



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 **November 18, 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 **November 16, 2021**.

BACKGROUND/OVERVIEW

Commission staff has prepared a regulatory proposal related to reporting of payments by committees for amplification of online advertisements and online communications under the expenditure reporting requirements of the Act. The proposal is aimed at addressing the lack of transparency surrounding online amplification of campaign advertisements and communications, namely by requiring committees that make expenditures for online amplification to include more specific information about such payments on the committee's campaign statements and reports.

REGULATORY ACTION

Adopt 2 Cal. Code Regs., Section 18421.10. Reporting Payments in Connection with Amplification of Online Communications.

The Commission may consider adoption of Regulation 18421.10. Proposed Regulation 18421.10 would require a more specific description of payments

for online amplification of advertisements and communications on committee campaign statements and reports. Proposed new Regulation 18421.10 would require a committee that makes a reportable expenditure for amplification measures to specifically describe the amount of payments for amplification on its campaign statements and provide detailed information about what was purchased, such as the number of followers, friends, shares, retweets, follows, reposts, comments, likes, dislikes or similar electronic registrations of approval or disapproval.

Proposed new Regulation 18421.10 would also provide that "amplification" means efforts to create or increase the appearance of support or opposition for a candidate or measure online through the purchase of followers, friends, shares, follows, reposts, comments, likes, dislikes, or similar electronic registrations of approval or disapproval that are visible to other users of an online platform, service, web application, digital application, or Internet site.

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. This regulation will have no fiscal impact on any local entity or program.

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

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

AUTHORITY:

Government Code 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 84204, 84211, 84303 and 84501.

CONTACT

Any inquiries should be made to Toren Lewis, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC, or by email at tlewis@fppc.ca.gov. Proposed regulatory language can be ac-

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.

cessed 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 (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 regulation at a public hearing on or after **November 18, 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 **November 16, 2021**.

BACKGROUND/OVERVIEW

In numerous contexts, the Political Reform Act (“Act”) references the filing of “original” documents. With limited exceptions, however, the Act does not specify that original documents must take a particular form and includes almost no references to electronic signatures. Prior to personal computers, the internet and paperless transactions becoming ubiquitous, an original document under the Act was, by default, understood to mean a paper filing with a “wet signature,” distinguished from a copy of the document.

Today, access to a computer with appropriate software for electronically filling out, signing, and sending a document is often more readily available for filers than access to printer and postal supplies and services. While this was true prior to the global pandemic, it is even more accurate today, as a significant percentage of those filing documents under the Act continue to work outside of the office and COVID-19 continues to impact public safety and resources. Additionally, technology now exists that permits filers to include an “electronic signature” or “digital signature” with a filing, which allow reliable identification of the signor.

Accordingly, several regulations are proposed for amendment or adoption to appropriately interpret the Act’s references to “original” filings to include certain documents signed with “secure electronic signatures.”

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REGULATORY ACTION

Adopt 2 Cal. Code Regs. Section 18104 to specify the methods by which certain original documents can be submitted and define the term “secure electronic signature.”

Amend 2 Cal. Code Regs. Section 18115 to modify language to reference filings submitted in electronic format generally.

Amend 2 Cal. Code Regs. Section 18115.2 to specify duties of filing officers and filing officials with respect to electronically submitted statements of economic interests, including statements submitted outside of a certified electronic filing system using a secure electronic signature.

Amend 2 Cal. Code Regs. Section 18723.1 to incorporate filing of expanded statements of economic interests via electronic submission with secure electronic signature.

Adopt 2 Cal. Code Regs. Section 18757 to specify the circumstances in which an original statement of economic interests may be filed in electronic format without a certified electronic filing system.

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. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code 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

Government Code sections 18104, 18757, 18115, 18115.2, 18723.1

CONTACT

Any inquiries should be made to Kevin Cornwall, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916)

322–5660 or 1–866–ASK–FPPC. Proposed regulatory language can be accessed at <http://www.fppc.ca.gov/the-law/fppc-regulations/proposed-regulations-and-notice.html>.

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 **November 18, 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 November 16, 2021**.

BACKGROUND/OVERVIEW

One of the primary purposes of the Act is to ensure that activities of lobbyists are regulated, and their finances disclosed in order that improper influences will not be directed at public officials. (Section 81002). In furtherance of this purpose, the Act requires lobbyists, lobbying firms, lobbyist employers and persons who spend \$5,000 or more in a calendar quarter to influence legislative or administrative action (“\$5,000 filers”) to file quarterly reports of their lobbying expenditures with the Secretary of State. The reports must include the lobbying firm or lobbyist employer’s identity, payments made to lobbying firms and in-house lobbyists, as well as the specific lobbying interests of the lobbyist employer. The Act imposes specific reporting and accounting requirements, including requirements to maintain all receipts and payments for lobbying activity. The disclosure of activity expenses, defined in Section 86111, is important in tracking the attempt to influence legislative or administrative action.

Existing Regulations 18610, 18612, and 18615 provide recordkeeping requirements for lobbyists, lobbying firms, and lobbyist employers and persons spending \$5,000 or more to influence legislative or administrative action. While the existing recordkeeping requirements are relatively similar as to the record-

keeping requirements, the regulations all currently lack specificity as to the specific types of records that must be maintained.

Regulation 18610

Regulation 18610 concerns lobbyist accounting. It provides specific requirements for documenting activity expenses, as well as the specific documents that must be maintained in support of these expenses. It also outlines the recordkeeping requirements for all monetary contributions of \$25 or more, and includes a mandate to maintain all records for a five-year period.

Regulation 18612

Regulation 18610 concerns accounting by lobbying firms. It provides specific requirements for documenting payments received in connection with lobbying activity and activity expenses, as well as the specific documents that must be maintained in support of these expenses. This regulation includes recordkeeping requirements that apply where a lobbying firm subcontracts with another lobbying firm for lobbying services. It also outlines the recordkeeping requirements for all monetary contributions of \$25 or more, and includes a mandate to maintain all records for a five-year period.

Regulation 18615

Regulation 18610 concerns accounting by lobbyist employers and persons spending \$5,000 or more to influence legislative or administrative action.

