341.1(c)(2) and GISO, Section 4966(a)(1). It contains the following supplemental requirements as listed below:

*Subsection (b)(1)* assembly/disassembly procedures are relocated to Section 4966(a)(1) as revised, and to Sections 5010 thru 5010.3.

*Subsection (b)(2)* prescribes restrictions on work in dangerous areas (for self-erecting tower cranes). These provisions are relocated to Section 4966(i) with AC recommended modifications.

*Subsection (b)(3)* lists requirements for foundations and supports. These requirements are relocated to Section 4966(d) with AC recommended modifications.

*Subsection (b)(4)* addresses specific hazards such as installation of foundations and structural supports, backward stability and wind speed. These

requirements are relocated to Section 4966(j) with AC recommended modifications.

*Subsection (b)(5)* prescribes requirements for plumb tolerance. These requirements are relocated to Section 4966(k) with AC recommended clarification.

*Subsection (b)(6)* prescribes requirements for preventing contact between cranes on multiple-tower crane jobsites. These requirements are relocated to Section 4966(l) with AC recommended clarification.

*Subsection (b)(7)* prescribes climbing procedures. These requirements are relocated and appended to Section 4966(e).

*Subsection (b)(8)* prescribes requirements for counterweights and ballasts. These requirements are relocated to section 4966(m).

*Subsection (c)* provides criteria for size and location of signs installed on tower cranes. These requirements will be relocated to Section 4965(h).

*Subsection (d)(1)* states that Section 1615.1 does not apply to tower cranes. This condition will be placed as a note to Section 4968.

*Subsection (d)(2)* lists safety device requirements for tower cranes. These requirements will be relocated to Section 4968(g)–(o) with revisions as recommended by the AC.

*Subsection (d)(3)* requirements for proper operation of safety devices will be relocated to Section 4968.1.

*Subsection (e)* lists requirements for operational aids for tower cranes. Some federally classified “operational aids” have been re-categorized to “safety devices” per AC recommendations and will be relocated to Section 4968. Those that remain as operational aids will be relocated to Section 4968.2.

*Subsection (e)(1)–(4)* have been relocated to Section 4968.2(a)–(c) with AC recommended clarifications.

*Subsection (e)(5)* has been relocated to Section 4968.2(e) with AC recommended modifications.

*Subsection (e)(5)(A) & (B)* have been relocated to Section 4968(f)(2), (3) & (s)(1) with AC recommended modifications.

*Subsection (e)(5)(C)* has been relocated to Section 4968(p) with AC recommended modifications.

*Subsection (e)(5)(D)* has been relocated to Section 4968.2(e)(1) with AC recommended modifications.

*Subsection (e)(5)(E)* has been relocated to Section 4968(d) with AC recommended modifications.

*Subsection (e)(5)(F)* has been relocated to Section 4968(f)(4) with AC recommended modifications.

*Subsection (e)(5)(G)* has been relocated to Section 4968(k) with AC recommended modifications.

*Subsection (e)(5)(H)* has been relocated to Section 4968(r) with AC recommended modifications.

*Subsection (e)(5)(I)* has been relocated to Section 4968(q).

*Subsection (e)(5)(J)* has been relocated to Section 4968(s)(1).

*Subsection (e)(5)(K)* has been relocated to Section 4968(s)(2).

*Subsection (e)(5)(L)* has been relocated to Section 4968(s)(3).

*Subsection (e)(5)(M)* has been relocated to Section 4968.2(e)(2).

*Subsection (e)(5)(N)* has been relocated to Section 4968(a).

*Subsection (f)* contains requirements for tower crane inspections including pre-erection, post-erection, monthly and annual. These requirements will be relocated to Section 4965.1 except subsection (f)(3)(B)/new subsection (c)(2) has been revised per AC input.

The effect of these relocations and revisions will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1619.2. Derricks.*

*Subsection (a)* scopes the requirements of this section; i.e., supplemental requirements for derricks whether temporarily or permanently mounted. GISO Article 95 (Derricks) and the definition of “derrick” (Section 4885) provide equivalent scoping.

*Subsection (b)* prescribes requirements and procedures for operation, including accessibility of procedures, and load chart contents. These requirements will be covered by Sections 4959(a) and 4961.

*Subsection (c)(1)* contains general requirements for derrick construction. These requirements will be relocated to Section 4884(c)–(f).

Subsections (c)(2)–(c)(5) contain crane-specific construction requirements for guy, stiff-leg, gin pole, and Chicago boom derricks. These requirements will be relocated to Section 4960(a)–(d).

*Subsection (d)* contains requirements for anchoring and guying derricks. These requirements will be relocated to Section 4960(e)(1)–(3).

*Subsections (e)(1)–(e)(2)(A)* require derrick boom, swinger mechanisms and hoists to be suitable for the work intended and to be anchored to prevent displacement from imposed loads. These requirements will be relocated to Section 4960(f)(1)–(f)(2)(A).

*Subsection (e)(2)(B)* will be covered by new Section 4960(f)(2)(B) and by existing Section 5023(a)–(b) and Article 99.

*Subsection (e)(2)(C)* requires hoists that have had repairs, modifications or additions that affect their capacity or safe operation to be evaluated to determine if a load test is necessary. This requirement is covered by Section 5022(a)(3).

*Subsection (e)(2)(D)* specifies the load testing procedure. This requirement is covered by Section 4960(f)(2)(C) and Section 5020(a).

*Subsection (f)* lists exceptions to operational aids required by Section 1615.2 (now Section 5018) for

derricks. The operational aid requirements for derricks will be relocated to Section 4960.1.

*Subsection (g)* prescribes post-assembly testing, approval and documentation requirements for new or reinstalled cranes. These requirements will be relocated to Section 4960.2 with modifications to harmonize with GISO Group 13 as follows:

*Subsection (g)(1)* contains requirements for anchorages. These requirements will be relocated to new Section 4960.2(a), except that subsection (g)(1)(B) is not allowed by Section 4960(b).

*Subsection (g)(2)* prescribes the functional test. This is covered by Section 5022(a).

*Subsection (h)* prescribes conditions under which load testing may be required for derricks that have had repairs, modifications or additions affecting the derrick's capacity or safe operation. These requirements are covered by Sections 5020(a) and 4960.2.

*Subsection (i)* is not used.

*Subsection (j)* prescribes shut-down procedures in the event of power failure. These requirements are covered by Section 5008(g).

*Subsection (k)* places conditions on the use of winch heads. These conditions will be relocated to Section 4962.1.

*Subsection (l)* is not used.

*Subsection (m)* contains requirements for securing the boom. These requirements will be relocated to Section 4960.3.

*Subsection (n)* requires the process of jumping the derrick to be supervised by the A/D director. This requirement will be relocated to Section 5010.1(a)(3).

*Subsection (o)* requires derrick operations to be supervised by a competent person. This requirement will be relocated to Section 4959(b).

*Subsection (p)* contains additional inspection requirements for derricks. This requirement will be relocated to Section 4960.4.

*Subsection (q)* describes derrick operator qualifications and training. These requirements are covered by Section 5006(a).

The effect of these relocations and revisions will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1619.3. Floating Cranes/Derricks and Land Cranes/Derricks on Barges.*

*Subsections (a) and (b)* scope the requirements and application of this section; i.e., supplemental requirements for floating cranes/derricks and land cranes/derricks on barges, or other means of flotation except barges fully supported by jacks. The scope has been relocated to Section 4988.1.

*Subsection (c)* prescribes requirements for work area control. These requirements will be relocated to Section 4988.2.

*Subsection (d)* states that Section 1616.4 (overhead loads) does not apply to cranes/derricks within the scope of this section. No relocation is necessary since overhead loads are already covered in GISO Section 5002.

*Subsection (e)* contains supplemental requirements for safety devices when the equipment is on a means of flotation. These requirements will be covered by Section 4988.3.

*Subsection (f)* limits when an anti-two-blocking device is required. It also lists conditions where load weighing devices are not required. These provisions will be covered by Section 4988.3, exceptions 1 and 2.

*Subsection (g)* prescribes that procedures (load charts and operating procedures) must be available to the operator regardless of whether the operator's station is fixed or moveable. This requirement will be relocated to Section 4988.4.

*Subsection (h)* prescribes additional inspection requirements for the means of flotation, including shift, monthly, annual, and quadrennial inspections and documentation. These requirements will be relocated to Section 4988.5.

*Subsections (i) and (j)* are not used.

*Subsection (k)* requires that the barge or other means of flotation are capable of withstanding imposed environmental, operational and in-transit loads when used in accordance with the manufacturer's specifications and limitations. It also requires that the manufacturer's specifications and limitations with respect to environmental, operational, and in-transit loads for a barge or other means of flotation are not exceeded or violated. These requirements will be relocated to Section 4988.6.

*Subsection (l)* was not used.

*Subsection (m)* contains requirements for floating cranes/derricks designed by the manufacturer (or employer) for marine use by permanent attachment of equipment to barges or other means of flotation. Load charts are required to take into account marine-related factors such as dynamic loading, list and trim, freeboard, and effects of wind, and if the equipment is employer-made it also requires the load charts to be approved by a registered engineer. This section also includes structural design criteria and other features for the means of flotation. All these requirements will be relocated to Section 4988.7.

*Subsection (n)* contains provisions for land cranes/derricks used on barges or other means of flotation. Subsections (n)(1)–(n)(4) pertain to modifications of rated capacity due to maritime effects such as list, trim, wave action, wind, and freeboard. Subsections (n)(5)–(n)(6) identify conditions where physical attachment or containment of the equipment may be required.

*Subsection (n)(7)* contains structural design criteria and other features for the means of flotation. All the

requirements of subsection (n) will be relocated to Section 4988.8.

The effect of these relocations and revisions will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

*Section 1619.4. Overhead and Gantry Cranes.*

GISO Article 92 prescribes requirements for overhead and gantry cranes used in general industry. CSO Section 1619.4 currently prescribes requirements for overhead and gantry cranes used in construction. Subsection (a) is for permanently installed overhead and gantry cranes and subsection (b) is for overhead and gantry cranes not permanently installed. CSO Section 1619.4(b) currently cross-references to other parts of CSO Article 15 for many requirements. Since all other parts of CSO Article 15 are being consolidated into the GISO, it is necessary to change the subsection (b) cross-references.

Additionally, the text of Section 1619.4 will be relocated to Section 1610 and retained in Article 15 because, although overhead and gantry cranes are covered in GISO Group 13, there are some differing and unique conditions found for overhead and gantry cranes used in construction, and the AC felt that the CSO requirements should be retained to cover those conditions.

The effect of the relocation and changes to cross-references will be to facilitate the consolidation of CSO Article 15 into GISO Group 13.

*Section 1619.5. Dedicated Pile Drivers.*

This section describes certain exceptions for dedicated pile drivers from requirements of Article 15. Since CSO Article 15 will be consolidated into GISO Group 13, the exceptions will be revised to corresponding sections of Group 13 and will be relocated to Section 1600(u).

The effect of the revisions and relocation will be to facilitate the consolidation of CSO Article 15 into GISO Group 13.

CSO Article 28. Miscellaneous Construction  
Tools and Equipment

*Section 1694. Sideboom Cranes.*

This section currently specifies that certain CSO Article 15 standards became applicable to sideboom cranes manufactured on or after July 7, 2011. Since Article 15 will be consolidated into GISO Group 13, this section will be revised to indicate that corresponding

requirements of GISO Group 13 became applicable for cranes manufactured on or after July 7, 2011. The effect of the revision will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

High-Voltage Electrical Safety Orders  
Article 37. Provisions for Preventing Accidents  
Due to Proximity to Overhead Lines

*Section 2946. Provisions for Preventing Accidents  
Due to Proximity to Overhead Lines.*

This section is being amended with subsections (e) and (f) to clarify requirements for cranes working in proximity to energized overhead lines. These hazards apply regardless of the industry in which the crane is working. The effect of these amendments will be to provide equivalence with federal standards [29 CFR 1926.600(a)(6)] for cranes and derricks in construction.

General Industry Safety Orders  
Group 1. Article 1. Definitions

*Section 3207. Definitions.*

Section 3207 defines terms applicable to the GISO. Although the term “Competent Person” is already used in the GISO and will be used more extensively with the consolidation of CSO Article 15 into Group 13, it is not currently defined in the GISO. It is thus proposed to define “Competent Person” in Section 3207 using the same definition as in the CSO Section 1504 (Definitions). This amendment will place the definition where it will apply to all GISO standards, including the consolidation because the term is used in the standards that are being incorporated into GISO Group 13. The effect of this action will be to facilitate consolidation of CSO Article 15 into GISO Group 13.

GISO Group 13. Cranes and Other  
Hoisting Equipment

*New Section 4880. Scope.*

This new section in large part transfers the contents of CSO Section 1610.1 (Scope) into the GISO with minor changes due to differences in formatting between the CSO and GISO. In addition, Section 4880(a)(1), (c) (8) and (c)(10) have been modified and clarified based on subcommittee and AC input. Subsection (a)(2) has been added to clarify that these orders apply to all cranes having a maximum rated capacity greater

than one ton (except where otherwise noted). The one ton trigger has previously been included by reference to ASME B30.5–2004; however, the clarification has been found to be necessary. The effect of these amendments will be to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13 and to clarify the scope of application.

*New Section 4881. General.*

This new section incorporates CSO Section 1610.4 (Design, Construction and Testing) subsections (d) (2)–(5), (d)(7) and (d)(9) with AC recommended clarifications into the GISO arranged due to formatting differences between the CSO and GISO. CSO Section 1610.4(d)(7) [relocated to Section 4881(e)] contains some federal requirements exceeding ASME B30.5–2004, thus it has been identified to be limited to cranes in construction. The effect of these amendments will be to facilitate the consolidation of the CSO Article 15 crane standards into GISO Group 13.

*New Section 4883. Equipment with a Rated Hoisting/Lifting Capacity of 2,000 Pounds or Less (Cranes and Derricks in Construction).*

This new section in large part transfers the contents of CSO Section 1610.8 into the GISO with changes in formatting due to differences between the CSO and GISO. The purpose for this section is to clarify requirements for cranes and derricks having a hoisting/lifting capacity of 2,000 pounds or less. These requirements apply only to cranes and derricks used in construction. The effect of this section will be to conform to federal standards for cranes and derricks in construction and to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13.

*Section 4884. Standards Incorporated by Reference.*

This section, formerly named “Scope” has been renamed and rearranged with former subsection (a), a scope item, relocated to new Section 4880. The existing standards incorporated by reference in GISO Section 4884 have been retained. They are supplemented with new subsection (d) which brings forward the content of CSO Section 1610.2 and new subsection (e) which will update certain ANSI/ASME standards that will become effective with the adoption of this consolidation. The latter update was requested by the AC to be more consistent with current design, construction and installation standards. It should also be mentioned that Section 1610.4(c) has been relocated to subsection (j). The effect of these amendments will be to update referenced standards to those currently used in industry and to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13.

*New Section 4884.1. Equipment Modifications — Mobile and Tower Cranes.*

This new section brings forward the requirements of CSO Section 1610.6 with modifications based on AC input which condense the federal options for modifications or additions which affect the capacity or safe operation of the equipment from six to two. The AC’s opinion was that all the federal options logically fit into one of the two remaining categories. The purpose is to provide standards for modification and additions to mobile and tower cranes and to provide a level of safety at least as effective as federal standards.

GISO Article 91. Definitions

*Section 4885. Definitions.*

This section supplements Section 3207 and contains definitions specifically applicable to Group 13. Existing definitions have been amended with definitions brought forward from CSO Section 1610.3 (Definitions) which were not formerly contained in Section 4885. The definition of “multi-purpose machine” and other terms have been reviewed and modified based on AC input. The effect of these amendments will be to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13.

GISO Article 93. Boom-Type Mobile Cranes

*Section 4924. Load Safety Devices.*

Subsection (c) boom angle or radius indicator has been clarified per stakeholder and AC input to require that the device indicate to the operator the boom angle or radius distance at all times. The effect of this change is to update standards to current industry methods and practices.

Subsection (d) currently requires cranes with lattice booms manufactured after February 28, 1992, to be equipped with an anti-two-block device or two block warning feature. Federal 29 CFR 1926.1416(d) (3) requires lattice boom cranes manufactured after November 8, 2011, to be equipped with two-block damage/failure prevention device(s). This requirement is consistent with the ASME B30.5–2004 standard that has been incorporated by reference and the effect of these changes will be to consolidate CSO Article 15 crane standards into GISO Group 13. In addition a new subsection (d)(3) is proposed to address lattice boom cranes and derricks manufactured after November 8, 2011, with a load failure device to prevent two-blocking. An editorial amendment is proposed to renumber existing subsection (d)(3) as subsection (d) (4) to be consistent with Title 8 format.

*New Section 4928.1. Free Fall and Controlled Load Lowering.*

This new section brings forward the requirements of CSO Section 1616.5 into GISO Group 13 with minor clarifications recommended by the AC. These standards address prohibitions intended to protect employees in cases where the boom or hoist line is configured for free fall from being struck by the equipment and/or load and includes but is not limited to situations where the employee is being hoisted, the employee is located in the fall zone, the boom is operated in proximity to energized conductors, the load is over a shaft or the lifting takes place at a refinery or tank farm. Additional standards address boom free fall prevention and load line free fall prohibitions. The effect of this change will be to consolidate CSO Article 15 crane standards into GISO Group 13.

