



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

NOTICE IS HEREBY GIVEN that the Fair Political Practices Commission (the Commission), under the authority vested in it under the Political Reform Act (the Act)¹ by Section 83112 of the Government Code, proposes to adopt, amend, or repeal regulations in Title 2, Division 6 of the California Code of Regulations. The Commission will consider the proposed regulations at a public hearing on or after **July 15, 2021** at the offices of the Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California, commencing at approximately **10:00 a.m.** Written comments should be received at the Commission offices no later than **5:00 p.m.** on **July 13, 2021**.

BACKGROUND/OVERVIEW

Commission staff has identified a need for clarification on how disclosures should appear on certain types of communications. The proposed regulations relate to disclosures on electronic slate mailers, paid spokesperson disclosures for ballot measure advertisements, disclosures on campaign advertisements in languages other than English, more detailed disclosure requirements on campaign advertisements for which specific guidance is not already provided in the Act or current regulations, required disclosures for advertisements that are in both an audio and visual format that typically appear on mobile phone listening applications similar to that of Spotify or Pandora Radio. Proposed amendments include amendments to Regulations 18435.5, and 18450.11; and adoption of Regulations 18450.6, 18450.7, and 18450.8.

¹The Political Reform Act is contained in Government Code Sections 81000 through 91014. All statutory references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices Commission are contained in Sections 18110 through 18997 of Title 2 of the California Code of Regulations. All regulatory references are to Title 2, Division 6 of the California Code of Regulations, unless otherwise indicated.

REGULATORY ACTION

Amend 2 Cal. Code Regs., Section 18435.5 — Slate Mailer Requirements

The Commission may consider amendments to Regulation 18435.5. This regulation was originally adopted by the Commission to clarify how and when the slate mailer disclosures required by Section 84305.5 must appear, including on the mailer itself as well as the outside of the mailer such as on an envelope. However, Regulation 18435.5 currently provides that the identification and disclosure requirements found in Section 84305.5 must be followed for electronic slate mailers but does not provide specificity on how the requirements should be followed when the slate mailer is in an electronic format that does not have a physical “outside” like traditional mail. The proposed amendments would clarify how the disclosure rules in the regulation apply to electronic slate mailers and how and where those disclosures must appear.

Amend 2 Cal. Code Regs., Section 18450.11 — Spokesperson Disclosure

The Commission may consider amendments to Regulation 18450.11, which provides guidance on the paid spokesperson disclosure requirements of Section 84511 for ballot measure advertisements. Proposed amendments to Regulation 18450.11 would require a committee to include the paid spokesperson disclosure on ballot measure advertisements and file the report required under Section 84511 even in the case when the committee that paid for the advertisement coordinated with a separate person who specifically paid for the appearance of the spokesperson in an advertisement, but that person does not qualify as a committee.

Adopt 2 Cal. Code Regs., Section 18450.6 — Disclosure on Advertisements in Languages Other than English

The Commission may consider adoption of Regulation 18450.6. Proposed Regulation 18450.6 provides disclosure requirements for advertisements that appear primarily in a language other than English. The Act’s campaign advertisement disclosure provisions have been drafted so as to ensure that the public is able to understand them, such as requiring all disclosures to be spoken clearly, easily readable, and accessible to the average viewer under Sections 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84504.6, and 84504.7. The proposed regulation would require advertisement disclosures to appear in the same language in which the advertisement primarily appears, with the exception of the committee’s name, which must appear as it does in the committee’s campaign filings.

Adopt 2 Cal. Code Regs., Section 18450.7 — Advertisement Disclosure for Advertisements in Formats Not Specifically Addressed

The Commission may consider the adoption of Regulation 18450.7. Proposed Regulation 18450.7 addresses the disclosure display requirements for advertisements that are required to have Section 84502, 84503, and 84506.5 disclosures, but for which a display format for those disclosures is not specifically addressed within the Act or current regulations. The Commission may also consider additional recordkeeping requirements for advertisements in formats that are not in a tangible format such as a laser projection.

Adopt 2 Cal. Code Regs., Section 18450.8 — Disclosure for Advertisements on Listening Applications that are Both Audio and Visual

The Commission may consider the adoption of Regulation 18450.8. Proposed Regulation 18450.8 addresses a current gap in guidance on electronic advertisement disclosures subject to Section 84504.3 where the advertisement appears both in a visual and an audio format on an electronic application intended mostly for listening but also has a visual aspect, such as the music listening application Pandora. The proposed regulation would treat the spoken portion of the advertisement as “audio only” requiring spoken disclosures and treat the visual portion of the advertisement as one that requires disclosures to be displayed in written format as required by Section 84504.3’s image rules or video rules unless a spoken disclosure is already required.

SCOPE: The Commission may adopt the language noticed herein, or it may choose new language to implement its decisions concerning the issues identified above or any related issues.

FISCAL IMPACT STATEMENT

Fiscal Impact on Local Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. These regulations will have no fiscal impact on any local entity or program.

Fiscal Impact on Federal Funding of State Programs. These regulations will have no fiscal impact on any local entity or program.

AUTHORITY: Section 83112 provides that the Fair Political Practices Commission may adopt, amend, and rescind rules and regulations to carry out the purposes and provisions of the Act.

REFERENCE: The purpose of this regulation is to implement, interpret, and make specific Government Code Sections 84305.5, 84502, 84503, 84504, 84504.1, 84504.2, 84504.3, 84504.4, 84504.5, 84504.6, 84504.7, 84506.5, and 84511.

CONTACT: Any inquiries should be made to Katelyn Greene, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC, or by email at kgreene@fppc.ca.gov. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notices.html>.

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: Consolidated Irrigation District
KIPP Bay Area Schools
Glenn-Colusa Irrigation District
San Bernardino Community College District
State Agency: State Public Defender

A written comment period has been established commencing on June 11, 2021 and closing on July 26, 2021. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 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 July 26, 2021. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite 3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture proposes to adopt sections 4901 and 4902 in Title 3 of the California Code of Regulations (CCR) pertaining to Registration Application for Industrial Hemp and Criminal History Report for Industrial Hemp Registration.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulation to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on July 26, 2021. The Department will consider only comments received at the Department offices by that time or postmarked no later than July 26, 2021. Submit comments to:

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

In Mr. Kelch's absence, you may contact Erin Lovig at (916) 654-1017 or erin.lovig@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulation prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth in this notice without further notice to the public. Following the public hearing if one is requested or

following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to adopt CCR Sections 4901 and 4902 pursuant to the authority under sections 401.5 and 407 of the Food and Agricultural Code (FAC) of California.

REFERENCE

The Department proposes this action to implement, interpret and make specific sections 81003, 81004, and 81013 of the FAC.

INFORMATIVE DIGEST/PLAIN ENGLISH OVERVIEW

The FAC Section 407 authorizes the Secretary to adopt “such regulations as are reasonably necessary to carry out the provisions of this code which he is directed or authorized to administer or enforce.” Additionally, FAC Section 401.5 requires the Department to “seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber in a way that benefits the general welfare and economy of the state.”

Additionally, FAC Section 401.5 states: “The department shall also seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber in a way that benefits the general welfare and economy of the state.”

This adoption of CCR Sections 4901 and 4902 will create timeframes, definitions, and procedures for industrial hemp registration and program eligibility determination based on controlled substance related felony convictions. The purpose of the proposed regulations is to promote a well-regulated industry, high-quality industrial hemp production, and comply with federal requirements as described in the *Agriculture Improvement Act of 2018 (2018 Farm Bill)*.

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

EXISTING LAWS AND REGULATIONS

Existing law, as amended by SB 153, requires that before the cultivation, growers of industrial hemp, hemp breeders, and established agricultural research institutions shall register with the commissioner of the county in which the cultivator intends to engage in hemp cultivation (FAC Sections 81003(a)(1), 81004(a)(1), and 81004.5(a)(1)). However, the registration requirement for established agricultural research institutions is not operative until California’s state regulatory plan is approved (FAC Section 81004.5(h)).

Existing law, as amended by SB 153, requires the county agricultural commissioners to determine that the requirements for registration pursuant to FAC Division 24 are met and that the applicant is eligible to participate in the industrial hemp program before issuing registration to the applicant (FAC Sections 81003(b), 81004(b) and 81004.5(b)).

Existing law, as amended by SB 153, restricts any person convicted of a felony related to a controlled substance under state or federal law before, on, or after January 1, 2020 from participating in the industrial hemp program for 10 years from the date of the conviction (FAC Section 81013).

Existing law, as amended by SB 153, requires that the Secretary develop and submit a state plan, consistent with FAC Division 24, pursuant to Section 297B of the federal Agricultural Marketing Act of 1946 (115–334), including a certification that the state has the resources and personnel to carry out the practices and procedures described in clauses (i) to (iv), inclusive, of subparagraph (A) of paragraph (2) of subsection (a) of that section. (FAC Section 81015).

Existing law, as amended by SB 153, prohibits the cultivation of industrial hemp on premises licensed by the Department to cultivate or process cannabis (as defined by law). Industrial hemp, regardless of its THC content, that is cultivated on premises licensed by the Department for cannabis cultivation shall be considered as cannabis as defined in Section 26001(f) of the Business and Professions Code (BPC) and subject to licensing and regulatory requirements for cannabis pursuant to BPC Division 10.

FAC Section 407 authorizes the Secretary to adopt “such regulations as are reasonably necessary to carry out the provisions of this code which he is directed or authorized to administer or enforce.” Additionally, FAC Section 401.5 requires the Department to “seek to enhance, protect, and perpetuate the ability of the private sector to produce food and fiber in a way that benefits the general welfare and economy of the state.”

ANTICIPATED BENEFITS FROM THIS REGULATORY ACTION

Establishment of timeframes, definitions, and procedures for industrial hemp registration and program eligibility determination will allow commercial cultivation of industrial hemp to comply with federal requirements, be harvested in California, and allow the growth of the industrial hemp industry in California. According to Vote Hemp, the United States has seen significant growth in acreage of industrial hemp cultivation: 9,770 acres of industrial hemp were grown in 2016; 25,713 acres were grown in 2017; and 78,176 acres were grown in 2018.

Currently, most hemp products processed and manufactured in the United States heavily rely on imported material, according to the Congressional Research Service. Imports of industrial hemp material into the United States have increased over the last decade. Without this regulation, most industrial hemp production in California would not be in compliance with federal law and unable to contribute to the domestic hemp supply. With this regulation, the state of California will be able to promote a well-regulated industry with high quality industrial hemp production. Without procedures for compliance with this federal law registered growers and breeders will not be able to comply with federal requirements and be forced to shutter operations. This would result in higher prices to California consumers if California is not contributing to the domestic hemp supply.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of sections 4901 and 4902 and has determined that they are not inconsistent or incompatible with existing state regulations.

Adopted Text

CCR Section 4901 Registration Application for Industrial Hemp Cultivation establishes timeframes and procedures for registration, registration amendments, and registration renewals for industrial hemp cultivation so growers of industrial hemp, hemp breeders, and established agricultural research institutions remain in compliance with all applicable state and federal requirements. The CCR Section 4901 outlines the procedures for commissioner approval, refusal, and revocation of registration. Additionally, the proposed section further specifies the type of registration information to be reported to USDA in accordance with FAC Sections 81003(e), 81004(g), and 81004.5(f).

CCR Section 4902 Criminal History Report for Industrial Hemp Registration establishes timeframes, definitions, and procedures for submitting criminal history reports for program eligibility determination based on controlled substance related felony convictions.