It requires lobbyist employers to keep detailed records of payments to lobbying firms and lobbyists, activity expenses, contributions to elected state officers, state candidates and committees controlled by or primarily formed to support such officers or candidates, and other payments to influence legislative or administrative action. It also specifies acceptable accounting methods, the types of records that must be maintained, and includes a mandate to maintain all records for a five-year period.

REGULATORY ACTION

The Commission may review and consider all aspects of the recordkeeping requirements for lobbyists, lobbying entities, and lobbyist employers, including, but not limited to, the addition of specific records that lobbyists, lobbying firms, and lobbyist employers must maintain, as well as other amendments clarifying the application of existing subdivisions. While the Commission may review and consider any aspect of Regulations 18610, 18612, and 18615, it is anticipated that the Commission will specifically consider each of the following proposals made by Commission staff:

- Amendments to add greater specificity to the recordkeeping requirements that would add legible images of cancelled checks, credit card statements and credit card receipts, contracts, agreements,

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correspondence and communications, journal or other records showing payments made or incurred, invitations to lobbyist or lobbyist employer sponsored events, and rosters of attendees, to the existing list of records that must be maintained.

- Amendment to specify that a written voucher or annotated receipt or invoice, which includes the full name and official position of each elective state official, legislative official, agency official, state candidate or member of the immediate family of one of these individuals who was a beneficiary; the total number of all beneficiaries; and the amount of the expenditure attributable to each beneficiary must be prepared to support any expenditure in the event a source document cannot be obtained. This would narrow the permissible use of a written voucher in place of a receipt or invoice, which the current regulation allows in the event it is impractical to obtain a receipt or invoice.

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. This regulation will have no fiscal impact on any local entity or program.

Fiscal Impact on State Government. This regulation will have no fiscal impact on any state entity or program.

Fiscal Impact on Federal Funding of State Programs. This regulation will have no fiscal impact on the federal funding of any state program or entity.

AUTHORITY

Government Code 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 section 86110.

CONTACT

Any inquiries should be made to Zachary Norton, Fair Political Practices Commission, 1102 Q St., Suite 3000, Sacramento, CA 95811; telephone (916) 322-5660 or 1-866-ASK-FPPC. 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: Rocketship Education, Inc.
Tulare Lake Basin Water Storage
District

A written comment period has been established commencing on October 15, 2021 and closing on November 29, 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 November 29, 2021. If a public hearing is to be held, oral com-

ments 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 4. ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD

NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE ALCOHOLIC BEVERAGE CONTROL APPEALS BOARD

NOTICE IS HEREBY GIVEN that the Alcoholic Beverage Control Appeals Board (“Board”), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on October 15, 2021 and closing on November 29, 2021. All inquiries should be directed to the contact listed below.

The Board proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: 1) adding language regarding amending the standard conflict-of-interest code; 2) incorporating by reference the standard conflict-of-interest code adopted by the Fair Political Practices Commission; 3) designating the standard conflict-of-interest code, along with the appendix, as the conflict-of-interest code for the Board; 4) requiring the Board members and Executive Director to file their economic interests statements electronically with the Fair Political Practices Commission, and requiring individual employees in designated positions to file their statements with the Board; 5) changing “Designated Employees” to “Designated Positions”; 6) deleting “Chief Counsel”; 7) changing “Staff Counsel” to “Attorneys (all levels)”; 8) adding a category for “New Positions”; 9) amending disclosure category 1 to clarify and add additional disclosure requirements including gifts, loans, and travel payments; 10) In disclosure category 1, subsections 3 and 4, clarifying disclosure is required four years from the date of filing (not the date the designated employee assumed office); 11) adding disclosure category 2 which provides additional disclosure for the Executive Director relating to he or she’s role in leasing and procurement decisions; 12) setting disclosure requirements for “Consultants/New Positions”; 13) changing reference to “Executive Officer” in the footnote to “Executive Director,” and; 14) other minor grammatical and technical changes.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 29, 2021, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than November 15, 2021.

The Board has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Ms. Taryn Kinney, Executive Officer, 916-445-4005, taryn.kinney@abcappeals.ca.gov.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

REQUIREMENTS FOR DISTANCE LEARNING COURSE CERTIFICATION

REGULATION 1053

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

**PUBLIC COMMENTS DUE BY
NOVEMBER 29, 2021**

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

comments relevant to the proposed regulatory action by fax at (916) 227-4547, by email to Michelle Weiler at michelle.weiler@post.ca.gov, or by letter to:

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

AUTHORITY AND REFERENCE

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Based on the Governor's directive, POST staff have encouraged agencies and presenters to transition existing in-person courses or develop new courses for an online format. However, in reviewing regulations related to course types used for distance learning, POST staff found that the language of these regulations are outdated. Among these are Regulation 1001 — Definitions, Commission Regulation 1052 — Requirements for Course Certification, and Commission Regulation 1053 — Self-Paced Training Requirements.

A review of Commission Regulation 1001 found that some terms related to distance learning are outdated and reference terms or phrases that are no longer considered relevant or current by industry standards. Additionally, many definitions that reflect current industry standards or best practices in distance education are not included in Commission Regulation 1001. POST staff have reviewed common terms in distance learning that reflect current industry standards and conferred with subject matter experts within and outside of POST. Staff identified several terms that would be most applicable to the needs of providing law enforcement training in an online or distance learning platform.

A review of Commission Regulations 1052(e) and 1053, respectively found that some terms and requirements for course certification related to distance learning are outdated and reference terms, phrases, or practices no longer considered relevant or current by industry standards. With the contemporary emphasis on distance learning, it is important that POST keeps

abreast of current industry standards and facilitates the understanding of these standards among its law enforcement agencies and training partners. After conferring with subject matter experts within and outside of POST to complete a review of terms and best practices in distance learning that reflect current industry standards, several aspects of Commission Regulations 1052(e) and 1053, respectively were identified as needing to be updated.