GISO Article 94. Hydraulic  
Cranes and Excavators

*Section 4949. Boom Hoist and Supporting Mechanism.*

Existing Section 4949 will be amended with new subsections (e) regarding friction mechanisms and (f) regarding hydraulic load hoists and brought forward from CSO Section 1610.4(d)(12)–(13). The effect of these amendments will be to consolidate CSO Article 15 crane standards into GISO Group 13. No new requirements are created by this action as these provisions are already required by ASME B30.5–2004 standards which have been incorporated by reference in the GISO.

GISO Article 95. Derricks

*New Section 4959. Operation — Procedures.*

This new section brings forward provisions of CSO Section 1619.2(b) and (o) [which are based on federal standards, 1926.1436(b) and (o)] and prescribes operation, supervision and accessibility of procedures for derricks. The effect of this new section will be to clarify provisions of ASME B30.6 which are currently only incorporated by reference in the GISO and to consolidate CSO Article 15 crane standards into GISO Group 13.

*Section 4960. Construction.*

This section prescribes construction requirements for derricks. Modifications are proposed for this section to provide equivalency with 29 CFR 1926.1436(c) through (e) which contains construction requirements for specific types of derricks. These modifications bring forward the provisions of CSO Section 1619.2(c) (2) through (e) into the GISO. The effect of these modifications will be to clarify provisions of ASME B30.6 currently only incorporated by reference in

the GISO and to consolidate CSO Article 15 crane standards into GISO Group 13.

*New Section 4960.1. Operational Aids (Supplemental requirements for derricks in construction).*

This new section prescribes operational aids for derricks in construction. This section brings forward the provisions of CSO Section 1619.2(f) [based on federal standard 1926.1436(f)] into the GISO. The effect of this new section is to capture provisions of the CSO not currently in the GISO and to avoid over-reach by limiting their application to derricks in construction, thus enabling consolidation of CSO Article 15 crane standards into GISO Group 13.

*New Section 4960.2. Post-Assembly Approval and Testing — New or Reinstalled Derricks.*

This new section prescribes post-assembly testing, approval and documentation for derricks. This section brings forward the provisions of CSO Section 1619.2(g) into the GISO [based on federal standard 1926.1436(g)]. The effect of this new section will be to clarify provisions of ASME B30.6 currently only incorporated by reference in the GISO and to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13.

*New Section 4960.3. Securing the Boom.*

This new section modifies and amends former Section 4960(c) to provide more type-specific requirements for securing the derrick boom. The effect of this section is to bring forward the provisions of CSO Section 1619.2(m) [based on federal standard 1926.1436(m)] which are not currently in the GISO to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13.

*New Section 4960.4. Inspections.*

This new section prescribes derrick-specific inspection items that are in addition to the requirements of Article 100. This section brings forward the provisions of CSO Section 1619.2(p) [based on federal standard 1926.1436(p)] into the GISO. The effect of this new section will be to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13.

*Section 4961. Rated Load Marking.*

This is an existing section which prescribes that for permanently installed derricks with fixed lengths of boom, guy and mast, a durable and clearly legible rating chart shall be provided where it is visible to operating personnel. Subsection (a)(3) states that for hoisting reeving the size and construction of the rope “may” be shown either on the rating chart or in the operating manual. It is proposed to clarify this requirement by changing “may” to “shall.” The effect of this change will be to provide clarity and equivalency with federal standard 29 CFR 1926.1436(b)(2)(iv).

*New Section 4962.1. Use of Winch Heads.*

This new section prescribes use of ropes on winch heads. This section brings forward the provisions of CSO Section 1619.2(k) [based on federal standard 1926.1436(k)] into the GISO. The effect of this new section will be to facilitate the consolidation of CSO Article 15 crane standards into GISO Group 13.

GISO Article 96. Tower Cranes

*Section 4965. General.*

Existing subsection (h) requires cranes mounted on rail tracks to be equipped with limit switches and stops or buffers at each end of the tracks. This provision for safety devices will be relocated to Section 4968 (Safety Devices), subsection (k). The existing general requirements will be amended with provisions for signs (such as for advertising, project name, crane company, etc.). These provisions are brought forward from CSO Section 1619.1(c) [based on federal standard 1926.1435(c)]. The effect of these modifications is to place requirements for crane safety devices in a logical location and to incorporate provisions of the CSO not currently in the GISO.

*New Section 4965.1. Inspections.*

This new section prescribes inspection frequencies and inspection items for tower cranes that are in addition to the requirements of Article 100. This section brings forward the provisions of CSO Section 1619.1(f) [based on federal standard 1926.1435(f)] into the GISO. The effect of this new section is to incorporate provisions of the CSO that are not currently in the GISO and to facilitate the consolidation of CSO Article 15 tower crane standards into GISO Group 13. These provisions pertain to construction-related activities and thus will not impact cranes used solely in general industry.

*Section 4966. Erection, Climbing, Dismantling and Operation.*

The existing section title is “Erection, Dismantling and Operation.” Since the subject matter also includes climbing (up and down), it is proposed to clarify the section title by adding “climbing” to the title. Other modifications and amendments are proposed as follows to bring forward the provisions of CSO Section 1619.1 into the GISO and to be at least as effective as federal standards contained in 29 CFR 1926.1435:

*Subsection (a).* This subsection currently requires erection, climbing and dismantling operations to comply with administrative Section 341.1(b)(2). It is proposed to add reference to operating rules for assembly/disassembly, Sections 5010 thru 5010.3 and other provisions as may be applicable. These sections bring forward provisions of CSO Sections 1611.1 through 1611.4 [based on federal standard 1926.1435(b)(1)] into the GISO.

*Subsection (d).* This subsection currently pertains to protection of structural support for tower crane vertical loads. Modifications and amendments are proposed to be added as part of bringing forward CSO Section 1619.1(b)(3) [based on federal 1926.1435(b)(3)] into the GISO. Subsections (d)(1)–(d)(3) bring forward CSO Section 1619.1(b)(3)(A)–(C) which were adopted into the CSO on August 16, 2012, as a result of input from a “clean-up” advisory committee.

*Subsection (e).* This subsection currently requires that when mast sections are raised to a new position, measures shall be taken to prevent damage, slippage or collapse of the crane assembly. It is proposed to clarify this with requirements to comply with manufacturer’s prohibitions and obtain a certified agent’s verification that the host structure can withstand the forces imposed. These amendments are brought forward from CSO Section 1619.1(b)(7) [based on federal 1926.1435(b)(7)] and are consistent with ASME B30.3.

*Subsection (i).* This new subsection prescribes precautions for employee access to dangerous areas during erection, climbing and dismantling. It brings forward the provisions of CSO Section 1619.1(b)(2) [based upon federal 1926.1435(b)(2)].

*Subsection (j).* This new section requires the Assembly/Disassembly (A/D) director to check foundations and structural support installation, backward stability and wind speed during A/D operations. It brings forward the provisions of CSO Section 1619.1(b)(4) [based on federal 1926.1435(b)(4)].

*Subsection (k).* This new subsection specifies plumb tolerance to be adhered to in the erection of tower cranes. It brings forward the provisions of CSO Section 1619.1(b)(5) [based on federal 1926.1435(b)(5)].

*Subsection (l).* This new subsection prescribes installation precautions when more than one hammerhead tower crane is operating on a site. It brings forward the provisions of CSO Section 1619.1(b)(6) [based on federal 1926.1435(b)(6)].

*Subsection (m).* This new subsection prescribes requirements for counterweight ballast during A/D and operation. It brings forward the provisions of CSO Section 1619.1(b)(8) [based on federal 1926.1435(b)(8)].

The effect of these amendments and modifications is to incorporate provisions of the CSO which are not currently in the GISO and to facilitate the consolidation of CSO Article 15 tower crane standards into GISO Group 13. Since these amendments and modifications pertain to construction-related activities they will not impact cranes used solely in general industry.

*Section 4968. Safety Devices.*

Existing Section 4968 lists safety devices for tower cranes. However, federal standards incorporated into the CSO as a result of the federal CDAC rulemaking necessitated amendments to this section. A Note has

been added for technical clarity to explain that Section 5017 does not apply to tower cranes.

Some of the existing requirements [subsections (d) and (f)] will be modified and clarified. However, they will also be supplemented with amendments based on the federal rulemaking 29 CFR 1926.1435 [subsections (h) through (o)]. The AC determined that the amended requirements occasioned by the adoption of the federal CDAC are consistent with ASME B30 standards which are already incorporated by reference (Section 4884).

Federal 29 CFR 1926.1415 (Safety Devices) lists devices classified by federal OSHA as safety devices; however, CFR 1926.1416 (Operational Aids) lists a number of devices that the federal standards classify as “operational aids.” Existing state tower crane standards do not currently use the term “operational aid.” Thus it was necessary for the AC to review federal “operational aids” to determine those that should properly be classified as “safety devices” consistent with current precedent and practice in California.

The effect of these clarifications, modifications and amendments is to provide consistency with ASME B30 standards (incorporated by reference) which are spelled out in the federal standards but that are not currently clearly identified in the GISO. It is also to coordinate federal and state terminology, and to facilitate consolidation of CSO Article 15 tower crane standards into GISO Group 13.

*New Section 4968.1. Safety Devices — Proper Operation Required.*

This new section requires that operations shall not begin unless safety devices are in proper working order and for operations to be stopped if a safety device stops working properly. This section brings forward the provisions of CSO Section 1619.1(d)(3) into the GISO. The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1435(d)(3)] which are not currently in the GISO and to facilitate consolidation of CSO Article 15 tower crane standards into GISO Group 13.

*New Section 4968.2. Operational Aids.*

This new section prescribes operational aids and alternative methods that may be employed if the operational aids are not in proper working order or if they stop working during operations. This section brings forward the provisions of CSO Section 1619.1(e) into the GISO. Based on AC review, some devices previously classified by federal standards as operational aids and located in this section have been relocated to Section 4968 (Safety Devices) for reasons described in that section (above). The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1435(e)] which are not currently in the GISO and to facilitate consolidation of CSO Article 15 tower crane standards into GISO Group 13.

*GISO New Article 97.1. Floating Cranes/  
Derricks and Land Cranes/Derricks on Barges*

This new Article is added to accommodate federal requirements for floating cranes/derricks and land cranes/derricks on barges. This article brings forward the provisions of CSO Section 1619.3 into the GISO. The effect of this new article will be to capture the requirements of the CSO [based on federal standard 1926.1437] which are not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes/derricks and land cranes/derricks on barges into GISO Group 13.

*New Section 4988.1. Scope.*

This new section describes the scope of application of Article 97.1. This section brings forward the provisions of CSO Section 1619.3(a) and (b) into the GISO. The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(a) and (b)] which are not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes and derricks and land cranes and derricks on barges into GISO Group 13.

*New Section 4988.2. Work Area Control.*

This new section prescribes methods for identifying and controlling access to hazardous work areas. This section brings forward the provisions of CSO Section 1619.3(c) into the GISO. The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(c)] which are not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes and derricks and land cranes and derricks on barges into GISO Group 13.

*New Section 4988.3. Additional Safety Devices.*

This new section prescribes additional safety devices for Article 97.1 (floating cranes/derricks and land cranes/derricks on barges). This section brings forward the provisions of CSO Section 1619.3(e) and (f) into the GISO. The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(e) and (f)] not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes and derricks and land cranes and derricks on barges into GISO Group 13.

*New Section 4988.4. Accessibility of Procedures Applicable to Equipment Operation.*

This new section prescribes requirements to make available load charts and operating procedures for Article 97.1 cranes and derricks. This section brings forward the provisions of CSO Section 1619.3(g). The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(g)] not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes and

derricks and land cranes and derricks on barges into GISO Group 13.

*New Section 4988.5. Inspections.*

This new section prescribes inspection frequencies and inspection items for Article 97.1 cranes and derricks that are in addition to the requirements of Article 100. This section brings forward the provisions of CSO Section 1619.3(h) into the GISO. The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(h)] that are specific for floating cranes and derricks and land cranes and derricks on barges that are not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes and derricks and land cranes and derricks on barges into GISO Group 13.

*New Section 4988.6. Manufacturer's Specifications and Limitations.*

This new section prescribes requirements to ensure that means of flotation for Article 97.1 cranes and derricks are capable of withstanding imposed environmental, operational and in-transit loads. This section brings forward the provisions of CSO Section 1619.3(k). The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(k)] not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes and derricks and land cranes and derricks on barges into GISO Group 13.

*New Section 4988.7. Floating Cranes/Derricks.*

This new section prescribes requirements for cranes or derricks designed by a manufacturer or employer for marine use by permanent attachment to barges, pontoons, vessels or other means of flotation. This section brings forward the provisions of CSO Section 1619.3(m). The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(m)] not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for floating cranes and derricks into GISO Group 13.

*New Section 4988.8. Land Cranes/Derricks.*

This new section prescribes requirements for land cranes or derricks used on barges, pontoons, vessels or other means of flotation. This section brings forward the provisions of CSO Section 1619.3(n). The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1437(n)] not currently in the GISO and to facilitate consolidation of CSO Article 15 standards for land cranes and derricks used on means of flotation into GISO Group 13.

GISO Article 98. Operating Rules

*Section 4991. Travel.*

This existing section prescribes requirements for travel of cranes or boom-type excavators. New subsections (c) and (d) are proposed which bring forward the provisions of CSO Section 1616.1(t). The effect of this new subsection is to capture provisions of the CSO [based on federal standard 1926.1417(u)] not currently in the GISO and to facilitate consolidation of CSO Article 15 mobile cranes standards into GISO Group 13. These provisions pertain to construction-related activities and thus will not impact cranes used solely in general industry.

*New Section 4991.1. Ground Conditions.*

This new section prescribes ground conditions for cranes and derricks in construction to assure adequate support, drainage and level. This section brings forward the provisions of CSO Section 1610.5 into the GISO. The effect of this new section is to capture provisions of the CSO [based on federal standard 1926.1402] not currently in the GISO and to facilitate consolidation of CSO Article 15 mobile crane standards into GISO Group 13. These provisions pertain to construction-related activities and thus will not impact cranes used solely in general industry.

*Section 4994. Hoisting.*

This existing section prescribes requirements for deployment of mobile crane outriggers or stabilizers, pre-lift brake testing, and multi-crane lifts. A modification is proposed to clarify pre-lift hoist drum brake testing, and proposes supplemental requirements for multiple crane/derrick lifts. The modification and addition brings forward the provisions of CSO Sections 1616.1(r) and 1616.7 into the GISO. The effect of the new subsection and modifications is to capture provisions of the CSO [based on federal standard 1926.1417(s) and 1926.1432] not currently in the GISO and to facilitate consolidation of certain CSO Article 15 mobile crane standards for hoisting into GISO Group 13. It is also proposed to delete the last sentence in subsection (b)(5) as it is unnecessary given the consolidation of the CSO requirements into the GISO.

*Section 4999. Handling Loads.*

Modifications to existing Section 4999 are as follows:

- Existing subsection (b) is proposed to be modified and amended with supplemental/clarifying requirements for determining the load for cranes and derricks in construction. These changes bring forward the requirements of CSO Section 1616.1(n) into the GISO.
- Existing subsection (i): A minor modification regarding holding the load that is being brought

forward from CSO Section 1616.1(f) [comports with federal standard 1926.1417(e)].

- Existing subsection (k): Minor modifications changing “truck mounted” to “wheel mounted” and regarding lifts over the front are being brought forward from CSO Section 1616.1(q) [comports with federal standard 1926.1417(r)].

The effect of these modifications and amendments is to capture provisions of the CSO [based on federal standard 1926.1417(o), (e) and (r) respectively] which are not currently in the GISO and to facilitate consolidation of CSO Article 15 mobile crane standards into GISO Group 13.

*Section 5001. Signals — General Requirements.*

This is an existing section. Modifications and amendments are proposed as follows:

- The Section 5001 title is proposed to be amended to add the term “general requirements” after Signals for clarity as Section 5001 contains general signaling standards.
- Existing subsection (a) contains requirements for when a signal person is required. Supplemental requirements are proposed for mobile cranes in construction when traveling and when site-specific concerns may necessitate a signal person. These amendments are brought forward from CSO Section 1617.1 [based on federal standard 1926.1419(a)].
- Existing subsection (c) will be relocated to subsection (d)(1) for formatting reasons. In its place, new subsection (c) will bring forward a clarifying requirement from CSO Section 1617.1(c) for signals to be by hand, voice, or audible. The effect will be to capture clarifying provisions of the CSO [based on federal standard 1926.1419(b)] and to facilitate consolidation of CSO standards into the GISO.
- Existing subsection (d) requires signals systems other than manual to be protected against anything that would interfere with safe operation. This provision will be relocated to new subsection (h)(1) for formatting reasons. It is proposed to title subsection (d) “Hand Signals,” and replace existing verbiage with the contents of subsection (c) which will be relocated here. These provisions will also be supplemented with clarifying requirements brought forward from CSO Section 1617.1(d). The effect will be to capture the provisions of the CSO [based on federal standard 1926.1419(c)] and to facilitate consolidation of CSO standards into the GISO.
- New subsection (g) requires that the signals used, and means of transmitting the signals to the operator, shall be appropriate for the site conditions. This subsection brings forward

clarifying provisions of CSO Section 1617.1(e) into the GISO. The effect of this new subsection will be to capture provisions of the CSO [based on federal standard 1926.1419(e)] and to facilitate consolidation of CSO crane standards into the GISO.