Disclosures Regarding the Proposed Action

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

Cost impacts on a representative private person or business: The proposed rulemaking would require applicants to provide a Federal Bureau of Investigation’s Identity History Summary for each key participant. A Federal Bureau of Investigation’s Identity History Summary costs \$18 and requires fingerprinting. Fingerprinting can be taken by local, county, or state law enforcement, or private companies including an FBI-approved Channeler. Based on quotes from three options in California, estimated fingerprinting costs approximately \$10 to \$15 per set. Given the current number of registrants, the total cost to the industry is expected to be between \$15,000 and \$18,000 in the first 12 months.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis/ Assessment

The Department has concluded that:

- (1) sections 4901 and 4902 will create or eliminate jobs within California. Some current registrants may become ineligible to grow industrial hemp under these regulations. The Department expects that this number will be small, as these requirements have been anticipated for some time. It is also expected that any lost acreage will be replaced by eligible growers,
- (2) will have no impact on the creation or elimination of businesses within the State of California,
- (3) will not affect the expansion of businesses currently doing business within California, except that any acreage lost due to ineligible growers is expected to be replaced by eligible growers,

- (4) is not expected to have a direct effect on the health and welfare of California residents, and
- (5) is not expected to have a direct impact on the state's environment.

The Benefits of the Proposed Action: The Department has determined the adoption of these regulations would benefit:

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

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

Small Business Determination: It will cost small businesses \$33 for each background check, assuming each business will only have one key participant.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

CONTACT PERSONS

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

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

The backup contact person for these inquiries is:

Erin Lovig
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
2800 Gateway Oaks Drive, Suite #200
Sacramento, CA 95833
erin.lovig@cdfa.ca.gov
916.654.1017
916.651.2900 (FAX)

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

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. 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, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its

Internet website (<https://www.cdfa.ca.gov/plant/Regulations.html>).

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

TITLE 4. HORSE RACING BOARD

NOTICE OF PROPOSAL TO ADD RULE 1866.4. THYROXINE RESTRICTED

The California Horse Racing Board (Board) proposes to amend the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The California Horse Racing Board (Board) proposes to add Board Rule 1866.4, Thyroxine Restricted, to provide a regulation governing the administration of thyroxine for horses within Board inclosures.

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.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **July 26, 2021**. The Board must receive all comments at that time. Submit comments to:

Nicole Lopes–Gravelly
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263–6397
Fax: (916) 263–6022
E–mail: nlgravelly@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority: Sections 19580, 19581 and 19582, Business and Professions Code (BPC).

Reference: Sections 19580, 19581 and 19582, BPC.

BPC section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. BPC section 19581 states that no substance of any kind shall be administered by any means to a horse after it has been entered to race in a horse race, unless the board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. BPC section 19582 provides that violations of BPC section 19581, as determined by the board, are punishable as set forth in regulations adopted by the board, and that the Board may classify violations based upon each class of prohibited drug substances, prior violations within the previous three years and prior violations within the violator’s lifetime.

Thyroxine (levothyroxine sodium) is a product for the treatment of hypothyroidism, or underperformance of the thyroid gland, in horses. Hypothyroidism is rare in horses and especially so in young racehorses. Nevertheless, thyroid hormones, primarily as levothyroxine, are commonly prescribed. Thyroxine has been associated with cardiac arrhythmias and atrial fibrillation in humans and anecdotally similar cardiac arrhythmias and atrial fibrillation have been reported in horses. While the Board cannot assert a cause–and–effect relationship, one sudden death in 2020 occurred five days after the horse was prescribed thyroxine. Thyroxine overuse in racehorses gained attention in 2013 when the Board launched an investigation into the sudden deaths of seven horses all trained by the same trainer. All seven horses were administered thyroxine through their feed. After the Board’s Sudden Death Reports in 2013, the Board issued an advisory requiring a specific diagnosis and other prescribing, reporting and labeling instructions for thyroxine and any other thyroid hormone or thyroid hormone analogs. Notwithstanding the Board’s advisory, in 2020, veterinarians reporting to the official veterinarians on just the Southern California Thoroughbred circuit and their auxiliary training centers had reported 256 prescriptions for thyroxine from January 1, 2020, through the first week of October 2020. Over half of the prescriptions were for two trainers and 80% of the thyroxine had been prescribed by just three veterinarians.

The proposed addition of Board Rule 1866.4 will restrict the use of thyroxine for horses within a Board inclosure. Specifically, the addition of Board Rule 1866.4 will require a TRH– (thyrotropin–releasing hormone) response test to be performed by a Board–licensed veterinarian, a positive hypothyroidism test be obtained, and the positive result indicating

hypothyroidism be submitted to the official veterinarian or equine medical director for review and approval of a thyroxine prescription based on their independent determination that the test result confirms the hypothyroidism diagnosis. It will also specify that following approval of the prescription, the thyroxine prescription cannot exceed 90 calendar days without further re-authorization from the official veterinarian or equine medical director and a horse administered thyroxine is ineligible to start in a race for 30 calendar days of last administration. Finally, it will prohibit the possession of thyroxine or any other thyroid hormone analog within the racing enclosure without a prescription.

The proposed regulatory action will help preserve and enhance the integrity of horse racing in California with respect to equine medication, which will benefit the health and safety of racehorses and the safety of their riders. The proposed addition of Board Rule 1866.4 will ensure only those horses diagnosed with hypothyroidism are approved for a prescription for thyroxine administration. This will limit the use of race day medications and reduce fatalities in racing by regulating the use of thyroxine.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed addition of Board Rule 1866.4 will provide a regulation governing the administration of thyroxine for horses within Board inclosures and will ensure only those horses diagnosed with hypothyroidism are approved for a prescription for thyroxine administration. This will contribute to the overall health of the horse, which will help prevent injuries and accidents from occurring, thereby increasing safety for the horse and its rider.

CONSISTENCY EVALUATION

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

DISCLOSURE REGARDING THE PROPOSED ACTION/RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Mandate on local agencies or school districts: none.

Cost or savings to any state agency: none.

Cost to any local agency or school district that must be reimbursed in accordance with Government Code (GC) section 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed addition of Board Rule 1866.4 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states. The proposed regulation will ensure only those horses diagnosed with hypothyroidism are approved for a prescription for thyroxine administration. This will limit the use of race day medications and reduce fatalities in racing by regulating the use of thyroxine.

The following studies/relevant data were relied upon in making the above determination: RMTC Racing Medication and Testing Consortium and the AAEP American Association of Equine Practitioners: “Thyroxine Advisory” (dated August 18, 2020).

California Horse Racing Board: “Report on the Investigation and Review of the Seven Sudden Deaths on the Hollywood Park Main Track of Horses Trained by Bob Baffert and Stabled in Barn 61,” (November 2013).

Cost impact on representative private persons or businesses: 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.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed regulation will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) result in the expansion of businesses currently doing business within the state; or (4) benefit the state’s environment. The proposed addition of Board Rule 1866.4 will restrict the use of thyroxine for horses within a Board inclosure. As such, the proposed regulatory action will only affect trainers of a horse that seek the use of thyroxine, Board-licensed veterinarians that perform the TRH-response test, and the official veterinarian or equine medical director that reviews the test results and approves a thyroxine prescription. Therefore, the proposed regulatory action will have an effect on only horseracing and not any other type of California business, and no negative economic impact is anticipated.

Effect on small businesses: none. The proposal to add Board Rule 1866.4 does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed

regulation will ensure only those horses diagnosed with hypothyroidism are approved for a prescription for thyroxine administration. This will limit the use of race day medications and reduce fatalities in racing by regulating the use of thyroxine.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), 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 on 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Nicole Lopes–Gravelly
Associate Governmental Program Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263–6397
Fax: (916) 263–6022
E-mail: nlgravelly@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Amanda Drummond, Manager
Policy and Regulations
Telephone: (916) 263–6033
Email: amdrummond@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices 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 texts of the regulations, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Nicole Lopes–Gravelly, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed texts, the modified texts, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of Nicole Lopes–Gravelly at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Rick Pimentel, at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulations and the initial statement of reasons. The Board's website address is: www.chrb.ca.gov.

TITLE 8. PUBLIC EMPLOYMENT RELATIONS BOARD

The Public Employment Relations Board (PERB or Board) proposes to adopt and amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to adopt proposed new section 32312, and amend sections 32056, 32060, 32110, 32121, 32140, 32150, 32155, 32170, 32180, 32190, 32205, 32300, 32310, 32720, 32792, 32998, 32999, 93000, 93025, 93030, 93045, 93055, 93070, and 93075.

Section 32056 defines the terms, “State Mediation and Conciliation Service” and “Director”. Section 32060 defines, “The headquarters office”. Section 32110 provides electronic filing requirements. Section 32121 identifies the place to file matters with State Mediation and Conciliation Service. Section 32140 identifies the proper recipients for service. Section 32150 describes the manner in which parties obtain, serve, challenge, and enforce subpoenas. Section 32155 concerns recusals. Section 32170 describes the authority of a Board agent conducting a formal hearing. Section 32180 describes the rights of parties during a formal hearing. Section 32190 describes the filing of motions during a formal hearing. Section 32205 involves the process for requesting a continuance of a formal hearing. Section 32300 describes the process for filing exceptions to a decision by a Board agent. Section 32310 concerns a response to the filing of exceptions to a decision by a Board agent. Proposed section 32312 addresses the filing of a reply to a response to exceptions. Section 32720 describes the Board’s authority to conduct representation elections. Section 32792 concerns requests for the Board to determine impasse and appoint a mediator. Section 32998 concerns reimbursement for services by State Mediation and Conciliation Service. Section 32999 concerns elections conducted by State Mediation and Conciliation Service. Section 93000 defines various transit districts under the Public Utilities Code. Section 93025 concerns investigations of representation petitions by State Mediation and Conciliation Service. Section 93030 concerns the conduct of hearings by State Mediation and Conciliation Service. Section 93045 concerns the use of subpoenas in proceedings conducted by State Mediation and Conciliation Service. Section 93055 describes the duties of a hearing officer following a hearing conducted by State Mediation and Conciliation Service. Section 93070 describes election procedures. Section 93075 concerns runoff elections.

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 before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by facsimile (FAX) at (916) 327–6377 or by e–mail at felix.delatorre@perb.ca.gov. The written comment period closes on July 26, 2021, which is 45 days after the publication of this notice. The Board will only consider comments received at the Board offices by that time. Submit written comments to:

J. Felix De La Torre, General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811

AUTHORITY AND REFERENCE

Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Educational Employment Relations Act (EERA). Pursuant to Government Code sections 3509(a) and 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Meyers–Miliias–Brown Act (MMBA). Government Code section 3513(h) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Ralph C. Dills Act (Dills Act). Government Code section 3563(f) authorizes the Board to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Higher Education Employer–Employee Relations Act (HEERA). Pursuant to Public Utilities Code section 99561(f), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Los Angeles County Metropolitan Transportation Authority Transit Employer–Employee Relations Act (TEERA). Pursuant to Government Code sections 3541.3(g) and 71639.1(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Employment Protection and Governance Act (Trial Court Act). Pursuant to Government Code sections 3541.3(g) and 71825(b), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act). Pursuant to Government

Code sections 3541.3(g) and 3524.52(a), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Judicial Council Employer–Employee Relations Act (JCEERA). Pursuant to Government Code sections 3541.3(g) and 3555(c), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Public Employee Communication Chapter (PECC). Pursuant to Government Code sections 3541.3(g) and 3551(a), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Prohibition on Public Employers Deterring or Discouraging Union Membership chapter (PEDD). Pursuant to Education Code sections 8431(e), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Child Care and Development Act (Childcare Provider Act). Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Orange County Transit District Act (OCTDA). Pursuant to Government Code section 3541.3(g), the Board is authorized to adopt, amend and repeal rules and regulations to carry out the provisions and effectuate the purposes and policies of the Bay Area Transit District (BART) Act.