The proposed amendments to terms, phrases, and best practices reflect industry standards in a way that is most applicable to the needs of providing law enforcement training in an online or distance learning platform. These include updates to address instructor-led online (ILO) courses, blended learning courses, self-paced courses, and hybrid courses. Proposed changes include the removal of section (e) (Webinars) from Commission Regulation 1052, the addition of similar content related to course certification requirements to Commission Regulation 1053, and the previously mentioned industry standard updates and guidance for ILO courses, blended learning courses, self-paced courses, hybrid courses, and Quality Assurance Program (QAP) review. Combining the language of Commission Regulation 1052(e) with Commission Regulation 1053 and renaming the regulation as “Requirements for Distance Learning Course Certification” will allow for all regulatory guidelines related to the course certification process for distance learning to be listed under one regulation. Additionally, it will streamline the process for this type of course development and certification review for law enforcement agencies, training presenters, and POST staff.

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

Anticipated Benefits of the Proposed Regulation:

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

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that this proposed regulation is not inconsistent or incompatible with existing

regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern the distance learning course certification requirements for peace officers in California.

FORMS INCORPORATED BY REFERENCE

POST Form 2–124 (Rev. 02/2021) Self-Paced Training Course Certification Request is incorporated by reference. The proposed amendments to this form are in line with the proposed amendments to Commission Regulation 1053 related to self-paced training course certification.

ADOPTION OF PROPOSED REGULATIONS

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

ESTIMATE OF ECONOMIC IMPACT

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

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

Local Mandate: None.

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

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

Small Business Determination: POST has found that the proposed amendments will not affect small business, as defined by Government Code section 11342.610, because the Commission sets selection and training standards for law enforcement, which

are government entities, and does not have an impact on California businesses, including small businesses. The regulation addresses the updating of language to address current best practices and industry standards related to distance learning course certification. This only affects individuals associated with participating law enforcement agencies and/or course presenters.

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

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

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

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

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

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

TEXT OF PROPOSAL

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

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

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

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

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED HEAVY-DUTY INSPECTION AND MAINTENANCE REGULATION

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the proposed Heavy-Duty Inspection and Maintenance (HD I/M) Regulation.

Date: December 9, 2021
Time: 9:00 a.m.

This public meeting may continue at 8:30 a.m., on December 10, 2021. Please consult the public agenda, which will be posted ten days before the December 9, 2021, Board Meeting, for important details, including, but not limited to, the day on which this item will be considered and any appropriate direction regarding a possible remote-only Board Meeting. If the meeting is to be held in person — in addition to remote access — it will be held at the California Air Resources Board, Byron Sher Auditorium, 1001 I Street, Sacramento, California 95814.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and

may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on October 15, 2021. Written comments not submitted during the hearing must be submitted on or after October 15, 2021, and received **no later than November 29, 2021**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

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

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

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39002, 39003, 39600, 39601, 43000, 43008.6, 43013, 43016, 43018, 43701, 44011.6, and 44152; and California Vehicle Code, sections 2813, 4000.17, 24019, 27153, 27158.1, 27158.2, and 27159. This action is proposed to implement, interpret, and make specific sections 1797.84, 39042, 39042.5, 39055.5, 43014, 43701, 44011.6, 44152, 44154, and 44156, Health and Safety Code; and sections 165, 260, 305, 410, 505, 2813, 4000.17, 4156.5, 5004, 24019, 27153, 27156, 27158.1, 27158.2, and 27159, Vehicle Code.

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

Sections Affected: Proposed amendments to California Code of Regulations, title 13, section 2193.

Proposed adoption to California Code of Regulations, title 13, section(s) 2195, 2195.1, 2196, 2196.1, 2196.2, 2196.3, 2196.4, 2196.5, 2196.6, 2196.7, 2196.8, 2197, 2197.1, 2197.2, 2197.3, 2198, 2198.1, 2198.2, 2199, and 2199.1.

DOCUMENTS INCORPORATED BY REFERENCE

(Cal. Code Regs., title 1, § 20, subdivision (c)(3))

The following documents would be incorporated in the regulation in reference as specified by the following section:

- “California Standards for Heavy-Duty Remote On-board Diagnostic Devices,” adopted [Insert Date of Adoption], incorporated by reference in 13 California Code of Regulations (CCR) section 2195.1.
- Society of Automotive Engineers (SAE) J1667 Recommended Practice “Snap Acceleration Smoke Test Procedure for Heavy-Duty Powered Vehicles,” as issued February 1996 (“1996-02”), incorporated by reference in 13 CCR section 2195.1.

The “California Standards for Heavy-Duty Remote On-board Diagnostic Devices,” is being adopted by this regulation and thus the adoption date will be the date that the regulation is approved by CARB.

The following documents are incorporated by reference in the Proposed “California Standards for Heavy-Duty Remote On-board Diagnostic Devices”:

- Section 86.010-18, title 40, CFR, “On-board Diagnostics for engines used in applications greater than 14,000 pounds GVWR,” 2009.
- International Organization for Standardization (ISO) 11898-1 “Road vehicles – Controller area network (CAN) – Part 1: Data link layer and physical signaling,” 2015.
- ISO 11898-2 “Road vehicles – Controller area network (CAN) — Part 2: High-speed medium access unit,” 2016.
- ISO 15031-4 “Road vehicles — Communication between vehicle and external equipment for emissions-related diagnostics — Part 4: External test equipment,” 2014.
- SAE J1699-2 “Test Cases for OBD-II Scan Tools and I/M Test Equipment,” 2017.
- SAE J1962 “Diagnostic Connector,” July 2016.
- SAE J1978 “OBD II Scan Tool — Equivalent to ISO/DIS 15031-4,” April 2002.
- SAE J1979 “E/E Diagnostic Test Modes,” February 2017.
- SAE J1979-DA “Digital Annex of E/E Diagnostic Test Modes,” May 2019.