- New subsection (h) prescribes requirements for maintaining signals between the signal person and the operator and procedures to be followed in the event of interruption. This subsection brings forward clarifying provisions of CSO Section 1617.1(f) into the GISO. The effect of this new subsection will be to capture provisions of the CSO [based on federal standard 1926.1419(f)] and to facilitate consolidation of CSO crane standards into the GISO.
- New subsection (i) requires that if the operator becomes aware of a safety problem and needs to communicate with the signal person, the operator shall safely stop operations, and they shall not resume until the problem has been resolved. This subsection brings forward the provisions of CSO Section 1617.1(g) into the GISO. The effect of this new subsection will be to capture clarifying provisions of the CSO [based on federal standard 1926.1419(g)] and to facilitate consolidation of CSO crane standards into the GISO.
- New subsection (j) requires that all directions given to the operator must be given from the operator’s perspective. This subsection brings forward clarifying provisions of CSO Section 1617.1(j) into the GISO. The effect of this new subsection will be to capture provisions of the CSO [based on federal standard 1926.1419(k)] and to facilitate consolidation of CSO crane standards into the GISO.
- New subsection (k) contains requirements for communication with multiple cranes and/or derricks. This subsection brings forward the provisions of CSO Section 1617.1(k) into the GISO. The effect of this new subsection will be to capture provisions of the CSO [based on federal standard 1926.1419(m)] not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5001.1. Signals — Radio, Telephone or other Electronic Transmission of Signals.*

This new section prescribes requirements for electronic transmission of signals, and brings forward the provisions of CSO Section 1617.2 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1420] not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5001.2. Signals — Voice Signals — Additional Requirements.*

This new section prescribes additional requirements for the use of voice signals, and brings forward the provisions of CSO Section 1617.3 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1421] not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5001.3. Signal Person Qualifications — Supplemental Requirements for Cranes and Derricks in Construction.*

This new section prescribes supplemental qualification requirements for signal persons in construction. It lists two options for qualification: (1) third party qualified evaluator or (2) employer's qualified evaluator (Note: third party certification is not required). This section brings forward the provisions of CSO Section 1618.2 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1428] not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO.

*Section 5002. Overhead Loads.*

This existing section requires operations to be conducted in a manner that will avoid exposure of employees to the hazard of overhead loads. It also requires that whenever loads must be passed over workers, safety type hooks or equivalent means of preventing the loads from becoming disengaged are to be used.

An existing note that employees should not work directly beneath a suspended load is proposed to be deleted and replaced with new subsections (b) through (e) which clarify safeguards for employees whose duties may necessitate them working in the fall zone (but not directly under the load). The modification and amendments bring forward the provisions of CSO Section 1616.4 into the GISO. The effect of the modification and amendments will be to capture provisions of the CSO [based on federal standard 1926.1425] not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5003.1. Power Line Safety (Up to and Including 350kV) — Equipment Operations.*

This new section prescribes work procedures, clearances and training requirements for work in proximity of power lines up to and including 350kV. This section clarifies that it includes voltages at 350kV and brings forward the provisions of CSO Section 1612.1 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1408] and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5003.2. Power Line Safety (Over 350kV).*

This new section prescribes supplemental safety measures for work in proximity of power lines over 350kV. This section brings forward the provisions of CSO Section 1612.2 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1409] not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5003.3. Power Line Safety (All Voltages) — Equipment Operations Closer Than the Table A Zone.*

This new section prohibits operations in which any part of the equipment will be closer than the Section 5003.1, Table A, minimum approach distance to an energized power line, except as permitted by the High-Voltage Electrical Safety Orders (HVESO) and with other very limited exceptions. This section brings forward the provisions of CSO Section 1612.3 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1410], modified per existing California standards (HVESO) where more protective, and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5003.4. Power Line Safety — While Traveling Under or Near Power Lines with No Load.*

This new section establishes procedures and criteria for equipment traveling under or near a power line on a construction site with no load (equipment traveling on a construction site with a load is governed by other sections). This section brings forward the provisions of CSO Section 1612.4 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1411] not currently in the GISO, harmonize with the HVESO and to facilitate consolidation of CSO crane standards into the GISO.

*Section 5004. Crane or Derrick Suspended Personnel Platforms.*

This is an existing section. Modifications and amendments are proposed as follows:

- Existing subsection (d) contains operational requirements for suspended personnel platforms. This subsection will be modified with amendments brought forward from CSO Section 1616.6(c), (d)(1) thru (d)(4), and (d)(5)(G) [based on federal standards 1926.1431(c), (d)(1) thru (d)(4) and (d)(5)(vii)].
- Existing subsection (e) lists safety devices required on cranes and derricks used to lift suspended personnel platforms. This subsection will be modified with amendments brought forward from CSO Section 1616.6(d)(5)(A) thru

- (d)(5)(F) [based on federal standards 1926.1431(d)(5)(i) through (d)(5)(vi)].
- Existing subsection (f) prescribes design criteria for personnel platforms. A new subsection (f)(4) is proposed for platforms connected to booms to require the platform to be within 10 degrees of level. This subsection brings forward the provisions of CSO Section 1616.6(e)(2) [based on federal standard 1926.1431(e)(2)] into the GISO.
- Existing subsection (i) contains requirements for rigging. Modifications are proposed to bring forward the provisions of CSO Section 1616.6(g)(1) and (g)(3) [based on federal standards 1926.1431(g)(1) and (g)(3)] into the GISO.
- Existing subsection (j) contains requirements for a trial lift and proof testing. Modifications are proposed to bring forward the provisions of CSO Section 1616.6(h) [based on federal standard 1926.1431(h)(1) through (h)(6)] into the GISO.
- Existing subsection (k) prescribes work practices when hoisting personnel platforms. Modifications are proposed to subsections (k)(1), (k)(2), (k)(4), (k)(5) and (k)(7), and new subsections (k)(9) and (k)(10) will be added. These modifications and amendments are proposed to bring forward the provisions of CSO Section 1616.6(k)(2), (k)(4), (k)(6), (k)(8), (k)(10), (d)(6) and (b)(1) [based on federal standard 1926.1431(k)(2), (k)(4), (k)(6), (k)(8), (k)(10), (d)(6) and (b)(1)] into the GISO.
- Existing subsection (l) regulates crane travel while hoisting personnel. It is proposed to be amended with new subsection (l)(2)(D). This amendment is proposed to bring forward the provisions of CSO Section 1616.6(k)(12)(B)1 into the GISO. The effect of this amendment is to capture provisions of the CSO [based on federal standard 1926.1431(k)(12)(ii)(A)].
- New subsection (n) is proposed for hoisting personnel near power lines. This amendment is proposed to bring forward the provisions of CSO Section 1616.6(n) [based on federal standard 1926.1431(n)] into the GISO.
- New subsection (o) is proposed for hoisting personnel in drill shafts. This amendment is proposed to bring forward the provisions of CSO Section 1616.6(o) [based on federal standard 1926.1431(o)] into the GISO.
- New subsection (p) is proposed for hoisting for pile driving operations. This amendment is proposed to bring forward the provisions of CSO Section 1616.6(p) [based on federal standard 1926.1431(p)] into the GISO.
- New subsection (r) is proposed for hoisting personnel for marine transfer. This amendment

is proposed to bring forward the provisions of CSO Section 1616.6(r) [based on federal standard 1926.1431(r)] into the GISO.

- New subsection (s) is proposed for hoisting personnel for storage–tank (steel or concrete), shaft and chimney operations. This amendment is proposed to bring forward the provisions of CSO Section 1616.6(s) [based on federal standard 1926.1431(s)] into the GISO.

The effect of all these modifications and amendments will be to capture provisions of the CSO to comport with federal standards and to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5005. Work Near Transmitter Towers.*

This new section reclaims a section number from a repealed section. It establishes criteria for work near transmitter towers where electrical energy can be induced in the equipment or materials being handled. The effect of this amendment will be to clarify and incorporate provisions of CSO Section 1612.1(f) [based on federal standard 1926.600(a)(6)(vii)] to facilitate consolidation of CSO crane standards into the GISO.

*Section 5006.1. Mobile Crane and Tower Crane–Operator Qualifications and Certification (Applicable to Cranes in General Industry Only).*

This existing section contains requirements for qualification and certification of crane operators and for accreditation of certification agencies. GISO Section 5006.1, which preceded the adoption of federal standards into the CSO, applied to both construction and general industry until standards for cranes and derricks in construction (29 CFR 1926, Subpart CC) were adopted into the CSO (Article 15) in 2011. However, with the adoption of the federal standards in 2011, it was necessary to blend existing state requirements together with federal standards. This is additionally necessary to retain existing state requirements that were more protective and to include the new federal requirements where they were more specific or more protective, as required by the Labor Code. To avoid applying extra federal requirements for construction to general industry, and at the request of stakeholders, the combined requirements were placed in CSO Article 15, Section 1618.1. With this proposed consolidation, the title of Section 5006.1 will be amended to indicate that it is applicable to cranes in general industry only.

Additional federal requirements for operator qualification were promulgated on November 9, 2018, and these were incorporated into CSO Section 1618.1 using an expedited “Horcher” rulemaking process. The additional requirements became effective April 6, 2020. To consolidate all the new federal requirements into the GISO without over–reaching

into general industry, it was necessary to create a new Section 5006.2, Operator Training, Certification, and Evaluation for Cranes and Derricks in Construction (see discussion for Section 5006.2, below) which brought CSO Section 1618.1 forward into Section 5006.2.

The certification requirements for operators of cranes in general industry and construction are essentially the same; however, the 2018 federal amendments to 29 CFR Section 1926.1427 included additional requirements for qualification and evaluation of operators of cranes in construction. Since all operators will likely undergo the same examination and testing, minor modifications have been made to Section 5006.1(c)(1) and (e)(1) to harmonize the examination and testing requirements.

Existing subsection (a)(1) requires crane operators pass a physical examination conducted by a physician. An amendment is proposed to allow other licensed health care professionals (e.g. physician’s assistant or nurse practitioner) to conduct the examination. The effect of this amendment is to provide the employer with flexibility in terms of who can provide the examination and to ensure that all crane operators have been examined and are medically/physically fit to safely operate a crane.

Subsection (a)(3) requires the operator pass a written examination using criteria developed by the Joint Committee as described in the existing standard. Amendment of subsection (a)(3) is proposed to delete the references to the Joint Committee Standards for Educational and Psychological Testing and replace it with a performance-oriented requirement that requires the potential crane operator pass a test administered in accordance with generally accepted industry best practices. Additional language is proposed and is necessary to spell out and clarify the specific areas of technical knowledge required to operate the crane safely. The effect of the proposed amendment is to allow a reasonable and effective level of flexibility for crane operator candidate testing.

Amendments are proposed for subsection (b) to add a new subsection (b)(1) which addresses procedures for the reapplication of candidates to the testing process in the event an applicant fails the test or is decertified. This is necessary to ensure that applicants are given a fair chance for achieving their goal of becoming a certified crane operator as set forth in the proposal.

An amendment of subsection (c) requires the crane operator testing organization to be accredited by an approved nationally recognized accrediting agency based on a determination made by the accrediting agency that the proper criteria for testing have been met as specified in the proposed text. The proposed amendment is consistent with comparable federal standards for this issue and is consistent with

stakeholder recommendations. The effect of this amendment is to permit some latitude and flexibility in terms of providing multiple paths to accreditation of the testing entity by the accrediting agency.

An additional amendment is proposed to subsection (c)(1) which pertains to the frequency the accredited certifying entity has its accreditation reviewed by the nationally recognized accrediting agency to specify at least every three (3) years. This amendment is necessary to be consistent with current state of the art accreditation review frequency guidelines used by accrediting entities. The effect of the three year review cycle is to ensure that all certifying entities are conducting their examinations and testing in a manner that assures an accurate and consistent crane operator evaluation.

An amendment is proposed to add subsections (e)(1)(A)–(E) to address what an operator-in-training cannot do unless under direct supervision. This amendment is necessary to ensure the safety of the operator, trainer, and ground personnel and to prevent costly equipment damage.

The effect of these modifications and amendments will be to facilitate consolidation of CSO crane operator certification standards [based on federal standard 1926.1427] with crane operator certification standards for general industry.

*Section 5006.2. Operator Training, Certification, and Evaluation for Cranes and Derricks in Construction.*

This is a new section added to clearly delineate between training, certification and evaluation requirements for operators of cranes and derricks in construction and those working solely in general industry. As noted in the discussion for Section 5006.1 above, the certification requirements for construction [Section 5006.2(g)] have been harmonized with those for general industry [Section 5006.1(a)]. However, requirements for construction based on the November 2018 update to federal 29 CFR Section 1926.1427 include additional requirements for training and evaluation due to hazards in construction that are not likely to be encountered in general industry. It has been determined that the best way to consolidate and delineate between the qualification and certification requirements for general industry and those for construction is to have two parallel but unique sections.

The additional requirements of Section 5006.2 resulting from the consolidation of Section 1618.1 requirements into the GISO are as follows:

- Additional training requirements of subsection (b)(3).
- Clarification of “operator trainer” qualifications in subsection (b)(4)(A)2.
- Two options for certification in subsections 5006.2(c)–(e).

- Requirements for operator evaluation in subsection (f).
- An option for reciprocity in subsection (g) recognizes that an operator trained, certified and evaluated per Section 5006.2 has also met the requirements of Section 5006.1 and thus may work in either (or both) fields.

The effect of this new section will be to consolidate requirements for construction operator qualifications into the GISO for “one-stop” shopping without imposing construction requirements on operators who work solely in general industry.

*Section 5008. Operating Practices.*

Existing subsection (c) provides that the operator can stop operation when they doubt the safety of a movement. Clarifying verbiage is proposed to be brought forward from CSO Section 1616.2 [based on federal standard 1926.1418]. The effect of this modification will be to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5008.1. Operation.*

This new section clarifies operational practices, procedures and accessibility of procedures which are currently prescribed more generally in the GISO. This section brings forward more specific provisions of CSO Section 1616.1 into the GISO. The effect of this new section will be to consolidate provisions of the CSO [based on federal standard 1926.1417] into the GISO.

*New Section 5010. Assembly/Disassembly — Selection of Manufacturer or Employer Procedures.*

This new section prescribes that when assembling or disassembling equipment, the employer shall comply with manufacturer procedures, or, subject to limitations, written employer procedures. This section brings forward the provisions of CSO Section 1611.1 into the GISO. The effect of this new section will be to capture provisions of the CSO [based on federal standard 1926.1403] which are not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO. These provisions pertain to construction-related activities and thus will not impact cranes used solely in general industry.

*New Section 5010.1. Assembly/Disassembly — General Requirements (Applies to All Assembly and Disassembly Operations).*

This new section prescribes general requirements for assembly and disassembly for cranes and derricks. Requirements include but are not limited to: supervision, qualifications, procedures, hazard mitigation, selection and configuration of components, means of stabilization, and rigging. This section brings forward the provisions of CSO Section 1611.2 [based on federal standard 1926.1404] into the GISO. The effect will be to capture provisions of the CSO not

currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO. These provisions pertain to construction-related activities and thus will not impact cranes used solely in general industry.

*New Section 5010.2. Disassembly — Additional Requirements for Dismantling of Booms and Jibs (Applies to Both the Use of Manufacturer Procedures and Employer Procedures).*

This new section prescribes precautions when removing pins and disassembling booms and jibs. This section brings forward the provisions of CSO Section 1611.3 [based on federal standard 1926.1405] into the GISO. The effect of this new section will be to capture provisions of the CSO not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO. These provisions pertain to construction-related activities and will not impact cranes used solely in general industry.

*New Section 5010.3. Assembly/Disassembly — Employer Procedures — General Requirements.*

This new section prescribes criteria for employer assembly/disassembly procedures and also prescribes that if employer procedures are used, they shall be developed by a certified agent. This section brings forward the provisions of CSO Section 1611.4 [based on federal standard 1926.1406] into the GISO. The effect of this new section will be to capture provisions of the CSO not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO. These provisions pertain to construction-related activities and thus will not impact cranes used solely in general industry.

*New Section 5010.4. Power Line Safety (Up to and Including 350kV) — Assembly and Disassembly.*

This new section prescribes procedures for assembly/disassembly in proximity to power lines. (Note: for A/D over 350kV see Section 5003.2). This section brings forward the provisions of CSO Section 1611.5 [based on federal standard 1926.1407] into the GISO. The effect of this new section will be to capture provisions of the CSO not currently in the GISO and to facilitate consolidation of CSO crane standards into the GISO. These provisions pertain to construction-related activities and thus will not impact cranes used solely in general industry.

*New Section 5011. Fall Protection — Supplemental/Specific Requirements for Cranes.*

This new section prescribes fall protection procedures specific for cranes. These requirements supplement and clarify the application of CSO Article 24 as it applies to particular types of cranes. This section brings forward the provisions of CSO Section 1610.7 [based on federal standard 1926.1423] into the GISO. The effect of this new section will be to bring

forward and consolidate provisions of the CSO into the GISO.

*New Section 5012. Training — Supplemental Requirements for Cranes in Construction.*

This new section supplements training requirements in other parts of the GISO (e.g. section 3203) with federal clarification of training requirements for operators of cranes in construction. This section brings forward the provisions of CSO Section 1618.4(c) [based on federal standard 1926.1430(c) as modified by 2018 federal amendments for operator qualification] into the GISO. The effect of this new section will be to bring forward and consolidate provisions of the CSO into the GISO.

GISO New Article 98.1. Safety Devices and Operational Aids

This new article is added to accommodate requirements for safety devices and operational aids based on differences between federal and state formatting and consistent with industry practice in California. This article brings forward the provisions of CSO Sections 1615.1 and 1615.2 into the GISO with modifications recommended by the crane consolidation Advisory Committee. The effect of this new article will be to harmonize the requirements of the federal standards [1926.1415 and 1926.1416] with industry practice in California concurrent with consolidating CSO crane standards into the GISO.