General reference for **section 32056** of the Board’s regulations: Section 3600, Government Code. General reference for **section 32060** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32110** of the Board’s regulations: Sections 3509, 3513, 3514.5, 3541.3, 3541.5, 3551(a), 3555.5(c), 3563, 3563.2, 71639.1 and 71825, Government Code; and Sections 99561 and 99561.2, Public Utilities Code. General reference for **section 32121** of the Board’s regulations: Sections 3600, 3601, 3603 and 3611, Government Code; and Sections 25051, 25052, 28850, 28851, 30750, 30751, 30754, 30756, 40120, 40122, 50120, 50121, 70120, 70122, 90300, 95650, 95651, 98162.5, 100301, 100305, 100306, 101341, 101342, 101344, 102401, 102403, 103401, 103404, 103405, 103406, 125521, 125526, Appendix 1, Sections 4.2 and 4.4, and Appendix 2, Sections 13.90, 13.91 and 13.96, Public Utilities Code. General reference for **section 32140** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(n), 3551(a), 3555.5(c), 3563(m), 71639.1 and 71825, Government Code; and Section 99561(m), Public Utilities Code. General reference for **section 32150** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c),

3563(g), 3601, 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32155** of the Board’s regulations: Sections 3509, 3509.5, 3513, 3520, 3541.3, 3542, 3551(a), 3555.5(c), 3557, 3563, 3564, 71639.1, 71639.4, 71825 and 71825.1, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561, 99562, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. General reference for **section 32170** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(h), 3541.3(k), 3551(a), 3555.5(c), 3563(g), 3563(j), 71639.1 and 71825, Government Code; and Sections 99561(g) and 99561(j), Public Utilities Code. General reference for **section 32180** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32190** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32205** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(h), 3551(a), 3555.5(c), 3563(g), 71639.1 and 71825, Government Code; and Section 99561(g), Public Utilities Code. General reference for **section 32300** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. General reference for **section 32310** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. General reference for **proposed section 32312** of the Board’s regulations: Sections 3509, 3513(h), 3541.3(k), 3541.3(n), 3551(a), 3555.5(c), 3563(j), 3563(m), 71639.1 and 71825, Government Code; and Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 99561(j), 99561(m), 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. General reference for **section 32720** of the Board’s regulations: Sections 3541.3(c), 3541.3(e), 3541.3(g), 3541.3(l), 3541.3(m), 3513(h), 3520.5(b), 3544.1(a), 3544.3, 3544.7(a), 3546, 3563(c), 3574(a), 3577, 3579(e) and 3583.5, Government Code; and Sections 99561(c), 99561(e), 99561(k), 99561(l), 99564, 99564.1, 99564.2, 99564.3, 99564.4 and 99566.1, Public Utilities Code. General reference for **section 32792** of the Board’s regulations: Sections 3518, 3548 and 3590, Government

Code. General reference for **section 32998** of the Board's regulations: Sections 3551(a), 3555.5(c), 3557, 3600, 3601, 3602, 3603 and 3611, Government Code; Sections 25051, 25052, 28850, 28852, 30750, 30751, 30756, 40120, 40122, 50120, 50121, 70120, 70121, 95650, 95651, 98162.5, 100301, 100304, 100305, 100306, 101341, 101342, 101344, 102401, 102403, 103401, 103404, 103405, 103406, 120502, 120503, 120505, 125521, 125524, 125525, 125526, Appendix 1, Section 4.1 and Appendix 2, Section 13.90, Public Utilities Code; Section 11010, Government Code; and Sections 8740 and 8752, State Administrative Manual. General reference for **section 32999** of the Board's regulations: Sections 3502.5(b), 3502.5(d), 3507.1(c), 71632.5(c), 71636.3 and 71814(c), Government Code. General reference for **section 93000** of the Board's regulations: Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. Additional reference: Labor-Management Relations Act, 1947, Section 9, 29 USC Section 159; 29 CFR Sections 102.60–102.72. General reference for **section 93025** of the Board's regulations: Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. Additional reference: Labor Management Relations Act, 1947, Section 9, 29 USC Section 159; 29 CFR Sections 102.60–102.72. General reference for **section 93030** of the Board's regulations: Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. Additional reference: Labor Management Relations Act, 1947, Section 9, 29 USC Section 159; and 29 CFR Sections 102.60–102.72. General reference for **section 93045** of the Board's regulations: Reference: Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. Additional reference: Labor Management Relations Act, 1947, Section 9, 29 USC Section 159; 29 CFR Sections 102.60–102.72. General reference for **section 93055** of the Board's regulations: Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. Additional reference: Labor Management Relations Act, 1947, Section 9, 29 USC Section 159; 29 CFR Sections 102.60–102.72. General reference for **section 93070** of the Board's regulations: Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. Additional reference: Labor Management Relations Act, 1947, Section 9, 29 USC Section 159; 29 CFR Sections 102.60–102.72. General

reference for **section 93075** of the Board's regulations: Sections 4.4, 13.91, 25052, 28851, 30751, 40122, 50121, 70122, 90300, 95651, 98162.5, 100301, 101344, 102403, 103401, 120505 and 125521, Public Utilities Code. Additional reference: Labor Management Relations Act, 1947, Section 9, 29 USC Section 159; 29 CFR Sections 102.60–102.72.

POLICY STATEMENT OVERVIEW

PERB is a quasi-judicial agency which oversees public sector collective bargaining in California. PERB presently administers ten collective bargaining acts, ensures their consistent implementation and application, and adjudicates disputes between the parties subject to them. The statutes administered by PERB are: the Meyers–Milius–Brown Act (MMBA) of 1968, which established collective bargaining for California's city, county, and local special district employers and employees; the Educational Employment Relations Act (EERA) of 1976 establishing collective bargaining in California's public schools (K–12) and community colleges; the State Employer–Employee Relations Act of 1978, known as the Ralph C. Dills Act (Dills Act), establishing collective bargaining for state government employees; the Higher Education Employer–Employee Relations Act (HEERA) of 1979 extending the same coverage to the California State University System, the University of California System and Hastings College of Law; the Los Angeles County Metropolitan Transportation Authority Transit Employer–Employee Relations Act (TEERA) of 2003, which covers supervisory employees of the Los Angeles County Metropolitan Transportation Authority; the Trial Court Employment Protection and Governance Act (Trial Court Act) of 2000 and the Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) of 2002, which together provide for collective bargaining rights for most trial court employees; and the Judicial Council Employer–Employee Relations Act (JCEERA) of 2018, which establishes collective bargaining for Judicial Council employees; the Building a Better Early Care and Education System Act of 2019, known as the Childcare Provider Act (CCPA), establishes collective bargaining for family childcare providers who participate in a state-funded early care and education program. In 2020, the Legislature gave PERB jurisdiction over the Bay Area Rapid Transit District Act (BART Act), where the Board has jurisdiction over disputes relating to employer–employee relations at BART, and jurisdiction over the Orange County Transit District Act (OCTDA) in the Public Utilities Code giving PERB jurisdiction over unfair practice charges at the Orange County Transportation Authority.

The proposed regulation and amendments update the Board’s rules that govern the circumstances requiring Board members and PERB employees to recuse themselves from proceedings; the filing of exceptions to Proposed Decisions; the use of discovery and motions in formal hearings; and standards for obtaining continuances of a formal hearing. In addition, the proposed amendments update the description of the facilitation services offered by State Mediation and Conciliation Service (SMCS) and correct the title of the individual charged with overseeing SMCS from Supervisor to Director. To a great degree, these amendments are intended to consolidate duplicative rules, fill gaps, and simplify the Board’s procedures and processes for case adjudication in a way that makes the regulations more understandable to attorneys and non-attorneys alike.

Over time, the Legislature has continued to place additional public employers under PERB’s jurisdictions. As a consequence, the Legislature has added more than two million public employees and their associated caseloads to the Board’s jurisdiction. In response, PERB has continued to evaluate changes to case processing intended to be more efficient and streamlined. On April 13, 2017, the Board approved a Case Processing Efficiency Initiative to generate ideas for the improvement and streamlining of case processing. The Board solicited feedback from staff and constituents on the updates needed to make our proceedings efficient and user-friendly, keeping in mind that many constituents are non-attorneys or pro per litigants unfamiliar with legal procedures in an administrative law setting. PERB’s case-adjudication processes differ from other judicial forums in that non-attorney parties may not only self-represent (pro per litigants) but may be represented by non-attorney representatives. It is therefore not uncommon for non-attorneys to appear on behalf of individuals or organizations and navigate their way through PERB’s case adjudication processes and the corresponding regulations. As revealed through the stakeholder meetings that were part of the Case Processing Efficiency Initiative, PERB’s case processing regulations are often unnecessarily complicated, incomplete, obsolete, or ambiguous. These problems often cause litigants to commit errors or missteps, which delay case adjudication. Aside from the delays, these errors create additional work for PERB’s attorneys and judges. For this reason, the Board determined it was necessary to amend the regulations to make them user-friendly, detailed, and understandable.

On June 14, 2018, the Board approved the Case Processing Efficiency Initiative Report, which included a number of recommendations. These

proposed regulations incorporate some of those recommendations.

INFORMATIVE DIGEST

A. Adoption of New Sections

Proposed Section 32312 adds a provision to allow the filing of a reply brief in support of a statement of exceptions to a decision by a Board agent.

B. Amendment to the Text of Existing Sections

Section 32056 provides definitions for State Mediation and Conciliation Service and the officer that oversees that division. The amendment replaces the term “Supervisor” with “Director” as the definition for the officer that oversees State Mediation and Conciliation Service.

Section 32060 states that the Board itself, the General Counsel, the Chief Administrative Law Judge, and the Executive Director are located in the headquarters office. The proposed amendment adds the Director of State Mediation and Conciliation Services as being located in the headquarters office.

Section 32110 provides electronic filing requirements. The proposed amendment corrects a typographical error that cites to the incorrect subdivision which sets size limits on a Portable PDF.

Section 32121 describes the appropriate location for filing documents with State Mediation and Conciliation Service. The proposed changes would replace the San Francisco Regional office with the Sacramento Regional Office as the office to file matters with State Mediation and Conciliation Service.

Section 32140 describes the proper recipient for service of process. The proposed amendment removes the reference to service by facsimile, which is no longer authorized by the regulations. In addition, the proposed change adds “other public school employers” to the list of public entities authorized to receive service of process in a PERB proceeding.

Section 32150 describes the issuance of subpoenas in formal hearings. The proposed changes would define the different types of subpoenas; specify the content needed for each type of subpoena; describe the method of serving a subpoena on a witness; add rules for motions that seek to extend the date for production of documents, for revoking or limiting a subpoena, and to enforce a subpoena, as well as other changes that clarify the use of subpoenas.

Section 32155 describes the grounds for disqualifying a Board agent or Board Member from participating in PERB proceedings. The proposed changes would describe grounds for recusal of Board Members and Board agents, but also adds the General Counsel, Chief Administrative Law Judge, Legal Advisors, conciliators, mediators, and other PERB

officers, employees, or contractors as being subject to recusal.

Section 32170 describes the powers and the duties of a Board agent conducting a hearing. The proposed change now describes the “authority” of a Board agent conducting a hearing. The proposed change includes definitions for “Prehearing conference”, “Formal Hearing”, and “Hearing”. The proposed amendment further authorizes the use of video conferencing to conduct hearings and describes a Board agent’s authority to address motions during a hearing, including motions related to protective orders.

Section 32180 concerns the rights of parties during a hearing. The proposed change provides that parties may self-represent, be represented by counsel, or be represented by a non-attorney representative. The proposed amendment gives a Board agent the authority to decide the best forum to conduct a hearing, including the use of a video hearing.

Section 32190 concerns motions filed with PERB. The proposed change would establish that the rules governing motions apply only after the Office of the General Counsel issues a complaint. The proposed regulation also designates deadlines for the filing of certain motions, as well as longer briefing schedules for those motions.