- ISO 15765-4 “Road Vehicles-Diagnostics Communication over Controller Area Network (DoCAN) — Part 4: Requirements for emission-related systems,” April 2021.
- SAE J1939 Recommended Practice for a Serial Control and Communications Heavy Duty Vehicle Network — Top Level Document,” August 2018.
- SAE J1939-DA “Digital Annex of Serial Control and Communication Heavy Duty Vehicle Network Data,” March 2020.
- SAE J1939-3 “On Board Diagnostics Implementation Guide,” 2015.
- SAE J1939-13 “Off-Board Diagnostic Connector,” October 2016.
- SAE J1939-21 “Data Link Layer,” October 2018.
- SAE J1939-73 “Application Layer — Diagnostics,” June 2019.
- SAE J1939-81 “Network Management,” March 2017.
- SAE J3005-1 “Permanently or Semi-Permanently Installed Diagnostic Communication Devices,” February 2019.
- SAE J3005-2 “Permanently or Semi-Permanently Installed Diagnostic Communication Devices, Security Guidelines,” March 2020.
- SAE J1979-2 “E/E Diagnostic Test Modes: OBD on UDS,” April 2021.

BACKGROUND AND EFFECT OF THE PROPOSED REGULATORY ACTION

This action would substantially reduce emissions of dangerous pollutants from existing heavy-duty (HD) vehicles by implementing an inspection and maintenance program as directed by the Legislature. Once fully in force, the program will help protect Californians by ensuring these vehicles are properly maintained, cutting air pollution.

HD vehicles, i.e., those with gross vehicle weight rating (GVWR) greater than 14,000 pounds, continue to be major contributors to statewide mobile air pollution, even though this sector only makes up about three percent of the total on-road vehicles operating in California. In 2020, HD vehicles emitted approximately 52 percent of the statewide on-road mobile source oxides of nitrogen (NOx) emissions and about 54 percent of the statewide on-road mobile source particulate matter (PM) 2.5 emissions¹.

HD vehicles’ NOx and PM emissions harm human health and the environment. In 1998, CARB listed PM as one of the identified carcinogenic toxic air

contaminants due to its contribution to increased mortality, cancer risk, and serious illness. NOx is a precursor of ozone formation and several other air toxics including PM. Exposure to PM and ozone can lead to serious adverse health effects such as asthma, cardiopulmonary and respiratory diseases, and premature deaths.

Despite continuing efforts by CARB and air districts which have substantially reduced air pollution, most densely populated areas in California, such as South Coast and San Joaquin Valley air basins, are still not in attainment with the federal ozone and PM 2.5 standards and CARB is focused on rapidly cutting remaining air pollution. About 70 percent of Californians live in areas that exceed the federal ozone and PM 2.5 standards. To achieve federal air quality standards and improve public health in these regions as well as across the State, it is critical to substantially further reduce NOx and PM emissions from on-road HD vehicles beyond what CARB’s current programs are already doing. As many major populated regions and economically disadvantaged communities are near heavy trucking traffic areas, by reducing in-use HD truck emissions, the Proposed Regulation would help achieve equitable clean air quality for all Californians, and would especially benefit Californians exposed to freight-related pollution from HD vehicles.

To limit excess emissions from in-use HD vehicles, CARB currently implements two in-use vehicle inspection programs, the HD Vehicle Inspection Program (HDVIP) and the Periodic Smoke Inspection Program (PSIP). This program would, if approved, generally replace these programs with a more comprehensive and effective structure.

In the early 1990s, CARB adopted the HDVIP, which allows CARB staff to inspect HD trucks and buses operating in California for excessive smoke, tampering, and engine certification label compliance. CARB inspections are typically performed at border crossings, California Highway Patrol (CHP) Commercial Vehicle Enforcement Facilities (commonly known as “weigh stations”), fleet facilities, and randomly selected roadside locations. Vehicle owners found in violation are subject to monetary penalty and required to provide proof of correction to clear violations. In addition to HDVIP, CARB adopted the PSIP to control HD vehicle smoke emissions. Under the PSIP regulation, fleet owners of two or more HD diesel vehicles are required to perform annual smoke opacity tests following the SAE J1667 testing procedure, keep the smoke test records for potential auditing purposes, and repair vehicles that exceed the allowed smoke opacity limits. CARB staff randomly audits fleets, reviews maintenance and inspection records, and tests a representative sample of vehicles at the roadside to enforce the PSIP regulation. Upon initial

¹ PM 2.5 is particulate matter with a diameter of less than 2.5 micrometers.

implementation in the early 1990s, the smoke opacity limits for both HDVIP and PSIP were established at 40 percent for 1991 and newer model year (MY) HD diesel engines and 55 percent for pre-1991 MY HD diesel engines. Recent Board adopted amendments in 2018 to the HDVIP and PSIP established a more stringent set of smoke opacity limits, such as five percent for any HD vehicle powered by a 2007 or subsequent MY diesel engine and five percent for any HD vehicle required to be equipped or retrofitted with a Level 3 Verified Diesel Emissions Control Strategy, regardless of its diesel engine MY. Chapter I of the Initial Statement of Reasons (ISOR) provides more details on the smoke opacity limits associated with the current HDVIP and PSIP regulations.

The recent Board amendments to the HDVIP and PSIP improved the ability to identify some emissions related issues, such as malfunctioning diesel particulate filters. However, these programs still rely on the smoke opacity test for emissions related diagnosis and thus can only identify and ensure repairs on a subset of HD vehicle emissions control-related issues, leaving NOx related emissions issues unchecked. Considering the substantial proportion of statewide NOx emissions attributed to HD vehicles, it is critical to develop improved testing methods to ensure the diagnosis of all emissions related issues that may result from HD vehicles.

Recognizing that a revamped and robust HD vehicle inspection and maintenance program could provide significant and critically needed NOx and PM reductions, Senator Connie Leyva introduced Senate Bill (SB) 210 (Leyva; Chapter 5.5, Statutes of 2019) to direct CARB, in consultation with its partner State agencies, to develop a new, comprehensive HD I/M program applicable to non-gasoline HD vehicles operating in California with a GVWR above 14,000 pounds. Governor Newsom signed SB 210 into law on September 20, 2019.