*New Section 5017. Safety Devices.*

This new section is a consolidated list of safety devices applicable to equipment covered by GISO Group 13. This section bring forward the provisions of CSO Section 1615.1 into the GISO. It also prescribes procedures to be followed in the event of malfunction. These safety devices are already required, either by other existing sections of Group 13, or by ASME B30 standards already incorporated by reference in Section 4884. The effect of this section will be to clarify these requirements and to provide a consolidated list of safety devices as part of consolidating CSO crane standards into the GISO.

*New Section 5018. Operational Aids.*

This new section is a listing of operational aids for mobile cranes and derricks covered by GISO Group 13. This section bring forward the provisions of CSO Section 1615.2 into the GISO. It also prescribes procedures to be followed in the event of malfunction. The effect of this section will be to distinguish between safety devices and operational aids and to clarify procedures to be followed in the event of malfunctions as part of consolidating CSO crane standards into the GISO.

GISO Article 99. Testing

*Section 5022. Proof Load Test and Examination of Cranes and Their Accessory Gear.*

This existing section contains requirements for proof load testing and examination of cranes and their accessory gear. Modifications are proposed as follows:

- Subsection (a): Due to consolidation of the CSO (based on federal standards for cranes and derricks in construction) into the GISO, there are some differences in requirements based on crane types. Therefore notes have been added to accommodate and clarify the differences.
- Exceptions 1 and 2 have been added to clarify requirements for cranes having a maximum rated capacity greater than one ton but not exceeding three tons.
- Subsection (d): Existing requirements for examination are being clarified by bringing forward the requirements of CSO Section 1613.6 [based on federal standard 1926.1412(f)] into the GISO.

The effect of these amendments and modifications will be to capture provisions of the CSO [based on federal standard 1926.1412] not currently in the GISO, to clarify differences between general industry and construction testing requirements, and to facilitate consolidation of CSO crane standards into the GISO.

GISO Article 100. Inspection and Maintenance

*Section 5031. Inspection.*

This existing section contains requirements for inspections, ranging from shift/daily, periodic, and annual/comprehensive. Modifications are proposed as follows:

- Subsection (b), Daily inspections: Inspection checklist has been amended to bring forward provisions of CSO Section 1613.4 [based on more descriptive federal 1926.1412(d)] into the GISO with modifications and clarifications recommended by the crane consolidation AC.
- Subsection (c), Periodic inspections: Formatting changes and an AC recommended clarification to subsection (c)(3)(C).
- Subsection (d), Annual/comprehensive: Subsection (d)(5) added to bring forward and harmonize CSO Section 1613.6(g) [based on federal standard 1926.1412(f)(7)] with GISO Section 4885, Plate V. Federal requirements were clarified with AC recommendations for consistency where existing California requirements are more protective.
- Subsection (e), Manufacturer’s procedures to be followed where more protective: New subsection

added to bring forward CSO Section 1613.9 [federal 1926.1412(j)].

- Subsection (g), added to bring forward provisions of CSO Section 1613.8 [29 CFR 1926.1412(h)] and to clarify requirements for equipment to be inspected before being returned to service after being idle for three months or more.

The effect of these modifications and amendments will be to bring forward provisions of CSO sections as noted above and to capture provisions of federal 29 CFR 1926.1412(d)–(f), (h), (j), and (k) and to facilitate consolidation of CSO standards into the GISO.

*New Section 5031.1. Inspection — Post-Assembly.*

This new section describes post-assembly inspection and inspector qualifications. This section brings forward the provisions of CSO Section 1613.3 [based on federal standard 1926.1412(c)] into the GISO. A note has been added per AC recommendation that disassembly and reassembly of equipment does not require recertification of the equipment provided that the equipment is reassembled and used in a manner consistent with its certification. This note has been added to provide consistency with GISO 5022(a). The effect of this new section will be to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5031.2. Inspection — Modifications or Additions.*

This new section describes inspection and certification requirements for equipment that has had modifications or additions that affect the safe operation of the equipment or capacity. This section brings forward the provisions of CSO Section 1613.1 [based on federal standard 1926.1412(a)] into the GISO. Per AC input, the text has been modified to clarify that modifications may not degrade below the manufacturer's specs and to differentiate between modifications and maintenance. The effect of this new section will be to facilitate consolidation of CSO crane standards into the GISO.

*Section 5031.3. Repaired/Adjusted Equipment.*

This new section describes inspection requirements for equipment that has had a repair or adjustment that relates to safe operation (such as a repair or adjustment to a safety device or operational aid, or to a critical part of a control system, power plant, braking system, load-sustaining structural components, load hook, or in-use operating mechanism). This section clarifies inspection provisions of Section 5020(a) and brings forward the provisions of CSO Section 1613.2 [based on federal standard 1926.1412(b)] into the GISO. The effect of this new section will be facilitate consolidation of CSO crane standards into the GISO.

*New Section 5033.1. Qualifications of Maintenance and Repair Employees.*

This new section prescribes qualifications for maintenance and repair employees and for those permitted to operate equipment as part of maintenance or inspection functions. This section brings forward the provisions of CSO Section 1618.3 [based on federal standard 1926.1429] into the GISO. The effect of this new section will be to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5036. Inspection — Wire Rope (Additional Requirements for Cranes and Derricks in Construction).*

This new section prescribes wire rope deficiency categories, critical review items, criteria for removing wire rope from service, periodic and annual/comprehensive inspection requirements, and procedures for wire rope maintenance and repairs. This section brings forward into the GISO the provisions of CSO Section 1613.10 [based on federal standard 1926.1413]. Since these provisions are being brought forward from federal construction standards, their application is limited to cranes and derricks in construction to avoid regulatory over-reach. The effect of this new section will be to facilitate consolidation of CSO crane standards into the GISO.

*New Section 5037. Wire Rope — Selection and Installation Criteria.*

This new section prescribes wire rope selection and installation criteria consistent with ASME B30 standards which are incorporated by reference. This section brings forward the provisions of CSO Section 1614 [based on federal standard 1926.1414] with AC recommended modifications into the GISO. AC recommended modifications remove verbiage that could be inconsistent with or conflict with manufacturer's recommendations. The effect of this new section will be to facilitate consolidation of CSO crane standards into the GISO.

GISO Group 26. Diving Operations  
Article 153. Commercial Diving Operations

*Section 6060. Procedures During Dive.*

Existing subsection (b)(4)(C) contains requirements applicable when a crane/derrick is used to get a diver into and out of the water. It currently contains cross-references to CSO Article 15. The CSO Article 15 sections will be superseded by GISO Group 13 as a result of the consolidation. The effect of these changes will be to provide the correct cross-references to facilitate consolidation of CSO crane standards into the GISO.

DOCUMENTS INCORPORATED  
BY REFERENCE

1. ASME B30.2–2005, Overhead and Gantry Cranes (Top Running Bridge, Single or Multiple Girder, Top Running Trolley Hoist), issued December 30, 2005 (“ASME B30.2–2005”)
2. ASME B30.3–1996, Construction Tower Cranes, issued April 30, 1997
3. ASME B30.4–1996, Portal, Tower, and Pedestal Cranes, issued June 23, 1997
4. ASME B30.5–2004, Mobile and Locomotive Cranes, issued September 27, 2004 (“ASME B30.5–2004”)
5. ASME B30.6–1995, Derricks, issued January 31, 1996
6. ASME B30.7–2001, Base–Mounted Drum Hoists, issued January 21, 2002 (“ASME B30.7–2001”)
7. ANSI/ASME B30.8–1982, Floating Cranes and Floating Derricks, issued May 17, 1982
8. ANSI B30.11–1980, Monorails and Underhung Cranes, issued April 11, 1980
9. ANSI B30.13–1977, Controlled Mechanical Storage Cranes, issued January 27, 1977
10. ASME B30.14–2004, Side Boom Tractors, issued September 20, 2004 (“ASME B30.14–2004”)
11. ASME B30.17–1992, Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist), issued April 30, 1993
12. ASME B30.3–2012, Tower Cranes, issued February 22, 2013
13. ASME B30.4–2010, Portal and Pedestal Cranes, issued April 19, 2010
14. ASME B30.5–2011, Mobile and Locomotive Cranes, issued January 17, 2012
15. ASME B30.6–2010, Derricks, issued June 30, 2010
16. ASME B30.7–2011, Winches (Formerly Titled Base–Mounted Drum Hoists), issued August 5, 2011
17. ASME B30.8–2010, Floating Cranes and Floating Derricks, issued March 15, 2010
18. ASME B30.11–2010, Monorails and Underhung Cranes, issued April 16, 2010
19. ASME B30.13–2011, Storage/Retrieval (S/R) Machines and Associated Equipment, issued January 17, 2012
20. ASME B30.14–2010, Side Boom Tractors, issued October 26, 2010
21. ASME B30.17–2006, Overhead and Gantry Cranes (Top Running Bridge, Single Girder, Underhung Hoist), issued February 12, 2007
22. B30.22–2010, Articulating Boom Cranes, issued November 22, 2010

Documents incorporated by reference, including dates of publication, and effective dates are listed

in GISO Section 4884 (Standards Incorporated by Reference) which is part of this rulemaking proposal.

These documents are too cumbersome or impractical to publish in Title 8 (or may include copyrighted items, (e.g., ANSI standards)). Therefore, it is proposed to incorporate the documents by reference. Copies of these documents are available BY APPOINTMENT for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California. Appointments can be scheduled via email at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) or by calling (916)274–5721.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

**Mandate on Local Agencies and School Districts:** None.

**Cost or Savings to State Agencies:** None. Some state agencies may own cranes subject to these regulations; others may contract with entities subject to these rules; however, the relocation of the standards from CSO into GISO has been performed in such a way as to either have no effect, or to remove conflicts and simplify compliance by clarifying existing requirements.

**Cost to any Local Government 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.

**Cost Impacts on a Representative Private Person or Business:** The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

This consolidation rulemaking will not impose new or added costs, as it only relocates existing standards from the CSO into the GISO. Title 8 CSO crane standards, adopted in 2011, were developed to provide safety at least as effective as federal standards for cranes and derricks used in construction, which were promulgated in 2010. The consolidation of those CSO crane standards into the GISO has occasioned incidental updates and some clarifications of some GISO standards to retain required equivalency for cranes and derricks used in construction. However, a substantial majority of those modifications have been reviewed and approved by advisory committees comprised of industry stakeholders, and it is their opinion that the incorporation of federal–based CSO crane standards into the GISO will have little, if any,

financial impact beyond that already realized when the CSO crane standards were originally adopted in 2011.

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses To Compete:**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states. The relocation of the standards from CSO into GISO has been performed in such a way as to either have no effect, or to remove conflicts and simplify compliance by clarifying existing requirements.

**Significant Affect on Housing Costs:** None.

**SMALL BUSINESS DETERMINATION**

The Board has determined that the proposed amendments may affect small businesses; however, no economic impact is anticipated. This regulation makes only technical or clarifying changes to current regulations (see “Cost Impacts on a Representative Private Person or Business,” above). This consolidation/rulemaking will not impose new or added costs, as it only relocates existing standards from the CSO into the GISO and harmonizes and eliminates inconsistencies between the two.

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

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses.

The proposal is to consolidate existing CSO standards for cranes and derricks into a single crane standard in the GISO. Four advisory committees and a subcommittee reviewed the proposal with the goal of accomplishing this in such a manner as to assure the end result would be at least as effective as federal and existing state standards for cranes and derricks in construction activities without “over-reaching” and misapplying construction standards to cranes used exclusively in general industry. By consolidating existing crane standards into a central location, the only impact should be to simplify compliance by harmonizing and placing all requirements into one central location. The consensus of the advisory committees at the conclusion of the AC process was that the proposal should not result in any significant economic impact. Although no new requirements

are intended, nor foreseen, it is possible there may be some minor initial costs related to training. The committee consensus was that these costs, if any, would be minimal, the cost-ranges of \$0–\$500 for small businesses and \$0–\$1,000 for typical businesses were estimated to cover any incidental or unanticipated costs related to implementation.

**BENEFITS OF THE PROPOSED ACTION**

This consolidation of Crane Safety Orders for cranes and derricks into the GISO standards for cranes and derricks is responsive to the requests from management, labor and interested parties in the crane industry. Cranes used in construction often are mobile or they can be disassembled, moved and reassembled. Thus they can be moved from one site to another, and in the case of mobile cranes this can sometimes occur in the same day. Due to the itinerant nature of many crane types, they can be used in both construction and general industry settings, exposing them to dual standards under the current CSO/GISO arrangement where the standards overlap, but are not necessarily coordinated. The crane industry therefore favors consolidated crane standards to eliminate or greatly reduce overlapping and conflicting standards.

Coherent and coordinated standards will also benefit workers who find themselves working in differing industries, subject to different standards, due to the mobile/transient nature of the cranes and equipment they work on.

More clearly organized and consolidated crane standards will enhance public safety because cranes must often work in congested urban areas and crane malfunctions or failures resulting from improper or inconsistent construction, installation, operation, inspection, testing, maintenance or use of cranes can endanger anyone in the vicinity of the crane.

This rulemaking proposal has no effect on the state’s environment.

**CONSIDERATION OF ALTERNATIVES**

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

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled public hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Christina Shupe (Executive Officer) and the back-up contact person, Michael Manieri (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process BY APPOINTMENT Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833. Appointments can be scheduled via email at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) or by calling (916) 274-5721. 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, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Ms. Shupe or Mr. Manieri at the address or telephone number listed above or via the internet.

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed action and the Initial Statement of Reasons can be accessed through the Standards Board's website at <http://www.dir.ca.gov/oshsb>.

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

#### DEFINITIONS

#### REGULATION 1001

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 17, 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, 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**

Based on the Governor’s directive, POST staff have encouraged agencies and presenters to transition existing in-person courses or develop new courses for an online format. However, in reviewing Regulations related to course types used for distance learning, POST staff found that the language of these Regulations is outdated. Among these is Regulation 1001 — Definitions. A review of Regulation 1001 reflected that some terms related to distance learning are outdated and reference terms or phrases that are no longer considered relevant or current by industry standards. Additionally, many definitions that reflect current industry standards or best practices in distance education are not included in Regulation 1001. With the newfound emphasis on distance learning, it is important that POST keep abreast of current industry standards and facilitate the understanding of these standards among its law enforcement agencies and training partners.

POST staff have reviewed common terms in distance learning that reflect current industry standards and conferred with subject matter experts within and outside of POST. Staff identified several terms that would be most applicable to the needs of providing law enforcement training in an online or distance learning platform.

*Anticipated Benefits of the Proposed Regulation:*

The benefit of the proposed amendments to the regulations will be increasing 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 or the State’s environment.

*Evaluation of Inconsistency/Incompatibility with Existing State Regulations*

POST has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern definitions pertaining to distance learning training of law enforcement in California.

**FORMS INCORPORATED BY REFERENCE**

There are no forms incorporated by reference.

**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 require 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 the updating of language to add and update definitions related to distance learning. 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 benefit of the proposed amendments to the regulations will be increasing 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**

**REQUIREMENTS FOR DISTANCE  
LEARNING COURSE CERTIFICATION**

**REGULATION 1053**

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 17, 2021.**

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

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

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code Section 13503 (authority of the Commission on POST) and Penal Code section 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific

Penal Code section 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

A review of Regulations 1052(e) and 1053 reflected that some terms and requirements for course certification related to distance learning are outdated and reference terms, phrases, or practices are no longer considered relevant or current by industry standards. With the contemporary emphasis on distance learning, it is important that POST keeps abreast of current industry standards and facilitates the understanding of these standards among its law enforcement agencies and training partners.

After conferring with subject matter experts within and outside of POST to complete a review of terms and best practices in distance learning that reflect current industry standards, several aspects of Regulations 1052(e) and 1053, respectively were identified as needing to be updated. The proposed amendments to terms, phrases, and best practices reflect industry standards in a way that is most applicable to the needs of providing law enforcement training in an online or distance learning platform. These include updates to address instructor-led online (ILO) courses, blended learning courses, self-paced courses, and hybrid courses.

Proposed changes include the removal of section (e) (Webinars) from Regulation 1052, the addition of similar content related to course certification requirements to Regulation 1053, and the previously mentioned industry standard updates and guidance for ILO courses, blended learning courses, self-paced courses, hybrid courses, and Quality Assurance Program (QAP) review. Combining the language of Regulation 1052(e) with Regulation 1053 and renaming the regulation as Requirements for Distance Learning Course Certification will allow for all regulatory guidelines related to the course certification process for distance learning to be listed under one regulation. Additionally, it will streamline the process for this type of course development and certification review for law enforcement agencies, training presenters, and POST staff.

Adding a section to address blended and hybrid learning models allows presenters additional flexibility to provide training in formats that incorporate both synchronous and asynchronous learning strategies. Including a section advising of the QAP review process ensures that ILO courses are subject to the same review process as in-person instructor-led

courses. Blended and hybrid learning models are also subject to the QAP review process.

*Anticipated Benefits of the Proposed Regulation:*

The benefit of the proposed amendments to the regulations will be increasing 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.

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

POST has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern the distance learning course certification requirements for peace officers in California.

**FORMS INCORPORATED BY REFERENCE**

Form 2-124 Self-Paced Training Course Certification Request is incorporated by reference. The proposed amendments to this form are in line with the proposed amendments to Regulation 1053 related to self-paced training course certification.

**ADOPTION OF PROPOSED REGULATIONS**

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

**ESTIMATE OF ECONOMIC IMPACT**

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

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

Local Mandate: None.