Section 32205 concerns requests for continuances during a formal hearing. The proposed change includes additional rules for parties requesting a continuance, which differ based on the number of days the request is made prior to a formal hearing. The proposed regulation also includes new filing requirements and describes the grounds that the administrative law judge considers when ruling on a request for a continuance.

Section 32300 concerns the filing of exceptions with the Board itself to a Proposed Decision. The proposed change eliminates the requirement that parties file a brief along with the statement of exceptions, describes the required content of the statement of exceptions, sets a 14,000 word limit, and describes the grounds that the Board will consider in its decision.

Section 32310 concerns a party’s response to exceptions filed with the Board itself. The proposed change sets forth the required content to a response to a statement of exceptions and establishes a word limit to that response.

Proposed Section 32312 concerns the filing of a reply brief in support of a statement of exceptions. The proposed section authorizes parties to file a reply brief after the opposing party files its response to a statement of exceptions. The proposed section places a 5000 word limit on a reply brief unless the Board permits a longer brief.

Section 32720 concerns the Board’s authority to conduct representation elections. The proposed change makes clear that section 32720 does not apply

to elections for transit districts, or elections under the under the Meyers–Milius Brown Act, Trial Court Act, or Court Interpreter Act when conducted by State Mediation and Conciliation Service under specified circumstances.

Section 32792 concerns a party’s requests that the Board determine impasse and appoint a mediator. The proposed change makes clear that section 32792 applies only to the Ralph C. Dills Act, Educational Employment Relations Act, and Higher Education Employer–Employee Relations Act.

Section 32998 concerns reimbursement rates for service by State Mediation and Conciliation Service. The proposed changes update the description of facilitation services offered by SMCS, and corrects the title of the individual charged with overseeing SMCS from Supervisor to Director.

Section 32999 concerns representation and agency shop elections by State Mediation and Conciliation Service. The proposed change specifies that section 32999 does not apply to elections conducted by the Office of the General Counsel or an agency shop election.

Section 93000 provides definitions for matters involving transit districts. The proposed change replaces the term “Supervisor” with “Director” to describe the PERB officer that oversees State Mediation and Conciliation Service.

Section 93025 concerns investigations by State Mediation and Conciliation Service of representation matters involving transit districts. The proposed change replaces the term “Supervisor” with “Director” to describe the PERB officer that oversees State Mediation and Conciliation Service.

Section 93030 concerns hearings by State Mediation and Conciliation Service in representation matters involving transit districts. The proposed change replaces the term “Supervisor” with “Director” to describe the PERB officer that oversees State Mediation and Conciliation Service.

Section 93045 concerns the issuance of subpoenas by State Mediation and Conciliation Service in representation matters involving transit districts. The proposed change replaces the term “Supervisor” with “Director” to describe the PERB officer that oversees State Mediation and Conciliation Service.

Section 93055 concerns the duties of a hearing officer with State Mediation and Conciliation Service following a hearing in a representation matter involving a transit district. The proposed change replaces the term “Supervisor” with “Director” to describe the PERB officer that oversees State Mediation and Conciliation Service.

Section 93070 concerns election procedures by State Mediation and Conciliation Service in representation matters involving transit districts. The

proposed change replaces the term “Supervisor” with “Director” to describe the PERB officer that oversees State Mediation and Conciliation Service.

Section 93075 concerns run-off election procedures by State Mediation and Conciliation Service in representation matters involving transit districts. The proposed change replaces the term “Supervisor” with “Director” to describe the PERB officer that oversees State Mediation and Conciliation Service.

C. Amendments Only to the Authority and Reference Citations of Existing Regulations

None.

For more information regarding specific proposed regulations or amendments to the existing regulations, please refer to the proposed regulatory language.

CONSISTENT AND COMPATIBLE WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulatory adoptions and amendments are not inconsistent or incompatible with existing regulations. After conducting a review of all regulations that would relate to or affect this area of California law, the Board has determined that due to PERB’s exclusive jurisdiction to implement and enforce the labor relations acts within its jurisdiction, the proposed regulations are the only regulations concerning the implementation and enforcement of these laws. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

As part of PERB’s Case Processing Efficiency Initiative, the Board seeks to make the agency’s procedures for case processing easier to understand and therefore more accessible to non-attorney parties and representatives. In this, PERB determined that it needed to amend many of its regulations to eliminate ambiguities, add missing information, and consolidate or remove redundancies. By making these changes, the proposed regulations will reduce case processing errors, which, in turn, will improve case processing times. In addition, the proposed regulations will make case adjudication more consistent. As one example, PERB’s rules provide that a party may file a statement of exceptions to a Proposed Decision, and the opposing party may file a response brief to the statement of exceptions. The rules, however, are silent on whether a party may file a reply brief after the opposing party files its response. This has resulted in some parties filing a reply brief while other parties forego a reply brief, often because they did not know whether a reply

brief was authorized by the regulations. The proposed regulations add a new rule that expressly authorizes reply briefs with specific word limits. This assists the Board by providing full briefing in a concise and detailed manner.

One proposed change is a result of circumstances that resulted from the COVID-19 pandemic. In particular, PERB’s current regulations include no rules to govern the use of video conferencing to conduct formal hearings. In response to this problem, the proposed regulations authorize administrative law judges to determine the location of a formal hearing, and whether parties, representatives, and witnesses will participate in a hearing either in-person, telephonically, by video, or a combination. PERB also seeks to eliminate inefficient regulations. For example, the current regulations allow parties to request a continuance of a formal hearing at any time up to five days before the hearing, but the rule treats all requests equally regardless if the request comes 5 days or 30 days before a hearing. Because scheduling impacts are greater when a request is made less than a week before a hearing, PERB seeks to update its continuance regulation to include different standards for obtaining a continuance, each standard dependent on how close to the hearing a party makes the request.

The proposed regulations also close information gaps. As one example, PERB’s regulation describing the circumstances that require PERB employees to recuse themselves from a case do not cover all PERB employees involved in case investigations and adjudication. In particular, the current regulation does not expressly cover Legal Advisors, the General Counsel, Chief Administrative Law Judge, Executive Director, PERB officers, employees, or contractors. The proposed regulation closes this gap in coverage by applying the recusal regulation to those individuals. Similarly, PERB’s current regulation governing the use of subpoenas does not include the detailed information that is typically found in subpoena rules used by courts and other administrative law forums. As a result, the current regulation lacks the details to best guide constituents on how to obtain, serve, challenge, or enforce a subpoena. The proposed regulation solves the problem by defining the different types of subpoenas; specifying the content needed for each type of subpoena; describing the method of serving a subpoena on the witness; adding rules for motions that seek to extend the date for production of documents, for revoking or limiting a subpoena, and enforcing a subpoena, as well as other changes that clarify the use of subpoenas.

Essentially, the proposed regulations are a continuation of the Board’s efforts to update its case processing regulations so as to provide constituents

with easy to understand yet comprehensive rules on case processing.

NO EXISTING AND COMPARABLE FEDERAL REGULATION OR STATUTE

During the process of developing these proposed regulatory adoptions and amendments, the Board has conducted a search for any similar federal regulations and statutes on this topic and has determined that there are no existing, comparable federal regulations or statutes or Board precedent, as these proposed regulatory changes apply solely to public employers and employee organizations under the jurisdiction of the California public sector labor relations statutes set forth above. Therefore, the Board has concluded that these regulations are neither inconsistent nor incompatible with existing Federal regulations or statutes.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

Mandate on local agencies and school districts: The proposed action would not impose any new mandate.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 et seq.: The proposed action would not impose any new costs which must be reimbursed.

Other non-discretionary cost or savings imposed upon local agencies: The proposed action would not result in any new costs which must be reimbursed, or savings imposed upon local agencies.

Cost or savings to state agency: The proposed action would not result in any new costs or savings.

Cost or savings in federal funding to the state: The proposed action would not result in any new costs or savings.

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

Significant adverse economic impact on business including the ability of California businesses to compete with businesses in other states: The proposed action will have no impact.

Significant effect on housing costs: There will be no effect on housing costs.

Business Reporting Requirement: The proposed action will not require a report to be made.

The Board has determined that the proposed regulations will not affect small business because the

proposed regulations will only affect public employers, public employees, and public employee organizations.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

BENEFIT ANALYSIS

By updating the case processing and adjudication regulations, as well as the benefits from the efficiencies from user-friendly, comprehensive, and consolidated rules, PERB will improve public sector labor relations by providing necessary information and clarity to parties about PERB's standards and processes. This will improve efficiencies in PERB's resolution of labor disputes, which will promote full communication between public employers and their employees in resolving disputes over wages, hours and other terms and conditions of employment. The proposed regulatory action will not adversely affect the health and welfare of California residents, worker safety, or the State's environment. The proposed regulatory action will further the policies underlying prompt resolution of labor disputes by providing a process to expediently resolve alleged violations of California's labor relations laws. California residents' general welfare will be benefitted by stable collective bargaining and dispute resolution, which translates to continuous delivery of the essential services that California's public agencies and employees provide to California's communities.

In addition, the enhanced use of video conferencing in case adjudication provides PERB employees and constituents a safe means for telework during a public health crisis, as experienced in 2020 during the COVID-19 crisis. Despite the closure of PERB's offices and subsequent telework requirements, PERB has continued its full range of services to the public. The proposed regulations allow PERB and its constituents to experience the full range of PERB services, including evidentiary hearings on disputed matters.

CONSIDERATION OF ALTERNATIVES

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

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

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

CONTACT PERSONS

Any questions or suggestions regarding the proposed action should be directed to:

J. Felix De La Torre
General Counsel
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
E-mail: felix.delatorre@perb.ca.gov

The backup person for these inquiries is:

Ronald Pearson, Supervising Regional Attorney
Public Employment Relations Board
1031 18th Street
Sacramento, CA 95811
(916) 322-3198
E-mail: ronald.pearson@perb.ca.gov

Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based, to J. Felix De La Torre at the above address.

PRELIMINARY ACTIVITIES

PERB held public meetings on April 11, 2019, June 13, 2019, August 8, 2019, and October 10, 2019, wherein the public was given the opportunity to provide comments regarding implementation of these regulations. During the public meetings, several constituents provided comments as well as recommendations to the Board. In response, the Board agreed to amend several of the proposed regulations for approval at the next public meeting. During the subsequent public meetings, the Board itself approved the publication of the proposed regulatory text and the commencement of the formal rulemaking process.

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 California Regulatory Notice Register, the rulemaking file consists of this notice, the express terms of the proposed regulations and the initial statement of reasons. Copies of these documents may be obtained by contacting Felix De La Torre at the above address and are also available on the Board’s web site at www.perb.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a hearing, if one is requested, and considering all timely and relevant comments, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications that are sufficiently related to the originally proposed text, the modified text with changes clearly indicated shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulations as revised. Requests for copies of any modified regulations and/or the final statement of reasons should be sent to the attention of J. Felix De La Torre at the above address. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting J. Felix De La Torre at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this notice of proposed action, the initial statement of reasons, and the text of the proposed regulations in underline and strikeout, can be accessed through PERB’s web site located at www.perb.ca.gov throughout the rulemaking process. Written comments received during the written comment period will also be posted on PERB’s web site. The final statement of reasons or, if applicable, notice of a decision not to proceed will be posted on PERB’s web site following the Board’s action.

**TITLE 14. DEPARTMENT OF
PARKS AND RECREATION**

WRITTEN COMMENT PERIOD

GRANTS AND COOPERATIVE
AGREEMENTS PROGRAM REGULATIONS

NOTICE IS HEREBY GIVEN the California Department of Parks and Recreation (Department) proposes to amend the regulations and documents incorporated by reference described below after considering all comments, objections and recommendations regarding the proposed action.