Summary of Proposal

The Proposed Regulation would implement a more robust and enforceable, yet streamlined, inspection and maintenance test procedure for non-gasoline combustion HD vehicles with GVWR greater than 14,000 pounds operating in California. It would help curb on-road HD NOx and PM emissions by ensuring HD vehicles' emission control systems are well maintained and functioning as designed throughout their vehicle life. The Proposed Regulation would consist of the following elements:

1. Vehicle Applicability

All non-gasoline combustion vehicles above 14,000 pounds GVWR that operate in California would be subject to the Proposed Regulation to ensure that emissions control systems on these vehicles are operating as designed and get repaired in a timely

manner when they malfunction, thereby reducing in-use HD truck emissions to provide cleaner air quality for all Californians. This would include out-of-state and out-of-country registered vehicles when operating within the State of California as these vehicles account for up to 50 percent of the vehicles that operate in California and make up about 27 percent of total NOx emissions, and 36 percent of total PM 2.5 emissions from all HD vehicles operating in California each day. The Proposed Regulation would not apply to:

- Zero-emission HD vehicles,
- Authorized emergency vehicles,
- Military tactical vehicles,
- New vehicles certified to the most stringent optional NOx certification standard for the first four years of the Proposed Regulation,
- Non-California registered motor homes used for recreational purposes,
- Vehicles operating under a CARB-issued experimental permit,
- Historical plated vehicles, or
- Vehicles operating under an Emergency Declaration.

2. Reporting Requirements

Under the Proposed Regulation, owners of HD vehicles operating in California (including out-of-state vehicles) would be required to report owner and vehicle information to CARB and ensure their fleet information is current. Owners would first need to establish an account in the CARB's HD I/M database system and then report the required vehicle information for vehicles within their fleet.

To reduce redundancies in state database systems, CARB staff would coordinate with California Department of Motor Vehicles (DMV) to obtain vehicle information for applicable vehicles that are registered with the DMV and/or International Registration Plan databases. Only owners that have vehicles not registered in one of these two databases or with critical data gaps in these databases (e.g., vehicle identification number (VIN), license plate, etc.) would need to report such vehicle information.

3. Vehicle Compliance Testing Requirements

HD vehicle owners would demonstrate their emissions control systems are properly functioning through required vehicle compliance tests. For on-board diagnostic (OBD)-equipped vehicles, vehicle owners would submit OBD data, while for non-OBD vehicles, vehicle owners would submit the results of a smoke opacity test and visual emissions control inspection.

- a. OBD Testing for HD OBD-Equipped Vehicles

For OBD–equipped vehicles, staff is proposing that vehicle owners comply through OBD data submission. The OBD–based vehicle compliance test would rely on the submission of the OBD data parameters specified by CARB’s HD OBD regulation (Section 1971.1, Title 13, CCR). These OBD data parameters have been standardized through regulation and verified through CARB’s certification process to monitor and detect for emissions related issues. This required OBD data would include information such as emissions related fault codes, monitor test results, and live stream data parameters necessary to determine whether a vehicle has an emissions related issue present during the inspection. It would also include additional parameters to help assess whether the test was performed properly and whether any fraudulent activity may have occurred during the inspection test.

Owners of HD OBD–equipped vehicles would have multiple options for the required compliance testing, allowing vehicle owners to select a test method that best meets their vehicle operation and business needs. OBD test results could be submitted through a continuously connected remote OBD device, generically referred to as a telematics submission. Telematics allow for an automated test inspection and submission without human interaction or vehicle downtime. Telematics technology has been utilized by HD fleets for logistic managements or preventive maintenance notification through fleets’ subscription to telematics companies for many years. The proposed CC–ROBD testing submission approach could be incorporated into the current telematics services offered to fleets. Alternatively, OBD test results could be submitted through a non–continuously connected remote OBD device, referred as a plug–in test device. Such testing could be performed anywhere and submitted remotely to the HD I/M database system. Although not an automated inspection as with the telematics submission, tests performed via a plug–in test device would take less than five minutes to complete.

b. Smoke Opacity and Visual Inspection for HD Non–OBD Vehicles

For HD vehicles that are not equipped with OBD systems, staff is proposing a smoke opacity test following the SAE J1667 testing procedure, along with a visual inspection of a vehicle’s emissions control systems as the required compliance test. The SAE J1667 smoke opacity testing currently is required as part of CARB’s HDVIP/PSIP regulations. Smoke opacity testing is limited to monitoring PM emissions control systems and not as comprehensive as OBD testing, staff is also proposing a visual inspection of emissions control systems as part of the vehicle compliance testing procedure for non–OBD vehicles. The proposed visual inspection would require an

inspector to verify all emissions control components are in the manufacturer–approved configuration.

Compliance testing for non–OBD vehicles would be required to be performed by a HD I/M–approved tester. The proposed testing would take about 30 minutes per vehicle: 15 minutes for the smoke opacity test and another 15 minutes for the visual inspection. Because the SAE J1667 smoke opacity test is specific to diesel vehicles, non–OBD alternative fuel vehicles subject to the Proposed Regulation would not be required to perform the smoke opacity test. Such vehicles would be subject solely to the visual inspection requirements during their vehicle inspection, thus, the proposed testing would take about 15 minutes per inspection.

4. Periodic Testing Requirements

Affected HD vehicles would be subject to semiannual (once every six months) compliance testing. Non–commercial motor homes would be subject to annual testing. Owners would be required to have a passing compliance test submitted for their vehicle by each periodic testing deadline. For California registered vehicles, the periodic compliance deadlines would align with a vehicle’s DMV registration date and the date six months from a vehicle’s DMV registration date (i.e., if a vehicle’s DMV registration date is January 15, the second compliance deadline would be July 15). The compliance deadline for motorhomes subject to an annual testing requirement would be the vehicle’s DMV registration date. Compliance deadlines for out–of–state vehicles would be based on the last number of a vehicle’s VIN, with each number representing a different month of the year. For example, an out–of–state vehicle with a VIN ending in “4” would have a compliance deadline in February, with its second compliance deadline six months later. Spreading out testing deadlines throughout the year would help ensure the effective implementation of the Proposed Regulation by avoiding the risk of surges in program activity at select times of the year.