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

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

Small Business Determination: POST has found that the proposed amendments will not affect small business, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California businesses, including small businesses. The regulation addresses the updating of language to address current best practices and industry standards related to distance learning course certification. This only affects individuals associated with participating law enforcement agencies and/or course presenters.

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

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

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

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

The benefit of the proposed amendments to the regulations will be increasing 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, POST must determine that no reasonable alternative considered by POST, or otherwise identified and brought to the attention of POST, would be more effective in carrying out the purpose for which the action is proposed, or would be

as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposed action.

**CONTACT PERSONS**

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

**TEXT OF PROPOSAL**

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

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

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

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

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

**MINIMUM STANDARDS FOR TRAINING**

**REGULATION 1005**

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 17, 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 Steve Harding at [steve.harding@post.ca.gov](mailto:steve.harding@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**

Current regulation allows the Force Options Simulator (FOS) to be used to meet the minimum topic requirements for Tactical Firearms Perishable Skills. While the FOS allows students to participate in decision-making scenarios, it does not allow the opportunity to gain proficiency in the use of the actual firearm. In addition, FOS have become a primary instructional method for Tactical Firearms training rather than an augmentation as originally intended.

Regulation identifies minimum topics that must be taught for a course to be certified as meeting Tactical Firearms Perishable Skills. One of those topics is “live fire tactical/markings cartridges or wax bullets.” The FOS firearms do not fire any type of projectile; therefore, this topic cannot be met in the use of the FOS. An additional topic that must be met is “weapons clearing/manipulations.” This topic cannot be completed in all simulators because not all simulators allow for the weapons to function in a similar manner to a real firearm.

Force Options Simulator training allows students to participate in at least three scenarios. Typically, these are: a “no-shoot” scenario, a “less-lethal” scenario and a “shoot” scenario. This means a student may potentially fire their simulated gun in all three scenarios, but they typically only do so in two. It is possible a student could participate in three scenarios and not fire the gun because the situation may not rise to the level of deadly force, or the student may be

able justify why they believed there was no need to discharge their firearm. Under the current model, they would then meet Tactical Firearms Perishable Skills without having fired their weapons or demonstrating proficiency with a firearm. Additionally, some of the FOS, currently in use throughout the State, are outdated, some do not accurately reflect student accuracy based on the way the machine is calibrated, while others may not allow for the student to use the same type of firearm that they use as their regular duty weapon. The removal of FOS as an equivalent for meeting the Tactical Firearms PSP requirement will ensure that officers are receiving the proper firearms training.

POST staff recognize a new Continuing Professional Training (CPT) cycle has already begun; therefore, there will be a transition period of three months to allow presenters to adjust their course curriculum as necessary. For the first half of the 2021-2022 CPT cycle, until this proposed amendment takes effect, personnel will still be allowed to complete the Tactical Firearms Perishable Skills using a FOS.

*Anticipated Benefits of the Proposed Amendments:*

The benefit anticipated by the proposed amendments to the regulations will be increasing the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California residents. The proposed amendments will have no impact on worker safety or the State’s environment.

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

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

**FORMS INCORPORATED BY REFERENCE**

There are no forms incorporated by reference.

**ADOPTION OF PROPOSED REGULATIONS**

Following the public comment period, 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 require 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 language will not affect small business because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California businesses, including small businesses. The regulation addresses the instructional methodology requirements as it pertains to Tactical Firearms Perishable Skills. This only affects individuals associated with participating law enforcement agencies and/or course presenters.

Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

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

#### CONSIDERATION OF ALTERNATIVES

To take this action, 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 Steve Harding, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630 at (916) 227–2816. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227–2802.

#### TEXT OF PROPOSAL

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

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

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

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

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

**MINIMUM STANDARDS FOR TRAINING**

**REGULATION 1005**

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 17, 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 Steve Harding at [steve.harding@post.ca.gov](mailto:steve.harding@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

Current regulation allows simulators to be used to meet the minimum topic requirements for the Driver Training/Awareness Perishable Skills. While the Law Enforcement Driving Simulators (LEDS) do provide students with decision-making training related to operating a police vehicle, they do not allow them to demonstrate proficiency in vehicle operations or meet all minimum topics of the PSP requirement. LEDS have become a primary instructional method for drivers training rather than an augmentation as originally intended. In addition, LEDS have become extremely expensive to purchase, replace and maintain.

While LEDS allow for opportunities for judgment and critical decision-making, they are not a true representation of behind-the-wheel driving. They also do not allow students to practice backing and parking in the manner consistent with maneuvering an actual vehicle. The LEDS only allows the use of mirrors when practicing backing. While many peace officers do operate a vehicle during their shifts, this is not the case for every peace officer required to complete PSP training. Behind-the-wheel training allows for more time to focus on and engage in specific skills related to operating a police vehicle including, but not limited to, vehicle dynamics, defensive driving, intersection exercises, backing/parking, and judgment and decision-making. Each of these are minimum training topic requirements for the Driver Training/Awareness PSP.

In 2009, California POST invested over \$11 million in Law Enforcement Driving Simulators (LEDS). They were distributed to the statewide Regional Skills Training Centers (RSTC) during 2010-2011 and have served to offer critical, continuing professional driver training to tens of thousands of law enforcement personnel over the past decade. However, these simulators had an anticipated eight-year life span due to the degradation of the hardware and software capabilities resulting from constant use, as well as mechanical wear-and-tear of the cockpit area. POST previously exercised the option to extend the service/warranty agreement by several years. Many of the LEDS have now far exceeded their life span, thus making them less effective. It would be imprudent to continue using ineffective equipment to train peace officers.

POST staff recognize that a new Continuing Professional Training (CPT) cycle has already begun; therefore, for the first half of the 2021-2022 CPT cycle, until this proposed amendment takes effect, personnel will still be allowed to complete the Driver Training/Awareness Perishable Skills course using a LEDS.

However, all minimum topics shall be met as specified for Driver Training/Awareness.

*Anticipated Benefits of the Proposed Amendments:*

The benefit anticipated by the proposed amendments to the regulations will be increasing the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California residents. The proposed amendments will have no impact on worker safety or the State's environment.

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

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

**FORMS INCORPORATED BY REFERENCE**

There are no forms incorporated by reference.

**ADOPTION OF PROPOSED REGULATIONS**

Following the public comment period, 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 require 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 language will not affect small business because the Commission sets selection and training standards for law enforcement, which are government entities, and does not have an impact on California businesses, including small businesses. The regulation addresses the instructional methodology requirements as it pertains to Driver Training/Awareness. This only affects individuals associated with participating law enforcement agencies and/or course presenters.

Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

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

**CONSIDERATION OF ALTERNATIVES**

To take this action, 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 Steve Harding, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630 at (916) 227-2816. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227-2802.

**TEXT OF PROPOSAL**

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

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

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

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

**TITLE 11. DEPARTMENT OF JUSTICE**

**DIVISION 1. ATTORNEY GENERAL  
CHAPTER 4. SUPERVISION OF  
TRUSTEES AND FUNDRAISERS FOR  
CHARITABLE PURPOSES ACT AND  
CHAPTER 4.6. NONPROFIT  
RAFFLE PROGRAM**

The Department of Justice (Department) proposes to amend sections 300, 301, 303, 305, 308, and 311 of

Title 11, Division 1, Chapter 4 of the California Code of Regulations (CCR) concerning the Supervision of Trustees and Fundraisers for Charitable Purposes and sections 411, 415, and 418 of Title 11, Division 1, Chapter 4.6 of the CCR concerning the Nonprofit Raffle Program.

**PUBLIC HEARING**

The Department will hold a virtual public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed regulations, as follows:

May 19, 2021 at 10:00 a.m. (PDT)  
Online through BlueJeans  
<https://bluejeans.com/916210763>

(NOTE: You may be prompted to join through the BlueJeans application, however, you may join through your browser without installing the application.)

OR  
Dial (408) 317-9254  
Meeting ID: 916 210 763

The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

**WRITTEN COMMENT PERIOD**

Any interested persons or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on May 18, 2021 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Kevin Sabo  
Associate Governmental Program Analyst  
Department of Justice  
Government Law Section  
1300 I Street  
Sacramento, CA 95814  
(916) 210-7639  
[regulations@doj.ca.gov](mailto:regulations@doj.ca.gov)

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

**AUTHORITY AND REFERENCE**

Authority: Sections 12584, 12585, 12586, 12587, 12599, 12599.1, and 12599.2, Government Code; and Section 320.5(h), Penal Code.

Reference: Sections 12581, 12582, 12583, 12585, 12586, 12587, 12598, 12599, 12599.1, 12599.2, 12599.3, 12599.5, and 12599.8, Government Code; Section 5227, Corporations Code; and Section 320.5, Penal Code.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

**Summary of Existing Laws and Regulations:**

*Supervision of Trustees and Fundraisers for Charitable Purposes Act* — The Attorney General has primary responsibility for supervising charities and charitable trusts in California under the Supervision of Trustees and Fundraisers for Charitable Purposes Act (Act). (Gov. Code, § 12598, subdivision (a).) This involves protecting charitable assets and donations, and ensuring compliance with trust documents, articles of incorporation, and other governing documents of a charitable organization. In doing so, the Attorney General investigates charities, charitable trusts, and fundraising professionals, and brings enforcement actions.

Specifically, the Act governs charitable corporations, unincorporated associations, trustees, commercial fundraisers, fundraising counsel, commercial coventurers, and other legal entities holding or soliciting property for charitable purposes. The Act requires these persons and entities to register and file reports with the Attorney General’s Registry of Charitable Trusts. (Gov. Code, §§ 12585, subdivision (a), 12586, subdivision (a), 12599, subdivisions (b) & (c), § 12599.1, subdivisions (c) & (d), and 12599.2.) The Attorney General has authority to make rules and regulations regarding the time for filing reports, the content of such reports, and the manner of executing and filing them. (Gov. Code, § 12586, subdivision (b).)

*Nonprofit Raffle Program* — The Attorney General also has primary responsibility for the Nonprofit Raffle Program governed by Penal Code section 320.5. In California, charities and certain other private nonprofit organizations may conduct raffles to raise funds for beneficial or charitable purposes. This exception to the constitutional prohibition against lotteries requires that at least 90 percent of the gross receipts from a raffle go directly to beneficial or charitable purposes in California. Penal Code section 320.5 governs which organizations may hold raffles and how the raffles must be conducted. The Attorney General has authority to implement the Nonprofit Raffle Program through regulations. (Pen. Code, § 320.5, subdivision (h)(4).)

*Registry of Charitable Trusts* — The Act also establishes the Registry of Charitable Trusts (Registry) maintained by the Attorney General in the Department of Justice (Department). (Gov. Code, § 12587.1.) The Registry is responsible for administering registration

and reporting requirements. All charitable trustees and fundraising professionals, as well as nonprofit organizations that conduct raffles, must register and file financial reports with the Registry. The Registry publishes these filings on the Attorney General’s website and assists charities by responding to inquiries made by telephone, emails and correspondence. The Registry also offers educational guides, publications and webinars. The Registry has five program sections which oversee the filing of registration, renewal or financial forms, and collection of filing fees. These programs are Initial Registration (processes initial registration and filing fees), Renewals (processes annual renewal registration reports and filing fees), Delinquency (enforcement of timely annual renewal registration reports and collects filing and late fees), Commercial Fundraising (registers, collects filing fees and annual reports), and Raffles (registers, collects filing reports and raffle registration fees). Registration, Renewals and Delinquency are highly integrated and interdependent. The two remaining programs, Raffles and Commercial Fundraising, are independent programs.

**Effect of the Proposed Rulemaking:**

The Department has authority to collect registration fees, renewal fees, late fees and other fees. (Gov. Code, §§ 12580 et seq., and 12587.1, Pen. Code, § 320.5.) Fee revenues pay for public access to reports filed with the Department, and for enforcement of the Act’s registration and reporting provisions. (See Gov. Code, § 12587.1, subdivisions (c) and (d).)

The objective of this proposed rulemaking is to increase registration fees to maintain and operate a solvent program, pay for updates to the Department’s Registry website where reports are made available to the public, and to pay for the Department’s expanded enforcement of the Act’s registration and reporting requirements. The Department’s current fee revenue is not sufficient to support the Department’s technology requirements and the personnel necessary to administer and enforce the Act and adequately protect charitable assets in California.

This proposed action amends existing Department regulations in CCR Title 11, Division 1, Chapter 4 to increase fees for entities that file with the Department’s Registry, and update Registry forms that are required to be filed as follows:

*Section 300.* This section is amended to increase the initial registration fee from \$25 to \$50, and to the update Initial Registration Form (Form CT-1).

*Sections 301, 303, and 305.* These sections are amended to update the Annual Registration Renewal Fee Report (Form RRF-1).

*Section 308.* This section is amended to increase the registration fee from \$350 to \$500 and to update the Commercial Fundraiser for Charitable Purposes

Annual Registration Form (Form CT-ICF), the Fundraising Counsel for Charitable Purposes Annual Registration Form (Form CT-3CF), and the Commercial Coventurer Annual Registration Form (Form CT-5CF).

*Section 311.* This section is amended to increase the renewal fee as set out in a fee schedule. The renewal fee is a sliding scale fee based on the annual gross revenues of a charity. This proposed action will impose a new renewal fee of \$25 on charities with an annual gross revenue of less than \$25,000. This proposed action will also increase by \$25 existing renewal fees applicable to charities with an annual gross revenue of \$1 million or less, except charities with an annual gross revenue between \$25,000 and \$50,000 will not be affected. In addition, this proposed action will increase the renewal fees for charities with an annual gross revenue of more than \$1 million, where the amount of the fee increase will range from \$50 to \$800.

This proposed action amends existing Department regulations in CCR Title 11, Division 1, Chapter 4.6 to increase fees for entities that file with the Department’s Registry, and update Registry forms that are required to be filed as follows:

*Sections 411 and 415.* These sections are amended to update the Application for Registration/Nonprofit Raffle Program (Form CT-NRP-1).

*Section 418.* This section sets the registration fee eligible organizations must pay before holding a raffle. This proposed action increases the registration fee from \$20 to \$30.

**Anticipated Benefits of the Proposed Regulations:**

Charities represent an important economic sector in California and significantly impact the communities they serve. California charities generate \$273.7 billion in annual revenue and hold \$436.7 billion in assets.<sup>1</sup> An increase in registration fees will benefit the health and welfare of California residents and promote fairness, social equity, and transparency by improving online public access to reports filed with the Registry, and by dedicating more staff and resources to investigating and prosecuting mismanagement and diversion of charitable assets. The increased enforcement activity will safeguard, preserve and recover charitable assets for the benefit of California residents who receive assistance from charitable organizations.

**Comparable Federal Regulations:**

There are no existing federal regulations or statutes comparable to the proposed regulations.

<sup>1</sup>California Association of Nonprofits & The Nonprofit Institute, Causes Count: The Economic Power of California’s Nonprofit Sector (2019).

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

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the Supervision of Trustees and Fundraisers for Charitable Purposes and the Nonprofit Raffle Program.

**Forms Incorporated by Reference:**

1. Initial Registration Form and Instructions, CT-1, (Rev. 02/2021).
2. Annual Registration Renewal Fee Report to Attorney General of California and Instructions, RRF-1, (Rev. 02/2021).
3. Commercial Fundraiser for Charitable Purposes Annual Registration Form and Instructions, CT-ICF, (Rev. 02/2021).
4. Fundraising Counsel for Charitable Purposes Annual Registration Form and Instructions, CT-3CF, (Rev. 02/2021).
5. Commercial Coventurer Annual Registration Form and Instructions, CT-5CF, (Rev. 02/2021).
6. Application for Registration Nonprofit Raffle Program and Instructions, CT-NRP-1 (Rev. 02/2021).

**Materials Relied Upon:**

None.

**Other Statutory Requirements:**

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

**The Department’s Initial Determinations:**

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

*Cost or savings to any state agency:* This proposed action will generate additional revenue to the Department to allow it to maintain and operate a solvent program, update the Registry website, and improve its outreach and enforcement activities. The Department estimates it will receive approximately \$4,075,660 in additional annual revenue as a result of the proposed fee increases. The Department estimates that its annual costs to maintain and operate a solvent program, update to the Registry website, and hire additional Registry and enforcement staff will approximate \$4,135,053.

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

*Other non-discretionary costs or savings imposed on local agencies:* None.

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

*Cost impacts on representative person or business:* This proposed action will increase registration fees for charities, commercial fundraisers, fundraising counsel, commercial coventurers, and eligible organizations that want to hold raffles. The initial registration fee for charities will increase by \$25. The annual renewal registration fee will increase by \$25 for most charities, and by \$50 to \$900 for charities with annual gross revenues over \$1 million. The registration fee for commercial fundraisers, fundraising counsel and commercial coventurers will increase by \$150. The registration fee for eligible organizations that want to hold raffles will increase by \$10.

*Significant effect on housing costs:* None.

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

**Results of the Economic Impact Analysis/ Assessment (EIA):**

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

*Benefits of the proposed action:* Charities represent an important economic sector in California and significantly impact the communities they serve. At any given time, there are some 115,000 charitable-related entities registered with the Registry. California charities generate \$273.7 billion in annual revenue and hold \$436.7 billion in assets. An increase in registration fees will benefit the health and welfare of California residents and promote fairness, social equity, and transparency by improving online public access to reports filed with the Registry, and by dedicating more staff and resources to investigate and prosecute mismanagement and diversion of charitable assets. The increased outreach and enforcement activity will safeguard, preserve and recover charitable assets for the benefit of California residents who receive assistance from charitable organizations.