Any interested person, or his or her authorized representative, may submit written comments relative to the proposed rulemaking to the Department. The written comment period ends on July 26, 2021. The Department will consider only written comments received at the Department's office by that time. Written comments may be mailed to the following address:

PROPOSED REGULATORY ACTION

The Department proposes to amend the regulations in the California Code of Regulations, Title 14, Division 3, Chapter 15, Articles 1 through 5 (CCR), Sections 4970.01, 4970.03, 4970.05.1, 4970.06.1, 4970.06.2, 4970.06.3, 4970.07, 4970.08, 4970.08.1, 4970.08.2, 4970.10, 4970.10.1, 4970.10.2, 4970.10.3, 4970.10.4, 4970.11, 4970.13, 4970.20, 4970.24.1, and Grants and Cooperative Agreements Program — Appendix (Appendix) pertaining to the Off-Highway Motor Vehicle Recreation Division (OHMVR Division) Grants and Cooperative Agreements Program (Program).

California Department of Parks and Recreation
Off-Highway Motor Vehicle Recreation Division
Attention: Sixto Fernandez, Grants Manager
Grants and Cooperative Agreements
1725 23rd Street, Suite 200
Sacramento, California 95816-7100

Written comments delivered by email or facsimile will also be accepted by the Department. Written comments may be submitted by email to OHV.Grants@parks.ca.gov or via facsimile at (916) 324-1610. Electronic mail or facsimile transmission must be completed by the deadline given above.

PUBLIC HEARING

The Department has scheduled a telephonic public hearing on the proposed rulemaking. The hearing will be held on July 27, 2021 and can be accessed through the conference line number below. The meeting will commence at 2:00 p.m.

AUTHORITY AND REFERENCE

Authority Citation: The proposed amendments are authorized by Public Resources Code (PRC) Sections 5001.5 and 5003.

Reference Citation: The particular code sections implemented, interpreted, or made specific by these proposed amendments are PRC Sections 5020.1(j), 5024.1, 5090.01 through 5090.65 and 21000 et seq.; Vehicle Code Sections 38001 and 38006; Education Code Sections 210.3 and 66010.4; 25 CFR Section 83.5(a); 40 CFR part 1500.1 et seq.; U.S. IRC Section 501(c)(3); USC Title 42, Section 4371.

Conference Line: 1 (877) 952-2063
Participant Code: 31875622

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Any interested person, or his or her authorized representative, may present oral or written statements, arguments, or contentions relevant to the proposed action described in the Informative Digest. The Department may impose reasonable limits on oral presentations. The Department requests, but does not require, persons making oral comments at the hearings also submit a written copy of their testimony. Additionally, pursuant to Government Code Section 11125.1, any information presented to the Department during the open hearings in connection with the subject matter open to discussion or consideration becomes part of the public record. Such information shall be retained by the Department and shall be made available upon request.

Summary of Existing Laws and Regulations

PRC Section 5090.01 et seq., also known as the Off-Highway Motor Vehicle Recreation Act of 2003, as amended, governs the OHMVR Division's Grants and Cooperative Agreements with cities, counties, Districts, U.S. Forest Service, U.S. Bureau of Land Management, other Federal Agencies, State and Federally Recognized Native American Tribes, Nonprofit organizations, Educational Institutions, Certified Community Conservation Corps, and State agencies.

The Program is administered by the Division within the Department. The Program allows the State to assist eligible agencies and organizations to develop, maintain, expand and manage high-quality OHV

Recreation areas, roads, trails, and other Facilities, while responsibly maintaining the wildlife, soils, and habitat in a manner that will sustain long-term OHV Recreation. Assistance is provided in the form of Project-specific Grant funding. Grants are awarded through a competitive process where Applicants and their Projects are evaluated using objective criteria.

Effect of the Proposed Rulemaking

Generally, the proposed regulatory revisions will make the regulatory language more concise, clear, and consistent by amending Program regulations and various documents within the Appendix, incorporated by reference.

Specifically, the proposed regulatory revisions would:

Article 1. General Provisions

Amend CCR Section 4970.01

The proposed action makes the section language consistent with all sections of the CCR and clarifies the definition of a “District”.

Amend CCR Section 4970.03

The proposed action makes the section language consistent with all sections of the CCR.

Amend CCR Section 4970.05.1

The proposed action updates the Grants and Cooperative Agreements Program Regulations — Appendix version date; adds reference to the existing Equipment Inventory form and the Grants and Cooperative Agreements Program Regulations — Appendix, as incorporated by reference; clarifies and amends Equipment Inventory form reporting requirements; corrects reference to sections within the CCR.

Amend CCR Section 4970.06.1

The proposed action adds reference to the Grants and Cooperative Agreements Program Regulations — Appendix, as incorporated by reference; makes the section language consistent with all sections of the CCR; corrects reference to sections within the CCR; renumbers section to be consistent within the CCR.

Amend CCR Section 4970.06.2

The proposed action makes the section language consistent with all sections of the CCR and adds references to the Grants and Cooperative Agreements Program Regulations — Appendix, as incorporated by reference; clarifies Habitat Management Plan reporting requirements.

Amend CCR Section 4970.06.3

The proposed action makes the section language consistent with all sections of the CCR; adds references to the Grants and Cooperative Agreements Program Regulations — Appendix, as incorporated by reference; clarifies Soil Conservation form and plan reporting requirements.

Amend CCR Section 4970.07

The proposed action incorporates by reference the existing Habitat Management Plan Part 1 and Soil Conservation Plan form as a preliminary Application requirement.

Amend CCR Section 4970.08

The proposed action clarifies eligible daily transportation costs.

Amend CCR Section 4970.08.1

The proposed action clarifies the maximum allowable Equipment purchase amount; clarifies eligible daily Equipment costs; clarifies limits to transportation of Heavy Equipment; clarifies eligible Heavy Equipment costs; renumbers section based on updated language.

Amend CCR Section 4970.08.2

The proposed action clarifies eligible Equipment and Heavy Equipment use fee costs; clarifies limits to reimbursements on equipment acquired with funds outside the program; clarifies limits to equipment maintenance cost and repair on equipment acquired with Grant funds from the program; clarifies eligible Heavy Equipment repair costs; renumbers section based on revised language.

Amend CCR Section 4970.10

The proposed action clarifies number of eligible Applicants per Operation and Maintenance Project funding requests.

Amend CCR Section 4970.10.1

The proposed action updates the Ground Operations Project Criteria form version date.

Amend CCR Section 4970.10.2

The proposed action updates the Development Project Criteria form version date.

Amend CCR Section 4970.10.3

The proposed action updates the Planning Project Criteria form version date.

Amend CCR Section 4970.10.4

The proposed action updates the Acquisition Project Criteria form version date.

Amend CCR Section 4970.11

The proposed action updates the Restoration Project Criteria form version date.

Amend CCR Section 4970.13

The proposed action updates the Education and Safety Criteria form version date.

Amend CCR Section 4970.10.4

The proposed action updates the Acquisition Project Criteria form version date.

Amend CCR Section 4970.20

The proposed action amends and clarifies Equipment management requirements and incorporates by reference the new Equipment Disposition Request form requirement.

Amend CCR Section 4970.24.1

The proposed action amends and clarifies Equipment documentation requirements.

Amend Grants and Cooperative Agreements Program — Appendix (Rev. 1/19)

The proposed action updates and amends the Appendix version, Table of Contents, Equipment Inventory form, Environmental Review Data Sheet form, Habitat Management Program — Part 1 form, Habitat Management Program — Part 2 form, Soil Conservation Plan form, Project Agreement General Provisions — (Federal Agencies other than U.S. Forest Service), Evaluation Criteria–Acquisition Projects form, adopts the Project Agreement General Provisions — (U.S. Forest Service Only) and the Equipment Disposition Request form.

Comparable Federal Regulations

The proposed amendments do not duplicate or conflict with federal regulations or statutes.

Policy Statement Overview and Anticipated Benefits of the Proposed Rulemaking

The overall objective of the proposed action is to improve the Program’s regulatory language, documents incorporated by reference, and ensure public funds are being spent wisely and within the State’s best interest in supporting motorized recreation. These proposals, based on Division experience implementing the Program, will also reduce confusion for Applicants and Grantees and make the regulatory language concise, clear, and consistent by adopting, amending, and repealing Program regulations and various documents within the Appendix, incorporated by reference.

Determination of Inconsistency/Incompatibility with Existing Regulations

After conducting an evaluation for any regulations related to this area, the Department has found that there are no other regulations concerning grants that supports the planning, acquisition, development, maintenance, administration, operation, enforcement, restoration, and conservation of trails, trailheads, areas, and other facilities associated with the use of off–highway motor vehicles, and programs involving off–highway motor vehicle safety or education. Therefore, the Department has determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

FORMS INCORPORATED BY REFERENCE

Grants and Cooperative Agreements Program — Appendix (Rev. 1/21)

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Cost to any Local Agency or School District: None.

Cost or Savings to any State Agency: None.

Other Non–Discretionary Cost or Savings Imposed of Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Significant Effects on Housing Costs: None.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department finds that jobs, at worst would not be affected, but, mostly likely may see an increase in the creation of jobs. Additionally, the Department finds that at worst, no new business will be created and no business will be eliminated; however, the Department finds that it is likely that private businesses may be created and or expanded because of the proposed action.

This regulatory action benefits the health and welfare of California residents by improving the funding method that assists Land Managers and partners to provide recreational opportunities within the State. This regulatory action also benefits the State’s environment by improving the funding method that supports resource protection and Restoration activities related to OHV Recreation.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

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

BUSINESS REPORTING

None.

SMALL BUSINESS DETERMINATION

The Department has determined there are no cost impacts on small businesses. Program history has shown that small businesses benefit by the Program. Many of the Grant funds go to entities that utilize small businesses when they purchase goods and services. The proposed changes will provide a more streamlined and efficient program that should boost the ability of small business to capture revenue from the various Grantees.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Department must determine that no reasonable alternative it considered, or 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 invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the public comment period or at the public hearing.

CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

Sixto Fernandez, Grants Manager
 California Department of Parks and Recreation
 Off-Highway Motor Vehicle Recreation Division
 1725 23rd Street, Suite 200
 Sacramento, CA 95816
 (916) 324-1572
sixto.fernandez@parks.ca.gov.

The back-up contact person regarding the proposed action is:

Ethan Mathes, Compliance Officer
 California Department of Parks and Recreation
 Off-Highway Motor Vehicle Recreation Division
 1725 23rd Street, Suite 200
 Sacramento, CA 95816
 (916) 323-0157
ethan.mathes@parks.ca.gov.

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

The Department will make the entire rulemaking available for inspection and copying throughout the rulemaking process at its office located at California Department of Parks and Recreation, Off-Highway Motor Vehicle Recreation Division, 1725 23rd Street, Suite 200, Sacramento, CA 95816.

As of the date this Notice of Proposed Rulemaking is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, the express terms of the regulation, the Initial Statement of Reasons, any information upon which the proposed rulemaking is based, and an economic impact assessment contained in the Initial Statement of Reasons. Copies may be obtained by contacting the above contact person at the above address.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After any public hearings and consideration of all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice of Proposed Rulemaking. If the Department makes substantive 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.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Sixto Fernandez, Grants Manager at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout is available through the Division Website at www.ohv.parks.ca.gov, under the Grants link.

TITLE 16. DENTAL HYGIENE BOARD

NOTICE IS HEREBY GIVEN that the Dental Hygiene Board of California (Board) is proposing to take the rulemaking action described below under

the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than **5:00 p.m. on Tuesday, July 27, 2021.**

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

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

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 464, 1905 and 1906 of the Business and Professions Code (BPC), and to implement, interpret, and/or make specific sections 464 of the Code, the Board is considering changes to Division 11 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Registered dental hygienists, registered dental hygienists in alternative practice, and registered dental hygienists in expanded functions (collectively, RDHs) are licensed dental health care professionals that perform authorized dental hygiene services. The Dental Hygiene Board of California (Board) licenses and regulates RDHs pursuant to Business and Professions Code (BPC) sections 1900 through 1967.4. BPC section 1906(a) authorizes the Board to adopt, amend and revoke such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Dental Practice Act related to RDHs.