5. HD I/M Tester Requirements

The Proposed Regulation would require any individual performing vehicle compliance testing to complete a CARB–approved training course and obtain a testing credential. Such training would include instruction on how to properly perform the required vehicle compliance tests and the regulatory requirements of the Proposed Regulation. These training requirements would establish minimum competency and knowledge required of a tester, encourage consistent testing procedures, and thereby ultimately mitigate improper testing habits.

6. Referee Testing Network

Analogous to the responsibilities performed by referees in Bureau of Automotive Repair’s (BAR) light–duty smog check program, staff is proposing

to establish a referee testing network to provide independent evaluations of HD vehicles and services for vehicles with inspection incompatibilities or compliance issues. The referees would provide a critical testing backstop for vehicles that struggle to comply with the testing requirements or submit testing that suggests potential fraud.

7. Parts Unavailability Compliance Time Extension Provisions

CARB staff is proposing a compliance time extension provision for small fleets of ten vehicles or fewer who cannot obtain the parts needed to repair a vehicle in time. In case of such a lack of parts availability, a one-time compliance extension could be granted to the vehicle owner to allow the vehicle to operate up through the vehicle's next periodic testing deadline. Upon seeking approval of such a request from the Executive Officer, the vehicle owner would be required to provide documentation that provides supporting evidence that they made a good faith effort to bring the vehicle into compliance, what parts are not available to make the required repairs and why, and when such parts are expected to become available.

8. HD I/M Compliance Certificate

As authorized by SB 210, the Proposed Regulation would require HD vehicle owners to have a valid HD I/M compliance certificate available for each of their applicable vehicles when operating in California, and to present it to a CARB inspector and/or CHP officer upon request. Under the provisions of the Proposed Regulation, a vehicle owner would be issued a HD I/M compliance certificate after the vehicle has demonstrated compliance with the Proposed Regulation by doing the following:

- Reporting vehicle and fleet information,
- Passing the required vehicle compliance tests,
- Resolving any outstanding enforcement actions on the vehicle for which the compliance certificate is being issued, and
- Paying the program's annual compliance fee of \$30 per vehicle through CARB's HD I/M database system.

Similar to BAR's smog check program, compliance with the Proposed Regulation would be tied to California DMV registration. Thus, owners of California-registered HD vehicles would be unable to renew their DMV vehicle registrations unless they demonstrate that an applicable vehicle is fully compliant with the HD I/M program and obtain a valid HD I/M compliance certificate by a vehicle's DMV registration renewal date, out-of-state vehicle owners would be required to meet the same testing requirements as in-state vehicle owners and obtain a valid HD I/M compliance certificate to operate legally in California.

9. HD I/M Roadside Inspections

The proposed HD I/M enforcement tools described below are intended to help maintain a more level playing field among all vehicles operating within the State and to enhance program compliance by increasing the overall enforcement presence available to support the Proposed Regulation.

a. Roadside Monitoring

Roadside Emissions Monitoring Devices (REMD), which may include remote sensing devices (RSD), CARB's Portable Emissions AcQuisition System (PEAQS), and automatic license plate recognition (ALPR) cameras would assist with enforcement efforts for the Proposed Regulation. These systems would detect potentially high-emitting vehicles or those lacking a valid compliance certificate operating in California. CARB's PEAQS units are already deployed in California to assist with mobile regulatory enforcement efforts. Staff projects to increase the number of systems in statewide operation over the coming years. These systems help support regulatory enforcement efforts by enhancing the ability to screen vehicles for potential compliance issues. When a vehicle is flagged for potential high emissions, the vehicle would have to submit to CARB a vehicle compliance test to ensure the emissions control systems are functioning as required. Furthermore, vehicles identified passing through the monitoring systems and cross-referenced within the HD I/M database system as not having a valid compliance certificate may be subject to citations and penalties for non-compliant operation.

b. Field Inspections

Under the Proposed Regulation, CARB staff would perform field inspections on HD vehicles operating in California, similar to the current field inspections performed in HDVIP. Inspectors may issue citations to vehicle owners to take corrective action on vehicles found to be in non-compliance. Additionally, SB 210 specifically codifies CHP's authority to perform HD I/M field inspections to check for valid HD I/M compliance certificates, malfunction indicator light issues, and visible smoke during their normal day-to-day safety inspections at weigh stations and other roadside locations throughout the State. CHP's participation would enhance the Proposed Regulation's enforcement presence in the field.

10. Freight Contractor Requirements

To assist with the implementation and enforcement of the Proposed Regulation, CARB staff is proposing that freight contractors, applicable freight facilities, and brokers verify fleet and vehicle HD I/M compliance as part of their business processes. These proposed requirements, which also include recordkeeping provisions, are consistent with those in existing CARB

regulations. By incorporating all levels of the supply chain into HD I/M compliance verification, CARB staff intends to maintain a level playing field for vehicles and fleets conducting business in California. By encouraging the hiring of only HD I/M compliant vehicles, CARB's goal is to reduce the monetary advantage of "bad actor" fleet and vehicle owners that try to circumvent the requirements of the Proposed Regulation.

11. OBD Testing Device Requirements and Certification

Under the Proposed Regulation, staff is proposing technical specifications that OBD devices used for vehicle compliance testing must meet. CARB staff is also establishing a certification process for vendors to demonstrate that their devices comply with the technical specifications. The proposed technical specifications would standardize key functionality requirements, including:

- 1) The diagnostic connector that must be used for the device to connect to the vehicle;
- 2) The communication protocols required between the device and the vehicle;
- 3) The OBD data that must be collected from the vehicle and submitted to CARB's HD I/M database; and
- 4) The format and transmission method of that data.

Standardizing these functionalities and establishing a formal certification process would provide vendors and developers a pathway for offering devices that meet the demands of the market while also ensuring that the devices can connect and communicate effectively with vehicles' OBD systems. Such requirements would also enable an automated compliance test submission process and time-efficient analysis of the compliance test results within the HD I/M database, thus streamlining compliance determinations for vehicle owners.