*Business report requirement:* This action does not impose any new reporting requirements.

*Small business determination:* The Department has determined that this proposed action affects small businesses that register with the Department’s Registry.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department 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.

The Department has determined that the proposed regulations are the most effective way to generate revenue to fund its disclosure, outreach, and enforcement activities under the Act.

CONTACT PERSONS

Inquiries concerning this proposed administrative action may be directed to:

Department of Justice  
Government Law Section  
Attn: Kevin Sabo  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
(916) 210-7639  
[regulations@doj.ca.gov](mailto:regulations@doj.ca.gov)

Questions regarding procedure, comments, or the substance of this proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding this proposed action may be directed to the following backup contact person:

Department of Justice  
Government Law Section  
Attn: Zach Hoffman  
1300 I Street, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
(916) 210-6366  
[regulations@doj.ca.gov](mailto:regulations@doj.ca.gov)

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

The Department 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 of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of the Proposed Regulations (the “express terms” of the

regulations), forms incorporated by reference, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The Notice, the express terms, program forms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available at <https://oag.doj.ca.gov/charities/reg>. Please refer to the contact information listed above to obtain copies of these documents.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this Notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department 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, a copy of the Final Statement of Reasons will be available on the Department's website at <https://oag.doj.ca.gov/charities/reg>. Please refer to the contact information listed above to obtain a written copy of the Final Statement of Reasons.

**AVAILABILITY OF  
DOCUMENTS ON THE INTERNET**

Copies of this Notice, the express terms, program forms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at <https://oag.doj.ca.gov/charities/reg>.

**TITLE 13. AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER PROPOSED CLEAN  
MILES STANDARD**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and

time noted below to consider approving for adoption the proposed Clean Miles Standard.

Date: May 20, 2021  
Time: 11:00 a.m.

Please see the public agenda which will be posted ten days before the May 20, 2021, Board Meeting for any appropriate direction regarding a possible remote-only Board Meeting. If the meeting is to be held in person, it will be held at the California Air Resources Board, Byron Sher Auditorium, 1001 I Street, Sacramento, California 95814.

This item will be considered at a meeting of the Board, which will commence at 11:00 a.m., May 20, 2021, and may continue at 8:30 a.m., on May 21, 2021. Please consult the agenda for the hearing, which will be available at least ten days before May 20, 2021, to determine the day on which this item will be considered.

**WRITTEN COMMENT PERIOD AND  
SUBMITTAL OF COMMENTS**

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on April 2, 2021. Written comments not submitted during the hearing must be submitted on or after April 2, 2021, and received **no later than** May 17, 2021. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. CARB requests that when possible, written and email statements be filed at least ten days before the hearing to give CARB staff and Board members additional time to consider each comment. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

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

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

Please note that under the California Public Records Act (Gov. Code, §6250 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.)

become part of the public record and can be released to the public upon request.

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

#### AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in Health and Safety Code sections 39600, 39601, 38530, 39600, 39601, 39607, and 43000.5; and Public Utilities Code section 5450. This action is proposed to implement, interpret, and make specific these sections, including Public Utilities Code section 5450. This regulatory action also references Government Code sections 65301 and 65080; Health and Safety Code section 44274.4; Public Utilities Code sections 5360 and 5431; Streets and Highways Code sections 890.4 and 891.2; Vehicle Code sections 27908 and 38750; and California Code of Regulations, title 13, sections 1961, 1961.3, 1962, and 1962.2.

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

**Sections Affected:** Proposed adoption to California Code of Regulations, title 13, section(s) 2490, 2490.1, 2490.2, 2490.3, 2490.4, and 2490.5.

#### BACKGROUND AND EFFECT OF THE PROPOSED REGULATORY ACTION

Although California has made progress with reducing emissions, there is still a long road ahead. With transportation emissions continuing to rise despite increases in fuel efficiency and decreases in the carbon content of fuel, California will not achieve the necessary greenhouse gas (GHG) emission reductions to meet mandates for 2030 and beyond without further action, including the regulation proposed in this notice. Specifically, CARB’s 2030 Scoping Plan Update identifies that reductions in single-occupancy vehicle travel are necessary to achieve the statewide emissions target of 40 percent below 1990 levels by 2030. Transitioning the transportation sector to zero-emission vehicles (ZEVs) and reducing vehicle miles traveled (VMT) are critical to achieving California’s health protection goals, minimizing air pollution exposure, and mitigating climate change impacts, particularly to achieve the 2045 carbon neutrality goal.

To promote these purposes, Senate Bill 1014 (Skinner, Stats. 2018, ch. 369) — the Clean Miles Standard and Incentive Program of 2018 — directs

CARB to adopt and the California Public Utilities Commission (CPUC) to implement the Clean Miles Standard (CMS) program to place environmental requirements on transportation network companies (TNCs) in California. The proposed CMS regulation is a first-of-its-kind, in-use light-duty fleet rule for reducing emissions in the TNC sector. Electrification targets are set using the metric of percent electric vehicle miles traveled (eVMT) and GHG emission targets are set using the metric of grams of CO<sub>2</sub> per passenger-mile-traveled (g CO<sub>2</sub>/PMT). The required targets direct TNCs to increase miles driven by cleaner vehicles, including zero emission vehicles (ZEVs). The GHG emission target also encourages a reduction of VMT relative to passenger miles traveled (PMT) through strategies such as increasing pooled (or shared) rides and decreasing deadhead miles, which are excess miles associated with TNC vehicles driving without passengers. Furthermore, the proposed regulation will support active transport and public transit by providing regulatory compliance credits for use with the GHG emission target when TNCs facilitate those modes of travel.

#### *Background*

Innovations are emerging in the transportation sector to meet the needs of Californians. TNCs provide on-demand rides through a technology-based platform by connecting passengers with drivers using their personal or rental vehicles. They are well-positioned to help state and local agencies meet air quality and climate goals through electrification. In fact, the two largest TNCs in California, Uber and Lyft, have already been at the forefront of experimenting with electrification through various pilot programs in the U.S. and globally.

ZEV technology is a good fit for the ride-hailing platform. ZEVs are uniquely suited for frequent stop-start driving of ride-hail operations, given the lack of engine start and idling emissions, and the technology’s smooth acceleration enhances the driver and rider experience. Not only does more use of ZEVs benefit the environment; it also benefits drivers and the communities those drivers serve. Zero-emission technology in a TNC fleet provides environmental benefits, while drivers could benefit economically by switching to a ZEV. Even with the current higher purchase cost of ZEVs, lower fuel and maintenance costs lead to net savings over the lifetime of the vehicle.

Additionally, VMT reduction through pooling, reducing deadhead miles and mode shifting to active transportation and transit will ensure that TNCs become a more sustainable transportation option, reducing overall emissions.

#### *Summary of the Proposal*

The proposed regulation is the first in-use, light-duty fleet regulation developed by the CARB, and the

first to address environmental requirements for ride-hailing services specifically. The specific requirements proposed in this regulation are two targets, including an electrification target in the metric of percent eVMT and a GHG emission target in the metric of grams of CO<sub>2</sub> per passenger-mile-traveled (g CO<sub>2</sub>/PMT).

The electrification and GHG targets start in 2023 at 2 percent eVMT and 252 g CO<sub>2</sub>/PMT, respectively, and slowly increase in stringency to 90 percent eVMT and 0 g CO<sub>2</sub>/PMT in 2030. The electrification targets can only be met with electric miles driven with passengers in the car using a battery electric vehicle (BEV) or a fuel-cell electric vehicle (FCEV). TNCs have a menu of options for reducing their company-wide GHG emissions to comply with the annual targets. These include improving fleet-wide fuel efficiency, reducing VMT by increasing shared rides, reducing VMT by reducing deadhead miles, and earning CO<sub>2</sub> credits by investing in active transportation infrastructure, or by providing integrated fare services to connect riders to mass transit. The proposed regulation also includes requirements for annual data submittals, annual compliance reports, and biennial compliance plans.

Small TNCs whose operations result in five million annual VMT or less statewide will be exempt from meeting electrification and GHG targets. Small TNCs are not exempt, however, from continued annual data submittals as part of the TNC permit requirement. Small TNCs are also exempt from the requirement to submit two-year (biennial) plans and annual compliance reports. If a small TNC grows to exceed five million VMT in a given calendar year, they will be subject to the requirements beginning the following calendar year.

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

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

The proposed regulation will decrease GHG emissions, criteria pollutant emissions, such as NO<sub>x</sub> and PM<sub>2.5</sub>, which in turn, will help California meet its climate and air quality goals. Given the way that the targets are structured, the proposed regulation may also decrease VMT and may support transportation alternatives. In addition to emission reductions, the proposed regulation may also increase awareness of ZEVs with more Californians experiencing the technology through ride-hailing trips.

To comply with this regulation, TNCs may need to work with platform drivers to enable ZEV adoption, and may require future automated vehicle operators providing ride-hailing service to electrify their fleet. While staff do not know which strategies TNCs

will use to comply with the regulation, or how the TNC business model may evolve in the future, staff have taken a conservative approach by assuming that drivers, particularly low-income individuals, would acquire ZEVs for themselves. This approach is conservative, as it is entirely possible that TNCs will decide to make fleet purchases, rent vehicles, or otherwise provide vehicles or cost supports to drivers. However, some drivers may buy vehicles and although ZEVs have many advantages, they also have costs. To reduce the risk of adverse impacts on the drivers, staff developed a cost model to derive electrification targets that have a zero net cost to the driver amortized over a year at most, a timeframe in which staff believe makes purchasing a ZEV feasible by the majority of drivers. In general, staff expect higher-mileage TNC drivers to switch to ZEVs earlier because they are more likely to see cost benefits from switching sooner than other lower-mileage drivers. Note that under the proposed targets — and depending on how TNCs choose to comply with the proposed regulation — a large portion of TNC drivers may not need to switch to ZEVs by 2030.

Staff developed cost assumptions as model inputs and the resulting output is the percent of vehicles that would switch to a ZEV with net cost savings after a year to the driver. This model methodology leads to the drivers with the highest annual service miles and the lowest vehicle fuel efficiency switching to a ZEV. Applying the model for every year of the regulation, staff derived the electrification target of 90 percent eVMT in 2030. Given a number of the TNC vehicles are high mileage, the electrification target alone would require less than half of the TNC vehicles to switch to ZEVs in 2030. However, for the GHG target, TNCs could comply by fully electrifying the TNC fleet, projected to be over 750,000 vehicles in California by 2030.

Staff also proposes allowing TNCs to use optional GHG credits for actions that support transit and active transportation. This will encourage VMT reduction strategies through TNC and mobility provider partnerships rather than eroding transit market share, a trend currently occurring in urban areas. It will also help to support transportation alternatives, which is important for lower-income residents that do not have access to TNC services or cannot afford their own vehicle.

#### *Cost and Emission Impacts*

To assess cost and emission impacts, CARB staff modeled compliance with the GHG target given it is the more stringent of the two requirements. The GHG target in 2030 is equivalent to 100 percent eVMT in TNC fleets, and was used to estimate reductions in GHG emissions, criteria emissions, including NO<sub>x</sub> and PM<sub>2.5</sub>, and health costs for California residents.

Cumulative statewide emission reductions from the proposed regulation from 2023–2031 are estimated to be 93.21 tons PM<sub>2.5</sub>, 298.03 tons NO<sub>x</sub> and 1.81 million metric tons (MMT) CO<sub>2</sub>.

In addition, the proposed regulation is estimated to result in a reduction of 0.36 MMT of CO<sub>2</sub> in the year 2030, which represents a 0.39 percent reduction in the light-duty fleet for that year. Emission reductions are estimated based on an assumption of 100 percent eVMT and do not include emission reductions that could come from implementing VMT reduction strategies for compliance with the GHG targets (e.g., pooling and deadhead mile reduction).

#### COMPARABLE FEDERAL REGULATIONS

No current federal regulations address the same issue as CARB’s proposed greenhouse gas reduction and electrification targets for TNCs.

#### AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

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

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

#### DISCLOSURES REGARDING THE PROPOSED REGULATION

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

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

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs or savings to any State agency, would not create costs or savings in federal funding to the State, and would not impose any mandate to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies. The proposed regulation could affect State and local governments finance through changes in taxes and fees collected from change in fuel expenditures and other fees.

Because the regulation does not impose unique new requirements on local agencies, the regulation is not a reimbursable mandate for this reason as well (County of Los Angeles v. State of California, 42 Cal. 3d 46 (1987)).

#### **Cost to any Local Agency or School District Requiring Reimbursement under sections 17500 et seq.:**

The proposed regulation is a general law that does not specifically regulate any local community. The proposed regulation imposes no mandate to local agencies or school districts, but could affect State and local governments finance indirectly through changes in taxes and fees collected from change in fuel expenditures and other fees. Therefore, the regulation does not constitute a “Program” imposing any unique requirements on local agencies as set forth in section 17514 of the California Government Code. Furthermore, costs are not reimbursable when they may be fully financed by local agencies raising their own fees. (See, e.g., Clovis Unified School Dist. v. Chiang (2010) 188 Cal App. 4th 794, 812; Connell v. Superior Court (1997) 59 Cal. App. 4th 382, 397–403; County of Fresno v. State of California (1991) 53 Cal. 3d 482, 487–88; Cal. Gov. Code section 17556(d)).

#### *Cost or Savings for State Agencies:*

The Proposed Regulation would require one additional CPUC Research Data Specialist III position, responsible for implementing the rule. This position would be needed starting in 2021 at a cost of \$161,568 per year.

Fuel taxes on gasoline are used to fund transportation improvements at the state, county, and local levels. Displacing gasoline fuel with electricity will decrease the amount of gasoline dispensed in the state. This will result in a reduction in revenue collected by the state for use in multiple levels of government. There is a \$0.505 per gallon state excise tax on gasoline. Gasoline is exempt from the portion of sales tax that goes towards the state’s general fund.

The Energy Resources Fee is a \$0.0003/kWh surcharge levied on consumers of electricity purchased from electrical utilities. The revenue collected is deposited into the Energy Resources Programs Account of the General Fund which is used for ongoing electricity programs and projects deemed appropriate by the Legislature, including but not limited to, activities of the California Energy Commission (CEC). Increased use of ZEVs will result in increases in electricity use and increased revenue from the Energy Resources Fee.

From 2021 to 2031, the net impact of the Proposed Regulation is a cost of \$98.7 million. The net impact in Fiscal Year 2021–2022 is \$162 thousand, the net impact in Fiscal Year 2022–2023 is \$588 thousand,

and the net impact in Fiscal Year 2023–2024 is \$1.4 million.

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

The Executive Officer has also made the initial determination that the proposed regulatory action will not have a significant effect on housing costs. The proposed regulation does not create or substantially expand an industry such that any particular housing market would be impacted.

**Significant Statewide Adverse Economic Impact Directly Affecting Business, Including Ability to Compete (Gov. Code, §§11346.3, subdivision (a), 11346.5, subdivision (a)(7), 11346.5, subdivision (a)(8)):**

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

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT**  
(Gov. Code, § 11346.5, subdivision (a)(10))

**Major Regulation: Statement of the Results of the Standardized Regulatory Impact Analysis (SRIA) (Gov. Code, §11346.3, subdivision (c)):**

In August 2020, CARB submitted a Standardized Regulatory Impact Analysis (SRIA) to the Department of Finance (DOF) for its review. CARB has updated the proposed Clean Miles Standard regulation since the original SRIA submittal, and to address DOF comments. The revisions are discussed in the Initial Statement of Reasons (ISOR), Chapter IX.

*The creation or elimination of jobs within the state*

The proposed regulation is estimated to result in a slight negative job impact in all years of the assessment. Industries that are estimated to have net costs, decreases in demand, or revenue loss such as petroleum production, transit and ground passenger transportation services, automotive repair, and state and local government are estimated to see decreases in employment growth. These changes in employment represent less than 0.01 percent of BAU California employment. Based on the major sector breakdown of job impacts in 2031, the proposed regulation is estimated to result in 1,454 job gains and 4,738 job losses for a net impact of approximately 3,285 job losses.

*The creation of new businesses or the elimination of existing businesses within the state*

The proposed regulation is not anticipated to directly result in new business creation or elimination. Neither of the two companies that are directly impacted are anticipated to be eliminated as a result of the proposed regulation. While changes in jobs for the California economy cannot directly estimate the broader impacts on business creation and elimination, they can be used to understand some of the potential impacts to businesses. The overall job impacts of the proposed regulation are very small relative to the total California economy, representing changes of less than 0.01 percent.

*The competitive advantages or disadvantages for businesses currently doing business within the state*

At this time, the competitive advantages or disadvantages created by the proposed regulation between Uber and Lyft do not appear to be material. Both companies' drivers exhibit similar vehicle types, average passenger miles per trip, and exist in similar markets. The economics of one of these companies meeting GHG and electrification targets appear to be very much the same as the other.

The proposed regulation may provide a competitive advantage to TNC drivers that already have ZEVs or more fuel-efficient vehicles. All else being equal, TNCs could potentially favor more efficient vehicles when matching passengers to drivers, as miles traveled in these vehicles could increase eVMT and have lower GHG emissions per passenger mile.

*The increase or decrease of investment in the state*

Private domestic investment consists of purchases of residential and nonresidential structures and of equipment and software by private businesses and nonprofit institutions. It can be used as a proxy for impacts on investment in California because it provides an indicator of the future productive capacity of the economy. An increase of private investment of \$173 million is expected by 2031, amounting to approximately 0.04 percent of baseline investments. Increases in private investment are largely driven by the impact of net savings of the proposed regulation, whereby cost savings to TNC drivers increases discretionary spending in the broader economy.