The Board has received inquiries regarding options for RDHs who wish to retire from practice. Currently, RDHs can only allow their licenses to lapse (become delinquent, expire, or cancel), or be placed in an inactive

status, which requires payment of a fee. Assembly Bill (AB) 2859 (Low, Ch. 473, Stats of 2016) enacted BPC section 464, which authorized the Board to establish by regulation, a retired category of licensure for its licensees who are not actively engaged in the practice of their profession.

The Board proposes to address the lack of a means to obtain a retired status. The Board believes that some retired RDHs request inactive status rather than having a “delinquent” or “cancelled” status because of a possible negative connotation associated with those license statuses. While an inactive status alleviates the need to complete continuing dental education, BPC section 1940(c) requires the holder of an inactive license to continue to pay the required biennial renewal fee. Licenses are placed in a “delinquent” status when the licensee fails to pay his or her renewal fee and/or fails to complete the renewal requirements. By providing a means to obtain a retired status, RDHs who are no longer practicing can avoid the possible stigma in their professional community from having a license placed in a “delinquent” or “cancelled” status. RDHs would also be relieved from the expense of renewal fees and continuing dental education for a license they are no longer using.

• Add Section 1115 to Title 16 of the CCR.

The purpose of the proposal is to establish a regulation for the placement of an RDH license on a retired status, upon application, using proposed form DHBC RLC-01 (01/19), which is incorporated by reference at proposed section 1115. Proposed section 1115 would: (1) implement minimum eligibility requirements for obtaining and maintaining a retired license, including ineligibility criteria if the license is currently expired, suspended, revoked, or otherwise punitively restricted; (2) establish exemptions from continuing education and renewal requirements for the holder of a retired license; (3) prohibit a retired licensee from engaging in activity requiring a license; (4) provide that the Board is not prevented from investigating or taking actions against a retired license; and (5) establish criteria for the restoration of a retired license to active status. It will also adopt application forms for applying for inactive status and reactivating a retired license.

Anticipated Benefits of the Proposed Regulation:

This proposal would establish a consistent and simple process for obtaining a retired status license and would eliminate barriers for those RDHs who wish to retire and have the option of placing their license in a retired status. It would also save costs for those selecting this status by not requiring payment of biennial renewal fees and continuing education expenses. Specifically, adoption of the proposed regulation will benefit licensees who retire by charging a one-time fee equal to half of the current biennial renewal fee.

This proposal would also alleviate confusion for the public regarding the true status of an individual who does not wish to abandon his or her license, but rather simply retire from practice. This would promote transparency in policies that the Board establishes pertaining to the practice of dental hygiene and the representations licensees make regarding their license status. This will promote and protect public safety.

Finally, this regulation would elevate the morale of the profession by creating a reasonable method by which retired RDHs can maintain a license that demonstrates their contribution to the profession.

The regulatory proposal incorporates by reference the following forms:

- Form: DHBC RLC-01 (11/20), Application for a Retired RDH, RDHAP, or RDHEF License
- Form: DHBC RLC-02 (10/20), Application for Reactivation of a Retired RDH, RDHAP, or RDHEF License

Determination of Inconsistency and Incompatibility with Existing State Regulations:

During the process of developing this regulatory proposal, the Board has conducted a search of any similar regulations on this topic and has concluded that the proposed regulatory action is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

The Board has made the following initial determinations:

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

The Board anticipates demand for the new retired status license type to be greatest in the first two years of implementation as inactive and active licensees opt to retire and apply for the new status, with lower demand annually thereafter. The Board anticipates approximately 862 licensees will retire in the first two years of implementation and 382 licensees per year thereafter.

The Board estimates retired license type fee revenues of approximately \$69,000 per year in the first two years of implementation (862 x \$80) and \$31,000 per year thereafter and up to \$386,000 over a ten-year period.

The Board estimates workload licensing workload and approximate costs as follows:

- Year One and Two (862 licenses issued):
 - Licensing workload* (45 min. @ \$88/hour) — \$57,000
 - Materials and postage (\$15 per) — \$13,000
 - Total: \$70,000
- Annually thereafter (376 licenses issued per year):
 - Licensing workload* (45 min. @ \$88/hour) — \$25,000
 - Materials and postage (\$15 per) — \$ 5,500
 - Total: \$30,500

The Board does not have an estimate of the number of retired licensees who may opt to re-activate their license to active status and be required to pay the reactivation fee of \$160. As a result, the Board does not have an estimate of workload, costs, or revenues at this time.

This regulatory proposal does not result in any costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Cost to any Local Agency or School District for which Government Code Sections 17500 through 17630 Require Reimbursement: None.

Business Impact

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

The Board currently provides licensure to approximately 19,000 RDHs operating in the state. The proposed regulations establish a new retired license type status for RDHs not actively engaged in practice as a dental hygienist or any activity that requires them to be licensed by the Board. The Board indicates these individuals would be exiting the profession notwithstanding the establishment of a retired license status. As a result, the proposed regulations will have no impact on businesses in the state.

The Board does not track the number or type (small or large business) of dental practices operating in the state. As a result, the Board does not have an estimate of the number of businesses impacted nor the percentage of small business impacted.

Cost Impacts on a Representative Private Person or Businesses

This regulatory proposal would benefit RDHs who no longer intend to practice their profession by

*Staff Services Analyst (approximately \$88/hour — includes Department of Consumer Affairs' pro rata)

exempting the retired population of licensees from having to pay biennial renewal fees. In addition, retired licensees would also be exempt from compliance with ongoing continuing education requirements. This would result in an added cost benefit because retired licensees would no longer have to pay for continuing education courses as a condition of their biennial renewal. For these reasons, the Board anticipates a positive economic impact on private persons.

RDHs will have the option to apply for a retired license for a one-time fee of \$80. The Board estimates approximately 1,723 licensees may choose to retire their licenses within the first two years following implementation of this regulation. This is based on approximately 80 percent of 461 licensees (369) who are of age 65 years or older currently in the inactive license status, and approximately 80 percent of 1,692 current active licensees (1,354) who are eligible and at least 65 years of age.

The regulations are anticipated to cost retiring licensees approximately \$138,000 (1,723 x \$80) during the first two years (approximately \$69,000 per year) of implementation. The Board estimates 382 licensees will opt for the retired license status annually thereafter, which would generate revenues of approximately \$31,000 per year ongoing and up to approximately \$386,000 over a ten-year period.

Significant Effect on Housing Costs: None.

Results of the Economic Impact Analysis/Assessment

Impact on Jobs/Businesses

The Board has determined that this regulatory action will not create or eliminate jobs, 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 it will allow individuals already retired from working as an RDH or considering retirement the opportunity to place a license on a retired status. Since RDHs currently choose to go inactive or allow their licenses to lapse or cancel when they retire, there would be no effect on the workforce related to a mere change in title to “retired.”

This regulation would neither incentivize nor discourage retirement. It would only affect licensees who have made the decision to retire from the workforce. Since these individuals would no longer participate in the workforce regardless of this regulation, there would be no impact on the state’s workforce that would affect businesses.

Effect on Small Business

The Board has determined that this regulatory action would not affect small businesses because it would only affect those licensees who wish to retire.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(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 action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law.

Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations at the above-scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries or comments concerning the proposed regulatory action may be directed to the following designated agency contact persons:

Dental Hygiene Board of California
Attention: Dr. Adina A. Pineschi-Petty DDS
2005 Evergreen Street, Suite 2050
Sacramento, CA 95815
Phone: (916) 576-5002
Email: adina.petty@dca.ca.gov

Backup Contact Person:

Attention: Anthony Lum
2005 Evergreen Street, Suite. 2050
Sacramento, CA 95815
Phone: (916) 576-5004
Email: anthony.lum@dca.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Dr. Pineschi-Petty at the above address. In her absence, please contact the designated back-up contact person.

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

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons (ISOR), proposed regulatory text, and all the information on which this proposal is based. This material is contained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT

After holding the hearing, if requested, and considering all timely and relevant comments received, the Board may adopt the amendments as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that was noticed to the public. In the event that such modifications are made, the full regulatory text, with the modifications clearly indicated, will be made available to the public for review and or written comment at least 15 days before it is adopted. The public may request a copy of the modified regulatory text by contacting Dr. Petty at the address above.

AVAILABILITY OF FINAL
STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting Dr. Pineschi-Petty at the address above.

You may obtain a copy of the Final Statement of Reasons, once it has been prepared, by making a written request to Dr. Pineschi-Petty at the address above or by accessing the website listed below.

TEXT OF THE PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the ISOR, and all of the information on which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board at 2005 Evergreen Street, Suite 2050, Sacramento, California 95815, or by accessing the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

AVAILABILITY OF
DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at <https://www.dhbc.ca.gov/lawsregs/index.shtml>.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

CALIFORNIA ENDANGERED SPECIES ACT
CONSISTENCY DETERMINATION
NUMBER 2080-2021-004-03.

Project: Dos Osos Reservoir Replacement Project
Location: Contra Costa County
Applicant: East Bay Municipal Utility District
Notifier: WRA, Inc.

Background

East Bay Municipal Utility District (Applicant), as represented by Chien Wang, proposes to demolish a compromised 240,000-gallon welded-steel water tank reservoir and construct two new 120,000-gallon bolted-steel water tank reservoirs. The Dos Osos Reservoir Replacement Project (Project) includes two new reservoirs that will be 21 feet in height, 33 feet in diameter, and will be placed 300 feet southwest from the existing reservoir. Each of the new reservoirs will have a 12-foot by 12-foot valve pit workstation attached. Installation will require the development of a 0.16-acre footprint by excavating 2,000 cubic yards of soil, the creation of earthen berms, and the stabilization of the related embankment by constructing a 210-foot-long by 18-foot-tall retaining wall. The existing reservoir and associated piping and valve equipment will be demolished and hauled off site. Additionally, an 800-foot-long access road will be constructed from Los Norrabos Drive to the proposed two new reservoir tanks. A new underground 12-inch diameter pipeline will underlie this access road and will connect the two new reservoirs to the existing water distribution systems.

The approximate center of the Project area is located at latitude 37.879871, and longitude -122.208172 and lies within the City of Orinda in Contra Costa County. In total, 600 square-feet of vegetation will be removed and/or heavily pruned. Removed vegetation will be mainly comprised of coyote brush scrub and also includes removal of five trees. The project location is surrounded in nearly all directions in a one-mile radius by open space areas comprised of oak woodland and annual grassland, with the exception of limited suburban development to the north and west.

Staging and laydown activities will occur at the existing reservoir's location. Total construction time is estimated to take between 18 and 24 months. Equipment required to complete the Project will

include: front loaders, backhoes, bulldozers, tractors, graders, haul trucks, concrete mixers, concrete pumps, cranes, derricks, stationary pumps, generators, compressors, pile drivers, rock drills, jack hammers, pneumatic hand tools, sawing and vibratory tools.

The Project activities described above are expected to incidentally take¹ Alameda whipsnake (*Masticophis lateralis euryxanthus*), where those activities take place within the Project footprint. In particular, Alameda whipsnake could be incidentally taken as a result of: vehicle strike, inadvertent crushing of individuals and eggs during both equipment mobilization and construction, entombment in collapsed burrows, or entrapment within construction equipment or materials during the course of and due to Project activities. Alameda whipsnake is designated as a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(4) (D).)