12. Phase-in Approach

The Proposed Regulation would begin in 2023 with requirements implemented in three phases as follows:

- a. *Phase 1 starting on January 1, 2023:* The initial phase of the Proposed Regulation would rely on CARB's network of REMD to monitor vehicles operating within the State and screen for HD vehicles potentially operating with excess emissions. Owners of vehicles that are flagged by CARB as high-emitting vehicles with a potential emissions control issue would be required to complete a vehicle compliance test and submit the results to CARB. Vehicle owners would also be required to complete the reporting of their vehicle and fleet information to obtain a compliance certificate for each vehicle.

- b. *Phase 2 starting in July 2023:* Phase 2 of the Proposed Regulation would begin active enforcement of the compliance certificate requirement. All HD non-gasoline combustion vehicles, including out-of-state vehicles, operating in California would be required to possess a valid HD I/M compliance certificate to legally operate in the State. Vehicles identified as operating in California without a valid compliance certificate would be issued citations for non-compliant operation. During this stage of implementation, freight contractors, applicable freight facilities, and brokers would begin to be required to verify HD I/M program compliance status for vehicles with which they do business with. Also, HD I/M program compliance would be tied to DMV vehicle registration for California-registered vehicles. Thus, any in-state vehicle not in the possession of a valid compliance certificate would be denied vehicle registration with DMV until they meet the requirements of the HD I/M program.
- c. *Phase 3 starting in January 2024:* During this phase, i.e., full implementation of the Proposed Regulation, periodic testing requirements would begin. All owners of vehicles operating in the State would need to perform the applicable periodic testing, resolve any outstanding CARB-issued program citations, and pay the required annual compliance fee to obtain the vehicle's next compliance certificate. CARB's network of REMDs would continue to identify potential high emitting vehicles that may require further testing. This network would continue to be expanded as the program is implemented to provide greater coverage of the HD vehicles operating in the California.

13. Amending and Sunseting Current HDVIP and PSIP Regulations

To avoid unnecessary duplication between regulations, staff is proposing to sunset the HDVIP regulation upon the effective date of the Proposed Regulation. The HD I/M roadside inspections as part of the Proposed Regulation would replace the HDVIP regulation. The Proposed Regulation would establish updated opacity test standards for off-road motive engines equipped in on-road vehicles. Thus, to ensure consistency, staff is proposing to amend the PSIP to align the smoke opacity standards with those in the Proposed Regulation. Furthermore, upon the implementation of the new periodic testing requirements in the Proposed Regulation, staff is proposing to sunset the PSIP regulation. This would eliminate any overlapping and duplicative periodic testing requirements.

CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, or other sections within the scope of this notice, during the course of this rulemaking process.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTION

Objective

The overall goal of the Proposed Regulation is to reduce NOx and PM emissions from HD vehicles with a GVWR greater than 14,000 pounds. The Proposed Regulation is critical for helping California to meet the State Implementation Plan's commitment of achieving federal ambient air quality attainment in the San Joaquin Valley and South Coast air basins by 2024 and 2031, respectively. As described above, the Proposed Regulation would institute a revamped HD I/M program to more effectively identify and repair malfunctioning emissions control systems on HD vehicles operating in California. As a result, the Proposed Regulation would help ensure HD vehicles are properly functioning and low-emitting throughout their operating lives. As many major populated regions and economically disadvantaged communities are near heavy trucking traffic areas, the Proposed Regulation would help provide more equitable clean air for all Californians.

Benefits

Protection of Public Health and Safety. The Proposed Regulation is designed to ensure that HD vehicles operating in California are properly maintained and that those with broken emissions control systems get repaired in a timely manner. Hence, it would further reduce NOx and PM emissions from on-road vehicles. NOx and PM emissions contribute to increased asthma, cardiopulmonary and respiratory diseases, and mortality. The Proposed Regulation would reduce statewide NOx emissions by approximately 680,333 tons and PM emissions by approximately 6,023 tons relative to legal baseline for the 2023–2050. The statewide NOx emission benefits from the Proposed Regulation are projected to be 30.3 tons per day (tpd) and PM emission benefits are projected to be 0.324 tpd for 2024. The San Joaquin Valley and South Coast NOx emission benefits are projected to be 8.6 and 8.4 tpd respectively and PM emission benefits are projected to be 0.089 and 0.083 tpd respectively for 2024. The anticipated emission reductions due to the Proposed Regulation would improve public health and reduce Californian's exposure to harmful pollutants. These emission reductions would in turn reduce the projected number of emergency room and doctor's office visits for asthma, hospitalizations for heart disease, as well as premature deaths that result from

poor air quality. A detailed analysis is discussed in Chapter VI of the ISOR.

Environmental and Health Benefits. The Proposed Regulation would reduce toxic PM2.5 diesel exhaust and NOx, which would benefit California residents by reducing harmful emissions exposure that leads to adverse health impacts. The estimated statewide reductions in health outcomes resulting from the Proposed Regulation from 2023 to 2050 relative to the legal baseline are the following:

- Cardiopulmonary Mortality — 7,545
- Hospitalizations for Cardiovascular Illness — 1,154
- Hospitalizations for Respiratory Illness — 1,378
- Emergency Room Visits — 3,483

It is important to note that the estimates above represent only a portion of the full health benefits of the Proposed Regulation and do not include all the adverse health outcomes from PM2.5 or from additional pollutants such as toxic air contaminants. An expansion of the emissions inputs and an assessment for other health outcomes, including, but not limited to, additional cardiovascular and respiratory illnesses, nonfatal/fatal cancers, nervous system diseases, and lost workdays would provide a more complete picture of the benefits, and CARB staff is considering adopting an expanded assessment for future rulemakings.

In addition, although it is difficult to quantitatively determine the emission benefits in the high-risk areas near major trucking and freight corridors, such as ports and rail yards, the Proposed Regulation is expected to provide the largest PM and NOx emission reductions in these regions, consequently, leading to larger health benefits in regions with the most HD truck traffic.