*The incentives for innovation in products, materials, or processes*

As part of the proposed regulation, TNC and supporting rental companies have several opportunities to innovate. Over the past several years, there were a small number of rental companies that supplied BEVs or FCEVs for TNC drivers to rent. Typically, these companies offer vehicles on a weekly basis and charging is included. Most drivers who rent vehicles drive more to earn enough income driving

for TNCs in order to cover the rental fees. We expect these rental programs to re-emerge and grow as the price of ZEVs goes down and the proposed regulation will further support these businesses. This part of the market has not yet been developed, presumably due to low demand for such services and the expense of transaction logistics. Were these types of new hourly rental services to develop, as a result of the proposed regulation, this would assist low- to moderate-income drivers in accessing ZEVs for TNC services with no capital required. Since the vast majority of TNC drivers are part-time, this innovation would provide ZEV access to a much larger segment of TNC drivers.

For TNC companies themselves, the GHG targets are designed for innovation in myriad ways, such as reducing deadhead miles, increasing pooling or occupancy, developing partnerships with transit, and investing in active transportation and other forms of increased system efficiency.

The benefits of the regulation include, but are not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.

The proposed regulation will benefit individual California residents mainly by reducing adverse health impacts caused by criteria emissions, including NO<sub>x</sub> and PM<sub>2.5</sub>. The reduction of GHG emissions helps combat climate change and its destructive environmental effects felt by California residents. The proposed regulation is expected to achieve a cumulative reduction of 298.03 tons of NO<sub>x</sub> and 93.21 tons of PM<sub>2.5</sub> by 2031, aiding in the achievement of state and federal health standards, and protecting communities exposed to roadway pollution. The proposed regulation is also expected to cumulatively reduce well-to-wheel GHG emissions by 1.8 MMT CO<sub>2</sub> by 2031. If TNCs comply with the GHG targets in part through VMT reduction, this could also benefit California individuals by reducing congestion on California roads.

Table 1 shows the estimated avoided incidence of mortality and morbidity because of the proposed regulation from 2023 through 2031 by California air basin. Values in parentheses represent the 95% confidence intervals of the central estimate. The largest estimated health benefits correspond to regions in California with the greatest TNC activity: San Diego County, San Francisco Bay, and South Coast air basins.

Table 1. Regional and statewide avoided premature deaths, hospital admissions, and emergency room visits from 2023 to 2031 under the proposed regulation from PM<sub>2.5</sub> and NO<sub>x</sub> emission reductions

**Air Basin:** San Diego County.  
**Cardiopulmonary Mortality:** 1 (1-1)  
**Hospitalizations for cardiovascular illness:** 0 (0-0)  
**Hospitalizations for respiratory illness:** 0 (0-0)  
**Emergency room visits:** 0 (0-0)

**Air Basin:** San Francisco Bay.  
**Cardiopulmonary Mortality:** 4 (3-5)  
**Hospitalizations for cardiovascular illness:** 1 (0-1)  
**Hospitalizations for respiratory illness:** 1 (0-1)  
**Emergency room visits:** 2 (1-3)

**Air Basin:** South Coast.  
**Cardiopulmonary Mortality:** 13 (10-15)  
**Hospitalizations for cardiovascular illness:** 2 (0-4)  
**Hospitalizations for respiratory illness:** 2 (1-4)  
**Emergency room visits:** 7 (4-9)

**Air Basin:** Statewide.  
**Cardiopulmonary Mortality:** 18 (14-22)  
**Hospitalizations for cardiovascular illness:** 3 (0-5)  
**Hospitalizations for respiratory illness:** 3 (1-6)  
**Emergency room visits:** 9 (6-13)

*Department of Finance Comments and Responses*

**DOF Comment:** In general, Finance concurs with the methodology used to estimate impacts of proposed regulations. However, they asked that the benefits and costs be reported separately for each year without netting for transparency and disclosure of impacts. The annual valuation of health benefits of the proposed regulation was also not reported in the SRIA.

**Response:** The analysis in the ISOR has been updated to display annual valuation of health benefits of the proposed regulation. Tables presenting the numeric values of the total costs and total benefits to the TNC in each calendar year and the year-by-year value of monetized health benefits for the proposed regulation is provided in Appendix C of the ISOR.

**DOF Comment:** The baseline must reflect current laws as well as economic assumptions consistent with the current recession and its aftermaths. Currently, the baseline does not estimate changes due to Assembly Bill (AB) 5 and assumes that the regulated market will continue to grow at pre-pandemic rates. CARB should formulate assumptions to evaluate impacts based on the proper baseline. The SRIA may then include a sensitivity analysis to address uncertainties and to assess impacts under scenarios that deviate from the baseline.

**Response:** The baseline used by CARB assumes compliance with AB 5. CARB estimates that, on

balance, the effects of AB 5 may be neutral with regard to TNC growth and TNC labor supply. CARB is not aware of any data that points to the medium- and long-run impacts of AB 5 that contradicts its estimate.

In the baseline, CARB considers the effects of the current pandemic and economic recession. The SRIA baseline assumes a much lower average annual growth rate from 2020 to 2023 than the historical average for the industry. However, there is no data available that points to the broader medium- and long-run impacts of these two events on the ride hailing sector. Due to the uncertainty surrounding these events, the SRIA included a sensitivity analysis of the proposed regulation (Appendix H of the SRIA) to explore the potential range of economic impacts that could result. In addition, staff have incorporated additional flexibilities and crediting structures into the proposed regulation, such as the banking of over-compliance credits noted above, which could serve as a compliance buffer for a TNC if a future year market condition is challenging.

**COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**  
(Gov. Code, § 11346.5, subdivision (a)(9))

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**EFFECT ON SMALL BUSINESS**  
(Cal. Code Regs., title 1, § 4, subdivisions (a) and (b))

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not directly affect small businesses because small TNC companies would not need to meet the annual electrification and GHG targets, along with the reporting requirements.

**CONSIDERATION OF ALTERNATIVES**  
(Gov. Code, § 11346.5, subdivision (a)(13))

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

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

**ENVIRONMENTAL ANALYSIS**

CARB, as the lead agency for the proposed regulation, has concluded that this action is exempt from CEQA, as described in CEQA Guidelines § 15061, because the action is both an Action Taken by Regulatory Agencies for Protection of the Environment (as described in CEQA Guidelines § 15308 for “class 8” exemptions); and it is also exempt as described in CEQA Guidelines § 15061(b)(3) (“common sense” exemption) because it can be seen with certainty that there is no possibility that the proposed action may result in a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter VII of the ISOR.

**SPECIAL ACCOMMODATION REQUEST**

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

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

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

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

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

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Gloria Pak, Air Resources Engineer, Low Emission Vehicle Regulations Section, at (951) 550-0631, or (designated back-up contact) Shobna Sahni, Air Resources Supervisor I, Low Emission Vehicle Regulations Section, at (626) 450-6104.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: “Proposed Clean Miles Standard Regulation.”

Copies of the ISOR and the full text of the proposed regulatory language, may be accessed on CARB’s website listed below, on March 30, 2020. Please contact Chris Hopkins, Regulations Coordinator, at [Chris.Hopkins@arb.ca.gov](mailto:Chris.Hopkins@arb.ca.gov) or (916) 445-9564 if you need physical copies of the documents. Because of current travel, facility, and staffing restrictions, the California Air Resources Board’s offices have limited public access. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom non-substantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, [Chris.Hopkins@arb.ca.gov](mailto:Chris.Hopkins@arb.ca.gov). The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text

that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

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

**TITLE 16. PHYSICIAN ASSISTANT BOARD**

The Physician Assistant Board (Board) proposes to adopt the proposed regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Persons” in this Notice.

WRITTEN COMMENT PERIOD

Any interested person, or his/her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 263-2671 or by e-mail to [jasmine.dhillon@dca.ca.gov](mailto:jasmine.dhillon@dca.ca.gov). The written comment period closes at 5:00 p.m. on Tuesday, May 18, 2021. The Board will consider only comments received at the Board’s office by that time. Submit comments to the persons listed under “Contact Persons” below.

AUTHORITY AND REFERENCE

Business and Professions Code section 3510 authorizes the Board to adopt this proposed regulation. The proposed regulation implements, interprets, and makes specific sections 480, 482, 3504.1, 3510, 3527, 3528, 3530 and 3531 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

The Board licenses physician assistants, who are licensed health care practitioners that provide medical services under the supervision of a licensed physician and surgeon (Business and Professions Code section 3502). Existing law (Business and Professions Code sections 480 and 490) presently authorizes the Board to deny an application for licensure or discipline a physician assistant based on a conviction for a crime or act substantially related to the licensed business or profession. Business and Professions Code section 481 authorizes the Board to develop criteria for determining whether a crime or act is substantially related to the qualifications, functions, or duties of the physician assistant profession. Business and Professions Code section 482 requires the Board to develop criteria to evaluate an applicant's or licensee's rehabilitation when considering

the denial or discipline of a physician assistant license. Consistent with that authority, the Board has adopted regulations that set forth its substantial relationship criteria and rehabilitation criteria for crimes or acts considered substantially related to qualifications, functions, or duties of a physician assistant licensee.

In July 2009, the Los Angeles Times published an article indicating that the Board of Registered Nursing often takes years to take disciplinary action on complaints of egregious misconduct, while the licensees were still practicing. As a result of the article, the Department of Consumer Affairs (Department) held an informational hearing and investigated the problems that were addressed in the Los Angeles Times article. The Department developed a report (Department of Consumer Affairs "Consumer Protection Enforcement Initiative BCP Independent Verification & Validation Report, March 2010") regarding the existing enforcement problems and made recommendations for improving the enforcement programs of the healing arts boards.

In 2011 the Department encouraged this Board to adopt its recommendations to enhance consumer protection, including this regulation that requires the Board to deny an application or petition for reinstatement, or promptly revoke the license of any individual

who is required to register as a sex offender in every case as provided in subsection (a). The regulation also includes a few exceptions to these prohibitions in subsection (b); mainly exceptions in cases where an individual was relieved of the requirement to register, the requirement for registration was terminated, or the individual was convicted of a misdemeanor under Penal Code section 314 (indecent exposure). However, the Board explicitly retained its discretion to deny or discipline a licensee under any other provision of state law for this conduct.

Effective July 1, 2020, under the provisions of Assembly Bill (AB) 2138 (Stats. 2018, ch. 995), the Board's existing authority to deny an initial applicant a license based upon a substantially related criminal conviction significantly changed. This proposal seeks to update the Board's current regulations consistent with this recently enacted legislation and to more accurately reflect the Board's authority to consider denials, discipline or petitions for reinstatement or modification of penalty for individuals required to register as a sex offender under California law or its equivalent in another state or territory, or under military or federal law.

Effective July 1, 2020, Business and Professions Code section 480 (Section 480), subdivision (b) prohibits the Board from denying a license to a person on the basis that he or she has been convicted of a crime, or on the basis of acts underlying a conviction for a crime, if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation pursuant to Business and Professions Code section 482. As a result, the Board needs to revise 16 CCR 1399.523.5 to make it consistent with the aforementioned changes to the law enacted by AB 2138. This includes permitting an individual who is required to register as a sex offender to be eligible for licensure if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or made a "showing of rehabilitation."

*Anticipated Benefits of the Proposed Regulation:*

The proposed amendment would allow applicants the opportunity to supply evidence to the Board of rehabilitation without automatically being denied a license based on sex offender registration. AB 2138 was enacted to reduce licensing and employment barriers for people who are rehabilitated. This includes permitting an individual who is required to register as a sex offender to be eligible for licensure if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of

Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or made a showing of rehabilitation. These proposed amendments would further that goal by adopting criteria that would remove restrictions for an initial applicant to qualify for licensure under the aforementioned conditions, provide notice to applicants of these new eligibility requirements, and emphasize an applicant's rehabilitative efforts. This may lead to fewer denials and an increase in the number of licensed physician assistants in the marketplace. Therefore, this may allow for more health care providers to treat increasing numbers of California consumers.

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

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

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The Board anticipates increased costs to the state as a result of adopting and amending the sections identified in the regulatory proposal. By further defining the substantial relationship and rehabilitation criteria for criminal convictions, Board staff may see increased workload to research convictions and to substantiate rehabilitation has been achieved. Any workload and costs are anticipated to be minor and absorbable within existing resources.

Because the Board historically denies less than one initial application per year, no increase in the number of initial applications approved per year is anticipated. As a result, the proposed regulations are not anticipated to increase licensing and/or enforcement costs related to any expansion of the licensee population.

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.

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

Statewide adverse economic impact directly affecting businesses and individuals: None Significant effect on housing costs: None.

*Business Impact:*

This regulation will not have a significant statewide adverse economic impact directly affecting businesses. This initial determination is based on the following facts:

The Board has approximately 12,980 licensees for the current fiscal year. During the 2016/2017 fiscal year the Board issued 1,064 licenses and denied two (2), in fiscal year 2017/2018 the Board issued 1,096 licenses and denied two (2), and during the 2018/2019 fiscal year the Board has issued 1,189 licenses and denied one (1). The Board has denied 0.15% of all applicants. The Board has never received an initial application for licensure from a registered sex offender. However, in fiscal year 2018/2019 the Board received a request for reinstatement from a former licensee whose license had been revoked and that reinstatement was denied because the former licensee was a registered sex offender.

Since the Board has denied less than 1% of all applicants this proposal will not have a significant statewide adverse economic impact. AB 2138 was enacted to reduce licensing and employment barriers for people who have been convicted of a crime or due to acts underlying the conviction, who have a certificate of rehabilitation, were granted clemency, or made a showing of rehabilitation, or the conviction was dismissed or expunged. These amendments will further assist in that effort through adoption of standards designed to permit an initial applicant who is required to register as a sex offender to be eligible for licensure if he or she has obtained a certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code, has been granted clemency or a pardon by a state or federal executive, or has made a showing of rehabilitation. As a result, it is anticipated that there may be fewer denials based upon these types of criminal convictions requiring sex offender registration, and therefore, no significant or statewide adverse economic impacts.

*Effect on Small Business:*

The Board has determined that the proposed regulation would not affect small businesses because the proposal is not of sufficient magnitude to expand businesses. Historically, similar regulations adopted by the Board resulted in less than one percent (1%) of all applicants being denied. Even assuming that the number of denials would decrease as a result of these amendments, the Board believes that this data demonstrates that it would not be significant enough to expand businesses who hire physician assistants.

**RESULTS OF ECONOMIC IMPACT  
ASSESSMENT/ANALYSIS**

It will not create new business or eliminate existing businesses and will not affect the expansion of businesses currently doing business within the State of California because the proposal is not of sufficient magnitude to create or eliminate businesses. Historically, similar regulations adopted by the Board resulted in less than one percent (1%) of all applicants being denied. Even assuming that the number of denials would decrease as a result of these amendments, the Board believes that this data demonstrates that these amendments would not be significant enough to create or eliminate businesses who hire physician assistants.

This regulatory proposal may have an incremental impact on the creation of jobs within the State of California, because the proposal amends the regulation to add explicit exemptions for applicants meeting the specific criteria which may result in having fewer license denials based on sex offender registration. However, the Board does not have data to project the number of jobs that may be created as a result of these efforts.

This regulatory proposal will benefit the health and welfare of California residents because by implementing criteria that emphasize rehabilitative efforts, it will create an opportunity for employment for people who are required to register as a sex offender and are able to make a showing of rehabilitation. This may lead to an increase in physician assistants in the marketplace, therefore allowing for more health care providers to treat increasing numbers of California consumers.

This regulatory proposal will not affect worker safety because the proposal does not involve worker safety.

This regulatory proposal will not affect the State's environment because it does not involve environmental issues.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board 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 regulation is proposed, would be as effective and less burdensome to affected private persons than the adopted regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The Board invites interested persons to present written comments to the Contact Persons below during the written comment period. The Board further invites in-

terested persons to present statements or arguments with respect to alternatives to the proposed regulation at the hearing, if any is scheduled.

**CONTACT PERSONS**

Inquiries concerning the proposed administrative action may be directed to:

Name:  
Jasmine Dhillon  
Address:  
2005 Evergreen Street, Suite 2250  
Sacramento, CA 95815-3893  
Telephone Number:  
(279) 666-2838  
Fax Number:  
(916) 263-2671  
E-Mail Address:  
[jasmine.dhillon@dca.ca.gov](mailto:jasmine.dhillon@dca.ca.gov)

The backup contact person is:

Name:  
Kristy Voong  
Address:  
2005 Evergreen Street, Suite 2250  
Sacramento, CA 95815-3893  
Telephone Number:  
(916) 561-8787  
Fax Number:  
(916) 263-2671  
E-Mail Address:  
[kristy.voong@dca.ca.gov](mailto:kristy.voong@dca.ca.gov)

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

The Board 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 regulation, the initial statement of reasons, and, if any, other information which the rulemaking is based, including the Physician Assistant Board's April 29, 2019 meeting minutes, Assembly Bill 2138 (as amended in Assembly April 2, 2018), Assembly Bill 2138 (as amended in Senate June 20, 2018), Assembly Bill 2138 (chapter 995, Statutes of 2018), Senate Committee on Business, Professions and Economic Development Analysis for AB 2138, dated June 18, 2018, and Assembly Floor Analysis for AB 2138 dated August 24, 2018.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board 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 the Board adopts the regulation as revised. Please send requests for copies of any modified regulations to the attention of Jasmine Dhillon at the address indicated above. The Board will accept written comments on the modified regulation 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 Ms. Winslow 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 regulation in underline and strikeout can be accessed through our website at: Proposed Regulations — Physician Assistant Board (ca.gov) [https://www.pab.ca.gov/about\\_us/lawsregs/regulations.shtml](https://www.pab.ca.gov/about_us/lawsregs/regulations.shtml).