Alameda whipsnake individuals are documented as present ¼ mile from the Project site, and there is suitable Alameda whipsnake habitat within the Project site and within 300 feet of the Project perimeter. Because of the proximity of the nearest documented Alameda whipsnake, dispersal patterns of Alameda whipsnake, and the presence of suitable Alameda whipsnake habitat within and adjacent to the Project site, the United States Fish & Wildlife Service (Service) determined that Alameda whipsnake is reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of Alameda whipsnake.

According to the Service, the Project will result in the temporary loss of 2.00 acres of upland Alameda whipsnake habitat. Construction of the Project will also result in the permanent loss of 0.98 acres of upland Alameda whipsnake habitat.

Because the Project is expected to result in take of a species designated as threatened under the federal ESA, the Applicant prepared a low-effect Habitat Conservation Plan (HCP) in support of an application for an Incidental Take Permit (ITP) pursuant to Section 10(a)(1)(B) of the ESA. On March 19, 2021, the Service issued the ITP No. ESPER0004040 to the Applicant. The ITP requires full implementation of, and compliance with, all conservation measures

listed in the HCP for avoidance, minimization, and mitigation for impacts to Alameda whipsnake.

On April 27, 2021, the Director of the Department of Fish and Wildlife (CDFW) received a notice from WRA Inc., as represented by Patricia Valcarcel, on behalf of the Applicant requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITP, including incorporated measures from the HCP, is consistent with CESA for purposes of the Project and the anticipated take of Alameda whipsnake. (Cal. Reg. Notice Register 2021, No. 20-Z, p. 563.)

Determination

CDFW has determined that the ITP, including the incorporated measures in the HCP, is consistent with CESA as to the Project and the anticipated incidental take of Alameda whipsnake. CDFW makes this determination because the conditions of the ITP, as well as the conditions in the HCP incorporated therein, meet the requirements set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of Alameda whipsnake will be incidental to an otherwise lawful activity; (2) the mitigation measures and conditions identified in the ITP and HCP will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of Alameda whipsnake. The mitigation measures in the ITP and HCP include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- 1) Exclusion fencing will be installed around all areas where heavy equipment is operated including staging areas, in order to avoid directly impacting Alameda whipsnakes. A USFWS- and CDFW-approved biologist will confirm the fence alignment with the Contractor in the field. Wildlife exclusion fence will be constructed of plywood, plastic, aluminum, or silt fence material; buried (six inches, minimum) to prevent animals passing under the fence; and will be a minimum of three feet above ground level. The wildlife exclusion fencing will contain one way egress for special-status species to the extent possible. All fence posts or stakes will be placed on the work-side of the fabric or other fence material to prevent entrapment of wildlife between the post and the material. Vegetation overhanging the fence will be trimmed. A barrier to prevent Alameda whipsnake from entering the Project site will be placed across access roads into and out of the work site and closed at the end of each

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

work day. The fencing will be removed only after all construction equipment is removed from the Project site. Revegetation or planting activities may occur following removal of the exclusion fence.

- 2) The exclusion fence will be inspected regularly, and at a minimum of once weekly by the USFWS and CDFW–approved biologist. If repairs are determined to be necessary, the repairs will be conducted immediately.
- 3) The mitigation credits totaling 4.4 acres of snake habitat preservation will be purchased from Oursan Ridge Conservation Bank or other conservation bank approved by both the Service and the CDFW prior to the start of the Covered Activities as described in the HCP.

Monitoring and Reporting Measures

- 1) A monitoring report of all activities associated with surveys and mitigation for this species will be submitted to the USFWS and CDFW by EBMUD no later than three months after construction is completed. The monitoring report will describe methods and results of any field survey efforts and mitigation measures implemented before, during or after project construction.
- 2) A weekly site visit and inspection will be conducted by a USFWS and CDFW–approved biological monitor during active construction periods of the Project duration (estimated to be 18–24 months), in order to ensure all avoidance and minimization measures described in Section 6.3 of the HCP are implemented, and that the terms of the permit are being complied with. The weekly reconnaissance level surveys during construction will track compliance with the HCP and ITP, as well as help identify Alameda whipsnake that may have moved into the area covered by the HCP. Once construction has completed no further monitoring within the area covered by the HCP is required.
- 3) Upon finding any dead, injured, damaged, or sick individuals of the Covered Species or unanticipated harm associated with project authorized under this incidental take permit, the Permittee or designated agents must notify the Service’s Sacramento Fish and Wildlife Office and California Department of Fish and Wildlife (CDFW) Bay Delta Regional Manager within three working days. The Service contact person for this is the Chief of the Coast Bay Division, Sacramento Fish and Wildlife Office, at (916) 414 6600. The CDFW contact for this is the Regional Manager, Bay Delta Region at AskBDR@wildlife.ca.gov, (707) 428–2002. All observations of the Covered Species — live, injured, sick, or

dead — shall be recorded on California Natural Diversity Database field sheets and sent to the California Department of Fish and Wildlife, Wildlife and Data Analysis Branch, 1807 13th Street, Sacramento, California 95814.

Financial Assurances

The Applicant will provide a fully executed copy of the credit sale agreement to the Service and CDFW and a Mitigation Payment Transmittal Form (DFW1057) to CDFW prior to the initiation of Project activities.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for the incidental take of Alameda whipsnake, provided the Applicant implements the Project as described in the ITP and HCP, including adherence to all measures contained therein. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the ITP and/or the related HCP, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (b) and (c)).

CDFW’s determination that the Service ITP and related HCP are consistent with CESA is limited to Alameda whipsnake.

**DEPARTMENT OF
FISH AND WILDLIFE**

**CESA CONSISTENCY
DETERMINATION REQUEST FOR
Casmalia Resources Superfund Site
2080–2021–005–05
Santa Barbara County**

The California Department of Fish and Wildlife (CDFW) received a notice on May 28, 2021 that the U.S. Environmental Protection Agency (EPA) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves remediation activities at a Class I hazardous waste management facility. Proposed activities will include, but are not limited to, soil excavation, grading, removal or capping of contaminated areas, the development of extraction wells, and the closure of contaminated ponds. The proposed project will occur at the Casmalia Resources Superfund Site located west of the City of Santa Maria in northern Santa Barbara County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO) (Service Ref. No. 08EVEN00–2021–F–0137) in a memorandum to the EPA on May 28, 2021, which considered the effects of

the proposed project on state threatened and federally endangered Santa Barbara County distinct population segment of California tiger salamander (*Ambystoma californiense*).

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

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

NOTICE OF INTENT TO LIST CHEMICALS BY THE LABOR CODE MECHANISM: TETRAHYDROFURAN; 2-ETHYLHEXYL ACRYLATE; METHYL ACRYLATE; AND TRIMETHYLOLPROPANE TRIACRYLATE, TECHNICAL GRADE

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the following chemicals as known to the state to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹):

- Tetrahydrofuran (CAS RN 109–99–9)
- 2-Ethylhexyl acrylate (CAS RN 103–11–7)
- Methyl acrylate (CAS RN 96–33–3)
- Trimethylolpropane triacrylate, technical grade

This action is being proposed pursuant to the “Labor Code” listing mechanism². OEHHA has determined that each of these substances meets the criteria for listing by this mechanism.

Background on listing by the Labor Code mechanism: Health and Safety Code section 25249.8(a) incorporates California Labor Code section 6382(b)(1) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as

¹Health and Safety Code section 25249.5 *et seq.*

²Health and Safety Code section 25249.8(a) and Title 27, Cal. Code of Regs., section 25904.

known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. OEHHA has adopted regulations concerning these listings in Title 27, Cal. Code of Regs., section 25904. As the lead agency for the implementation of Proposition 65, OEHHA evaluates whether a chemical’s listing is required.

OEHHA’s determination: *Tetrahydrofuran, 2-ethylhexyl acrylate, methyl acrylate, and trimethylolpropane triacrylate, technical grade* meet the requirements for listing as known to the state to cause cancer for purposes of Proposition 65.

IARC has published on its website “IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 119. Some Chemicals That Cause Tumours of the Urinary Tract in Rodents” (IARC, 2019a) and “IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 122. Isobutyl Nitrite, β-picoline, and Some Acrylates” (IARC, 2019b). IARC concluded that *tetrahydrofuran, 2-ethylhexyl acrylate, methyl acrylate, and trimethylolpropane triacrylate, technical grade* are “possibly carcinogenic to humans” (Group 2B) based on sufficient evidence of carcinogenicity in animals (IARC, 2019a; IARC 2019b).

Opportunity for comment: OEHHA is providing this opportunity to comment as to whether the chemicals identified above meet the requirements for listing as causing cancer specified in Health and Safety Code section 25249.8(a), Labor Code section 6382(b)(1), and Title 27, Cal. Code of Regs., section 25904(b). Because these are ministerial listings, comments should be limited to whether IARC has identified the specific chemical or substance as a human or animal carcinogen. Under this listing mechanism, OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by IARC when it identified these chemicals and will not respond to such comments if they are submitted (Title 27, Cal. Code of Regs., section 25904(c)).

Written comments must be received by Monday, July 26, 2021 to be considered. This comment period has been extended by an additional 15 days due to the COVID–19 Emergency.

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

Comments submitted in paper form may still be mailed or delivered in person to the address below. Please be aware that CalEPA and OEHHA employees

are working remotely due to the COVID-19 emergency, so receipt of materials that are mailed or delivered in person may be delayed.

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

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

OEHHA encourages all commenters to submit their comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.0³ and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology and those with visual impairments are able to listen to them.

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address and e-mail may be available to third parties.

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

References

International Agency for Research on Cancer (IARC, 2019a). IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 119. Some Chemicals That Cause Tumours of the Urinary Tract in Rodents. IARC, World Health Organization, Lyon, France. Available from: <https://publications.iarc.fr/575>

International Agency for Research on Cancer (IARC, 2019b). IARC Monographs on the Evaluation of Carcinogenic Risks to Humans, Volume 122. Isobutyl Nitrite, β -picoline, and Some Acrylates. IARC, World Health Organization, Lyon, France. Available from: <https://publications.iarc.fr/583>

³<https://www.w3.org/WAI/standards-guidelines/wcag/>.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

PETITIONER
Griselda C. Moore

AUTHORITY

Under authority granted by Government Code (GC) section 12838.5 which vests to the California Department of Corrections and Rehabilitation (CDCR or the Department), all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. PC section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons. PC section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to DeAnna Gouldy, Deputy Director, Policy and Risk Management Services, California Correctional Health Care Services (CCHCS), P.O. Box 588500, Elk Grove, CA 95758; by telephone at (916) 691-2921; or by email at HealthCareRegulations@cdcr.ca.gov.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request from the Department's contact person.

SUMMARY OF PETITION

The petitioner, Griselda C. Moore, requests amendment of the California Code of Regulations (CCR), Title 15, section 3999.310, to include provisions requiring that health care information be provided to inmates on tablets. The petitioner requests this regulatory change as "a number of obstacles prevent inmates from having access to the health care information they need" and "making required inmate health care education available on inmate tablets would overcome these obstacles and result in healthier inmates."

The petitioner cites the following: GC section 11340.6; Department Operations Manual section 12010.12; PC sections 5054, 5050, and 5050; CCR, Title 15, section 3999.310; and Health Care Department Operations Manual sections 3.1.4(a)(1), 3.1.4(c)(1)(C), 3.1.4(d)(3), 3.1.4(e)(1)(A), 3.1.4(e)(1)(B), 3.1.4(c)(3)(D) (2), and 3.1.4(e)(6)(H)(2).

DEPARTMENT DECISION

The petitioner's request that a requirement for the provision of health care information on tablets be addressed in CCR, Title 15, section 3999.310, is denied because specifying the medium through which health care information must be provided would be unnecessarily prescriptive. In addition, the Department would have to account for technological contracts and inventory. The Department's regulations provide for the CDCR to provide patients with health care information and education on a performance standard basis. Therefore, the Department has made the determination that specifically requiring the provision of health care information to be available on tablets within Title 15, section 3999.310, is unnecessary and inconsistent with the current regulatory framework.

**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**

**NOTICE OF DECISION ON PETITION TO
AMEND REGULATIONS**

PETITIONER:

Griselda C. Moore
1201 Fulton Avenue #22
Sacramento, CA 95825

AUTHORITY

Under authority granted by Government Code (GC) Section 12838.5, which vests to the California Department of Corrections and Rehabilitation (CDCR), all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC Section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. PC Section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Secretary of the CDCR, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

CONTACT PERSON

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283-0001.

AVAILABILITY OF PETITION

The petition to amend regulations is available upon request directed to the Department's contact person.

SUMMARY OF PETITION

Griselda C. Moore is petitioning to amend California Code of Regulations (CCR), Title 15, Division 3, Subsection 3234(g) to require Inmate Leisure Time Activity Group (ILTAG) Bylaws be made available to inmates on their tablets.

Petitioner states, "Section 3234(c) states that the proposed plan of action becomes the group's Bylaws if approved by the Warden and Section 3234(g) states that the bylaws shall be accessible to all inmates in a facility. In practice, the bylaws of each ILTAG are maintained by the group's executive body and inmates have no access to the bylaws unless they already know the group exists and who belongs on the executive committee. This impedes an inmate's ability to discover and vet ILTAGs."

Petitioner also states, “CDCR recently signed a six year contract with GTL to provide tablets and tablet-based services to all inmates. Under the terms of the contract, CDCR can make an unlimited number of department or institution documents available to inmates on the tablets. Making ILTAG Bylaws available on inmate tablets would aid in the discovery of ILTAG groups and facilitate the intent of Section 3234(g).”

Petitioner requests that Subsection 3234(g) be amended to require ILTAG Bylaws be made available to inmates on their tablets.

DEPARTMENT DECISION

The Department denies the petition to amend CCR, Title 15, Division 3, Subsection 3234(g). It would not be appropriate to codify the contents of the state managed tablets in the CCR; as the content is likely to be changed or modified over time, and such an action may be considered to be restrictive rather than permissive. As an alternative, this request may be considered when selecting content services to be made available on the tablets, in working with the provider.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

Board of Forestry and Fire Protection
 File # 2021-0521-01
 Santa Cruz and San Mateo Weekend Emergency

This emergency rulemaking action extends the allowed days of operation of chainsaws and other power-driven equipment within, and the hauling of forest products from, Timberland affected by the CZU Lighting Complex Fire of 2020 in Santa Cruz and San Mateo Counties to include Saturdays and Sundays.

Title 14
 Amend: 926.9, 926.10, 928.5, 928.6
 Filed 05/26/2021
 Effective 05/26/2021
 Agency Contact: Eric Hedge (916) 653-9633

Board of Governors, California Community Colleges
 File # 2021-0527-01
 Real Estate Education Endowment

The Board of Governors of the California Community Colleges submitted this action dealing with the Real Estate Education Endowment to OAL as a print only file. Pursuant to Education Code section 70901.5, this action was filed with the Secretary of State by the Board on May 27, 2021, is exempt from the Administrative Procedure Act and OAL review, and was submitted to OAL only for the purpose of publishing the regulations in the California Code of Regulations.

Title 05
 Adopt: 56605, 56606, 56608
 Amend: 56604
 Repeal: 56605, 56606, 56608
 Filed 05/27/2021
 Effective 06/26/2021
 Agency Contact: Tanya Bosch (916) 445-1997

Bureau of Security and Investigative Services
 File # 2020-1217-01
 Substantial Relationship/Rehabilitation Criteria

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

Title 16
 Amend: 602, 602.1
 Filed 06/01/2021
 Effective 06/01/2021
 Agency Contact: Karissa Huestis (916) 575-7158

California Department of Tax and Fee
 Administration
 File # 2021-0517-01
 Federal Areas

This action, which is exempt from the Administrative Procedure Act pursuant to Government Code section 15570.40(b), amends provisions relating to the applicability of sales and use taxes to retail sales of meals, food, and beverages on Indian Reservations.

Title 18
 Amend: 1616
 Filed 05/26/2021
 Effective 05/26/2021
 Agency Contact: Kim DeArte (916) 309-5227

California Highway Patrol
File # 2021-0414-02
Inhalation Hazards Safe Stops

This action by the California Highway Patrol amends the list of safe stopping places along the inhalation hazards routes.

Title 13
Amend: 1157.21
Filed 05/27/2021
Effective 07/01/2021
Agency Contact: Tian-Ting Shih (916) 843-3400

California Horse Racing Board
File # 2021-0415-01
Veterinarian's List

This action by the California Horse Racing Board amends Rule 1866 to increase the time that a horse placed on the Veterinarian's List as unsound or lame may not work out, unless permitted by the official veterinarian; specify that a horse placed on the list as receiving a veterinary treatment of an intra-articular injection of a corticosteroid or of Extracorporeal Shock Wave Therapy may not work out for 10 or 30 days, respectively; require any horse placed on the list to undergo a veterinary examination, which may include diagnostic imaging that the horse's owner(s) must pay for, prior to resuming training; and increase the number of days before a horse placed on the list as unsound or lame may be removed from the list, depending on the number of times the horse has been placed on the list in a 365-day period.

Title 04
Amend: 1866
Filed 05/27/2021
Effective 07/01/2021
Agency Contact: Rick Pimentel (916) 274-6043

Cemetery and Funeral Bureau
File # 2020-1215-03
Substantial Relationship Criteria

In this rulemaking action, the Bureau amends its regulations to establish substantial relationship criteria and rehabilitation criteria for crimes, professional misconduct, or acts considered substantially related to the qualifications, functions, or duties of a licensee. The regulatory changes align the regulations with Assembly Bill 2138 (Stats. 2018, Ch. 995).

Title 16
Adopt: 2330.1, 2331.1
Amend: 2330, 2331
Filed 06/01/2021
Effective 06/01/2021
Agency Contact:
Carolina Sammons (916) 574-7876

Department of Corrections and Rehabilitation
File # 2020-1216-02
Alternative Custody Program

This action by California Department of Corrections (CDCR) amends California Code of Regulations, Title 15, Section 3078.4 to incorporate by reference the revised CDCR Form 1516-ACP.

Title 15
Amend: 3078.4
Filed 05/26/2021
Effective 07/01/2021
Agency Contact: Sarah Pollock (916) 445-2308

Department of Food and Agriculture
File # 2021-0517-04
Euthanized Animals

This emergency readoption requires marking of large domesticated animals, under Food and Agricultural Code section 19201, that are euthanized by barbiturates.

Title 03
Adopt: 1180.43.1
Filed 05/27/2021
Effective 05/27/2021
Agency Contact: Andrew Halbert (916) 900-5159

Department of Insurance
File # 2021-0422-01
CAARP Plan of Operations

The Department of Insurance (DOI) submitted this action for filing and printing pursuant to Government Code section 11343.8. This action makes changes to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations, which is incorporated by reference in title 10, California Code of Regulations, section 2498.4.9. This action is exempt from the Administrative Procedure Act pursuant to Insurance Code section 11620(c).

Title 10
Amend: 2498.4.9
Filed 05/27/2021
Effective 05/27/2021
Agency Contact:
Michael Riordan (415) 538-4226

Department of Insurance
File # 2021-0422-03
Eyewitness Identification Procedures

This rulemaking action by the Department of Insurance adopts procedures for eyewitness identification procedures pursuant to Penal Code section 859.7.

Title 10
 Adopt: 2698.22, 2698.23, 2698.24, 2698.25,
 2698.26
 Filed 05/28/2021
 Effective 07/01/2021
 Agency Contact:
 Damon Diederich (916) 492-3567

Department of Justice
 File # 2020-1215-02
 Electronic Recording Delivery System (ERDS)

As changes without regulatory effect, the Department of Justice is amending Electronic Recording Delivery System (“ERDS”) regulations by updating information contained in various ERDS forms.

Title 11
 Amend: 999.121, 999.165, 999.166, 999.168,
 999.171, 999.172, 999.173, 999.174, 999.176,
 999.178, 999.179, 999.190, 999.192, 999.193,
 999.195, 999.196, 999.197, 999.203, 999.204,
 999.206, 999.207, 999.209, 999.210, 999.211,
 999.217, 999.219, 999.221, 999.223
 Filed 05/27/2021
 Agency Contact: Kevin Sabo (916) 210-7639

Division of the State Architect
 File # 2021-0406-02
 Certified Access Specialist Program

In this rulemaking action, the Division amends its regulations to update its forms incorporated by reference and its Certified Access Specialist Program (CASp) Examination, Certification, and Practice Standards Handbook. Further, the amended regulations add a new subcategory for CASp candidate eligibility, add the date of inspection as information to include in disability access inspection certificates, remove name and address as information to include in disability access inspection certificates, and add provisions related to privacy notices. The amendments also reduce the CASp examination fees and certification fees.

Title 21
 Amend: 131, 132, 133, 135, 137, 138, 141, 162
 Filed 05/28/2021
 Effective 07/01/2021
 Agency Contact: Debbie Wong (916) 327-5410

Occupational Safety and Health Standards Board
 File # 2021-0419-01
 Commercial and Technical Diving Operations

This rulemaking action by the Occupational Safety and Health Standards Board updates commercial and technical diving procedures.

Title 08
 Amend: 6051, 6056, 6057
 Filed 06/01/2021
 Effective 10/01/2021
 Agency Contact: Christina Shupe (916) 274-5721

State Athletic Commission
 File # 2021-0521-05
 Resiliency Procedures

In this emergency re-adopt, the Commission extends the application of procedures established to hold combative sporting events during the state of emergency stemming from the infectious disease, Novel Corona Virus 19 (COVID-19), declared by the State of California as a public health emergency.

Title 04
 Adopt: 299.5
 Filed 05/27/2021
 Effective 05/27/2021
 Agency Contact: Sophia Cornejo (916) 662-4622

State Water Resources Control Board
 File # 2021-0416-02
 Revised Total Coliform Rule

This action adopts, amends, and repeals regulations to conform to U.S. EPA changes to the Revised Total Coliform Rule, pursuant to the Safe Drinking Water Act, and to establish related state-only requirements for the monitoring, assessment, handling, and correction of microbial contamination of drinking water distribution systems.

Title 22
 Adopt: 64400.02, 64400.03, 64400.47, 64400.63,
 64400.64, 64400.95, 64401.35, 64401.45, 64426.6,
 64426.7, 64426.8, 64426.9
 Amend: 64400.47 (renumbered 64400.49),
 64400.49, 64400.65 (renumbered 64400.62),
 64400.62, 64415, 64421, 64422, 64423, 64423.1,
 64424, 64425, 64426, 64426.1, 64430, 64447,
 64463.1, 64463.4, 64463.7, 64465, 64470, 64481,
 64534.4, 64650, 64652.5, 64653, 64656
 Repeal: 64426.5
 Filed 05/28/2021
 Effective 07/01/2021
 Agency Contact: Melissa Hall (916) 323-0373

Veterinary Medical Board
 File # 2021-0420-02
 Fee Schedule — Certificate of Compliance

The Veterinary Medical Board submitted this timely certificate of compliance action to make permanent licensure fee increases. The fees are increased to their statutory maximums for veterinarians, veterinarian universities, registered veterinary technicians, and

board approval of registered veterinary technician training curriculums.

Title 16
Amend: 2070, 2071
Filed 06/01/2021
Effective 06/01/2021
Agency Contact: Justin Sotelo (916) 515-5238

**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.