**GENERAL PUBLIC INTEREST**

**AIR RESOURCES BOARD**

**NOTICE OF PUBLIC HEARING TO  
CONSIDER AN APPLICATION FOR A  
VARIANCE FROM THE EVAPORATIVE  
EMISSION REGULATIONS FOR  
SMALL OFF-ROAD ENGINES**

At the direction of the Executive Officer of the California Air Resources Board (CARB), a public hearing will be conducted at the following time and place to consider an application for a variance from the evaporative emission regulations for small off-road engines (“the small engine regulations,” title 13, California Code of Regulations, sections 2750–2774). The Executive Officer or his nominee will hear evidence on whether the granting of a variance is appropriate.

**Date:** April 22, 2021  
**Time:** 10:00 a.m.  
**Place:** Zoom

[https://us02web.zoom.us/webinar/register/WN\\_cSWfE\\_CbT1KiXVhBiaqbDQ](https://us02web.zoom.us/webinar/register/WN_cSWfE_CbT1KiXVhBiaqbDQ)

**Background**

Section 2754(a) of the small engine regulations specifies diurnal emission standards for engines with displacement greater than 80 cubic centimeters. The current diurnal emission standards have been in effect since 1) model year 2008 for engines with displacement greater than or equal to 225 cubic centimeters, 2) model year 2009 for walk-behind mowers with engine displacement greater than 80 cubic centimeters and less than 225 cubic centimeters, and 3) model year 2012 for engines with displacement greater than 80 cubic centimeters and less than 225 cubic centimeters not used in walk-behind mowers. Section 2754(c)(1) of the small engine regulations requires an applicant certifying engines or equipment to comply with the diurnal emission standards to provide diurnal emission test data in a certification application. The test data must be for the engine or equipment model in the evaporative family that is expected to exhibit the highest diurnal emission rate relative to the applicable diurnal emission standard, in accordance with CARB test procedure TP-902.

Section 2 of TP-902 details pre-certification requirements that must be met before conducting a diurnal emission test. One of those pre-certification requirements is in section 2.2 of TP-902; it requires evaporative emission control systems that use a carbon canister and do not pressurize the fuel tank to have a working capacity of at least 1.4 grams of vapor storage capacity per liter of fuel tank nominal capacity for tanks greater than or equal to 3.78 liters, and 1.0 grams of vapor storage capacity per liter of fuel tank nominal capacity for tanks less than 3.78 liters.

Section 2754.1 describes the certification averaging and banking provisions for use by manufacturers to meet CARB’s evaporative emissions standards. Section 2754.1 applies to engines or equipment with complete evaporative emission control systems certified to the diurnal emission standards specified in section 2754(a) or 2757 and tested according to TP-902. Participation in the certification averaging and banking program is voluntary.

Section 2768 of the small engine regulations allows any manufacturer of small off-road engines or equipment that use small off-road engines that can not meet the requirements set forth in sections 2754 through 2757, due to extraordinary reasons beyond the manufacturer’s reasonable control, to apply in writing for a variance. The application criteria and procedures

for granting a variance are also specified in section 2768.

On February 18, 2021, CARB staff received a variance application, pursuant to section 2768, from the applicant listed below. The applicant is seeking a variance for eleven evaporative families from the minimum working capacity requirement in section 2.2 of TP-902 (a portion of the diurnal emission testing requirement in section 2754(c)(1)) and from the Certification Averaging and Banking provisions in section 2754.1 to allow use of small off-road engine exhaust emission reduction credits generated according to the requirements of section 2408. The eleven evaporative families are listed below the applicant's name.

American Honda Motor Co., Inc.  
1919 Torrance Boulevard  
Torrance, California 90501-2746

*Evaporative families for which the applicant is seeking a variance*

HNXCC13A  
HNXCC13B  
HNXCC19A  
HNXCC23A  
HNXCCW2A  
HNXCM21A  
HNXCM22A  
HNXCM15A  
HNXCM18A  
HNXCM27A  
HNXCM29A

In accordance with section 2768, the Executive Officer or his nominee shall hold a public hearing to determine whether, under what conditions, and to what extent, a variance is necessary and should be allowed, within 75 days of CARB's receipt of a variance application containing the information required under section 2768, subsection (a).

**AVAILABILITY OF DOCUMENTS AND  
AGENCY CONTACT PERSONS**

The public may inspect a copy of the variance application at CARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814, (916) 322-2990.

Further inquiries regarding this matter should be directed to Dr. Manisha Singh, Chief, Quality Management Branch, at [Manisha.Singh@arb.ca.gov](mailto:Manisha.Singh@arb.ca.gov); or to Dr. Christopher Dilbeck, Manager, Testing and Certification Section, at [Christopher.Dilbeck@arb.ca.gov](mailto:Christopher.Dilbeck@arb.ca.gov).

**HEARING PROCEDURES**

The public hearing to consider the variance application will be conducted in accordance with procedures set forth in section 2768 of the small engine regulations. At the hearing, CARB staff may provide a brief staff presentation, after which the applicant will be asked to present evidence demonstrating that the criteria for granting a variance have been met. Interested members of the public will be allowed a reasonable opportunity to testify at the hearing. All parties may, but are not required to, be represented by counsel at the hearing. Subsequent to the hearing, the Hearing Officer shall determine whether, under what conditions, and to what extent, a variance is necessary and should be allowed.

**SPECIAL ACCOMMODATION REQUEST**

If you require a special accommodation or need this document in an alternate format (i.e. Braille, large print) or another language, please contact Stephanie Poletti at (916) 324-7636 as soon as possible, but no later than 10 business days before the scheduled hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

**DEPARTMENT OF FISH AND  
WILDLIFE**

**FISH AND GAME CODE SECTION 1653  
CONSISTENCY DETERMINATION  
REQUEST FOR**

Ten Mile Mainstem Enhancement Project Phase 1  
(Tracking Number: 1653-2021-069-001-R1)  
Mendocino County

California Department of Fish and Wildlife (CDFW) received a Request to Approve on March 19, 2021, that The Nature Conservancy proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves the construction of a variety of habitat features designed to enhance salmonid habitat in the Ten Mile River. The proposed project will be carried out on Ten Mile River, located at 28800 Camp 2 Ten Mile Road, Fort Bragg, Mendocino, California.

On January 21, 2021, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Ten Mile Mainstem Enhancement Project Phase 1. The Regional Water Board determined that the Project, as

described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1B21011WNME; ECM PIN Number CW-871967) for coverage under the General 401 Order on March 15, 2021.

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

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

**DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

**PUBLIC NOTICE REQUIREMENT FOR  
ISSUANCE OF TREATED WOOD  
WASTE VARIANCES**

The week of March 8, 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, that is 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-00052, Corinda Los Trancos Landfill (Ox Mountain), 12310 San Mateo Road, Half Moon Bay, CA 94019

- TWW-2021-DF-00057, Paso Robles Sanitary Landfill, 9000 Highway 46E, Union Road, Paso Robles, CA 93446
- TWW-2021-DF-00060, Buena Vista Landfill, 150 Rountree Lane, Watsonville, CA 95076
- TWW-2021-DF-00076, Altamont Landfill, 10840 Altamont Pass Road, Livermore, CA 94551
- TWW-2021-DF-00079, Recology Ostrom Road Landfill, 5900 Ostrom Road, Wheatland, CA 95692
- TWW-2021-DF-00108, Kirby Canyon Recycling & Disposal Facility, 910 Coyote Creek Golf Drive, San Jose, CA 95037
- TWW-2021-DF-00110, Guadalupe Rubbish Disposal Co., Inc., 15999 Guadalupe Mines Road, San Jose, CA 95120
- TWW-2021-DF-00112, Bakersfield Metropolitan (Bena) Sanitary Landfill, 2951 Neumarkel Road, Bakersfield, CA 93307
- TWW-2021-DF-00117, Otay Landfill, Inc., 1700 Maxwell Road, Chula Vista, CA 91911
- TWW-2021-DF-00119, Simi Valley Landfill and Recycling Center, 2801 N. Madera Road, Simi Valley, CA 93065
- TWW-2021-DF-00122, Sycamore Landfill, Inc., 8514 Mast Boulevard, Santee, CA 92071

*Recipients of Handler/Transporter Variances*

- TWW-2021-HT-00072, MarBorg Industries, 119 N. Quarantina Street, Santa Barbara, CA 93103
- TWW-2021-HT-00077, Republic Services of Sonoma County, Inc., 33549 Annapolis Road, Annapolis, CA 95412; 4376 Stage Gulch Road, Sonoma, CA 95476; 166 Alexander Valley Road, Healdsburg, CA 95448; 13450 Pocket Canyon Drive, Guerneville, CA 95446; 500 Mecham Road, Petaluma, CA 94952
- TWW-2021-HT-00081, Recology Yuba Sutter, 3001 N. Levee Road, Marysville, CA 95901
- TWW-2021-HT-00083, N. Leasing Company, LLC, 3895 Santa Rosa Avenue, Santa Rosa, CA 95407; 3911 Santa Rosa Avenue, Santa Rosa, CA 95407; 3899 Santa Rosa Avenue, Santa Rosa, CA 95407
- TWW-2021-HT-00084, Recology Auburn Placer, 12305 Shale Ridge Road, Auburn, CA 95602
- TWW-2021-HT-00085, Recology Butte Colusa Counties, 2720 South 5th Avenue, Oroville, CA 95965
- TWW-2021-HT-00087, Leo Recycle, 215 Leo Avenue, San Jose, CA 95112

- TWW-2021-HT-00089, Pacific Sanitation & Windsor Material Recovery Facility, 590 Caletti Avenue, Windsor, CA 95492
- TWW-2021-HT-00091, EDCO, 3660 Dalbergia Street, San Diego, CA 92113; 2755 California Street, Signal Hill, CA 90755; 224 S. Las Posas, San Marcos, CA 92078; 550 West Aviation Road, Fallbrook, CA 92028; 1044 W. Washington, Escondido, CA 92025; 324 Maple Street, Ramona, CA 92065; 8184 Commercial Street, La Mesa, CA 91941
- TWW-2021-HT-00092, C&S Waste Solutions, 3151 Taylor Drive Ukiah, CA 95482; 230 Soda Bay Road Lakeport, CA 95453
- TWW-2021-HT-00097, Premier Recycle Company, 260 Leo Avenue, San Jose, CA 95112
- TWW-2021-HT-00099, County of Santa Cruz, 150 Rountree Lane, Watsonville, CA 95076; 9835 Newell Creek Road, Ben Lomond, CA 95005
- TWW-2021-HT-00101, Florin Perkins Public Disposal Site & Greenwaste of Sacramento, 4201 Florin Perkins Road, Sacramento, CA 95826
- TWW-2021-HT-00107, Salinas Valley Solid Waste Authority, 52654 Jolon Road, King City, CA 93930; 139 Sun Street, Salinas, CA 93901
- TWW-2021-HT-00114, Hayward Transfer Station, 3458 Enterprise Avenue, Hayward, CA 94545
- TWW-2021-HT-00121, Contra Costa Waste Services, Inc., 1300 Loveridge Road, Pittsburg, CA 94565
- TWW-2021-HT-00123, Palomar Transfer Station, Inc., 5960 El Camino Real, Carlsbad, CA 92008

*Recipients of Large Quantity Generator/Self-transporter Variances*

- TWW-2021-LG-00090, Environmental Chemical Corporation, 400 San Bernardino Boulevard, Ridgecrest, CA 93555
- TWW-2021-LG-00118, South Coast Water District, 31762 South Coast Highway, Laguna Beach, CA 92651

*Recipients of Small Quantity Generator/Self-transporter Variances*

- TWW-2021-SG-00104, Fontana Wood Preserving, Inc., 15500 Valencia Avenue, Fontana, CA 92335
- TWW-2021-SG-00105, Skanska-Traylor-Shea, 8401 Wilshire Boulevard, Beverly Hills, CA 90211; 6010 Wilshire Boulevard, Los Angeles, CA 90036; 711 S. La Brea Ave, Los Angeles, CA 90036; 3839 Wilshire Boulevard, Los Angeles, CA 90010

*Recipients of Transporter Variances*

- TWW-2021-TR-00078, P C & N Construction, Inc., 5301 F Byron Hot Springs Road, Byron, CA 94514
- TWW-2021-TR-00088, Midstate Barrier, Inc., 3291 S. Hwy 99, West Frontage Road, Stockton, CA 95215
- TWW-2021-TR-00093, Allied Waste Services of Daly City, 1680 Edgeworth Avenue, Daly City, CA 94015
- TWW-2021-TR-00094, Allied Waste Services of San Mateo County, 1680 Edgeworth Avenue, Daly City, CA 94015
- TWW-2021-TR-00095, Global Transloading, LLC, 1842 East 29th Street, Signal Hill, CA 90755
- TWW-2021-TR-00096, PARC Environmental, 2864 E. Dorothy Avenue, Fresno, CA 93706
- TWW-2021-TR-00098, Varner Bro's Inc., 1808 Roberts Lane, PO Box 80427, Bakersfield, CA 93380
- TWW-2021-TR-00100, The G.B. Group, Inc., 8921 Murray Avenue, Gilroy, CA 95020
- TWW-2021-TR-00102, Coastal Construction and Lumber, 99 Pullman Way, San Jose, CA 95111
- TWW-2021-TR-00106, North Cal Hauling Company, 5716 Folsom Boulevard #285, Sacramento, CA 95819
- TWW-2021-TR-00109, Republic Services of Imperial, 3354 Dogwood Road, Imperial, CA 92251
- TWW-2021-TR-00113, M3 Integrated Services, Inc., 3355 Regional Parkway, Santa Rosa, CA 95403
- TWW-2021-TR-00120, B&B Construction Cleanup, Inc., 2275 A Street, Santa Maria, CA 93455

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).

**SUMMARY OF REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by

contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Board of Occupational Therapy  
File # 2020-1009-03  
Application for Licensure

This action, without regulatory effect, updates the application for licensure to repeal a provision calling for mandatory disclosures regarding an applicant's criminal history and adopting a similar discretionary disclosure provision, pursuant to Business and Professions Code section 480(f)(2).

Title 16  
Amend: 4110  
Filed 03/23/2021  
Agency Contact: Heather Martin (916) 263-2294

Bureau of Security and Investigative Services  
File # 2021-0204-01  
Omnibus Clean-up/Permit Reform Act Regulation  
Repeal

The Bureau of Security and Investigative Services is making grammatical corrections, repealing Permit Reform regulation sections and adding gender neutral terms in this action without regulatory effect.

Title 16  
Amend: 601, 601.1, 601.2, 601.3, 601.6, 601.7, 601.8, 601.9, 601.10, 603, 606, 607, 606.4, 607.5, 608.3, 620, 621, 621.2, 622, 624, 625, 625.1, 626, 627, 628, 629, 630, 631.1, 632, 634, 635, 636, 637, 637.1, 643, 645  
Repeal: 601.4  
Filed 03/18/2021  
Agency Contact: Karissa Huestis (916) 575-7158

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

Commission on Peace Officer Standards and Training  
File # 2021-0105-01  
Regulation 1005 — Minimum Standards for  
Training; Procedure D-2

In this regular rulemaking action the Commission on Peace Officer Standards and Training amends the perishable skills training requirements for peace officers.

Title 11  
Amend: 1005  
Filed 03/23/2021  
Effective 03/23/2021  
Agency Contact: Michelle Weiler (916) 227-4870

Department of Corrections and Rehabilitation  
File # 2020-1008-01  
Cell, Property, and Body Inspections

This rulemaking action by the Department of Corrections and Rehabilitation expands the inmate search procedures in order to detect drugs and other contraband.

Title 15  
Amend: 3287  
Filed 03/19/2021  
Effective 07/01/2021  
Agency Contact: Rosie Ruiz (916) 445-2244

Fair Political Practices Commission  
File # 2021-0223-02  
AB 571 Local Limits

This action implements Assembly Bill 571 (Chapter 556 of 2019) concerning limits on campaign contributions to candidates for elective county and city offices.

Title 02  
Adopt: 18531.63, 18531.64  
Amend: 18404.1, 18421.4, 18421.8, 18521, 18521.5, 18523.1, 18530.2, 18530.8, 18531.2, 18531.5, 18531.61, 18535, 18536, 18537.1, 18545, 18951  
Filed 03/22/2021  
Effective 04/21/2021  
Agency Contact:  
Amanda Apostol (916) 322-5660

Sacramento-San Joaquin Delta Conservancy  
File # 2021-0226-01  
Conflict-of-Interest Code

This is a Conflict-of-Interest Code that has been approved by the Fair Political Practices Commission

and is being submitted for filing with the Secretary of State and printing only.

Title 14  
Amend: 28301  
Filed 03/23/2021  
Effective 04/22/2021  
Agency Contact: Jessica Adel (916) 375-2090

State Allocation Board  
File # 2021-0209-02  
Executive Officer's Emergency Powers; States of  
Emergency

This certificate of compliance action by the State Allocation Board makes permanent emergency regulations that authorize the extension of deadlines for programs under the authority of the board during the periods of emergency proclaimed by the Governor.

Title 02  
Amend: 1580  
Filed 03/24/2021  
Effective 03/24/2021  
Agency Contact: Lisa Jones (916) 376-1753

**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).