Economic Impacts. The Proposed Regulation would result in direct cost impacts on regulated entities, specifically owners of HD vehicles operating in California. The Proposed Regulation would require additional reporting, testing, and training, as well as a compliance fee associated with operating in California. Furthermore, the Proposed Regulation would also lead to additional vehicle repairs to bring vehicles into compliance, thus imposing additional costs on HD vehicle owners. The Proposed Regulation is projected to cost \$4.12B over 2023–2050 period, with a maximum annual cost of \$350M in 2024. The incremental costs are estimated to be \$136M, \$131M, and \$153M for 2031, 2037, and 2050 respectively. The majority of costs stem from HD vehicle testing, repairs, and compliance fee costs. The cost-effectiveness of the Proposed Regulation is about \$62.27/pound PM and \$1.84/pound NOx. A detailed analysis is discussed in Chapter IX of the ISOR.

Benefits to Businesses. Typical businesses such as HD vehicle emission testing equipment manufacturers,

vehicle emission testers, telematics providers, HD part manufacturers and suppliers, and HD repair shops would be expected to benefit from the Proposed Regulation. HD in-state vehicle fleets would also benefit from reduced smoke opacity testing costs due to the sunset of the PSIP regulation proposed as part of the Proposed Regulation. Finally, to the extent that the emission benefits from the Proposed Regulation benefit the health of truck drivers and employees who work in and around HD vehicles, such fleets and companies would benefit from their employees taking slightly fewer sick days.

Like typical businesses, small businesses in HD vehicle emission testing and vehicle repair sectors are expected to benefit from the Proposed Regulation due to the anticipated increase in vehicle testing and repair demands. Some HD vehicle part suppliers are small businesses and would see benefits due to increased demand for emission control parts. Furthermore, small businesses that work in and around HD vehicles would see benefits resulting from reduced exposure to PM and NOx emissions, which can lead to fewer sick days. A detailed analysis is discussed in Chapter V of the ISOR.

Promotion of Fairness. The Proposed Regulation would provide a more level playing field for HD fleets already investing in vehicle maintenance by helping ensure all fleets operating in California practice proper emission-related maintenance.

COMPARABLE FEDERAL REGULATIONS

There are no federal programs comparable to the Proposed Regulation. Federal regulations focus on new vehicle emissions standards, while leaving the development and implementation of in-use vehicle monitoring programs to state jurisdictions. As a result, many states have established I/M testing programs for both light-duty and HD vehicle populations. The Proposed Regulation is consistent with this regulatory structure.

AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

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

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

The Proposed Regulation supersedes the requirements of HDVIP and PSIP to avoid duplicative inspection elements, while at the same time, imposing more comprehensive vehicle testing requirements

relative to the current programs. Upon the start of the Proposed Regulation, the current HDVIP regulation would be superseded by the proposed HD I/M roadside inspections. The current HDVIP allows CARB staff to perform roadside inspections on HD vehicles operating in California. The Proposed Regulation would provide the ability to perform similar inspections, thus making the current HDVIP regulation redundant.

Staff is proposing to update the smoke opacity limits within the PSIP regulation to align with the Proposed Regulation to ensure consistency between the two programs. Thus, staff is proposing to include the opacity standards for off-road engines within the PSIP regulation itself. This would ensure that vehicles are held to the same opacity standards if potentially flagged by REMD as they would be for the annual smoke inspection within PSIP. Once periodic testing starts in the Proposed Regulation, the PSIP regulation would be superseded. The proposed periodic inspection requirements would institute new periodic testing requirements for vehicles operating in California. Thus, to ensure there are no overlapping or duplicative requirements such as alternative periodic testing requirements, staff is proposing to sunset the PSIP regulation.

DISCLOSURES REGARDING THE PROPOSED REGULATION

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

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

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs or savings to any State agency, would not create costs or savings in federal funding to the State, and would create costs or mandates to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

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

The Proposed Regulation would have cost impacts on local government fleets that own non-gasoline combustion HD vehicles because they would be subject to the same proposed requirements as other private entities operating in California. Such costs would be mainly for performing the required

vehicle compliance inspections and repairing any non-compliant vehicles. Based on projected vehicle populations, local government fleets are estimated to make up about seven percent of the total affected HD vehicles operating in California. The total incremental costs on local government fleets from 2023 through 2050 are estimated to be \$276M, with the largest one-year cost projected to be \$23M in year 2024. In addition to costs, local government fleets would also have cost savings from the removal of smoke opacity testing requirements on OBD-equipped vehicles. The total cost savings for local government fleets from 2023 through 2050 would be \$58M, with the largest one-year cost savings of \$2.5M occurring in year 2050. A detailed analysis is discussed in Chapter IX of the ISOR.

The Proposed Regulation is a mandate that would create costs and cost-savings to local agencies and school districts. Under SB 210, no reimbursement to local agencies and school districts for costs resulting from the Proposed Regulation mandate is required. Furthermore, these costs are not reimbursable by the State pursuant to Government Code, title 2, division 4, part 7 (commencing with section 17500) because this action neither compels local agencies to provide new governmental functions (i.e., it does not require such agencies to provide additional services to the public), nor imposes requirements that apply only on local agencies or school districts.² Instead, this regulatory action establishes requirements that apply to all entities that own or operate HD vehicles that are subject to the requirements of the Proposed Regulation. This action also does not compel local agencies to increase the actual level or quality of services that they already provide the public.³ For the foregoing reasons, any costs incurred by local agencies to comply with the Proposed Regulation are not reimbursable.⁴

Cost or Savings for State Agencies:

Proposed Regulation Compliance Costs

The Proposed Regulation would impose incremental costs to State government, which include costs on State government fleets that own HD non-gasoline combustion vehicles, and costs on State agencies to implement and enforce the Proposed Regulation. State government fleets are estimated to make up about two percent of the total affected HD vehicles operating in California. The total incremental costs on State government fleets from 2023 through 2050 would be \$92M, with the largest one-year cost projected to be \$8M in year 2024. In addition to costs, State

government fleets would also have cost savings from the avoided smoke opacity testing need on their OBD-equipped vehicles. The total cost savings for State government fleets from 2023 through 2050 would be \$19M, with the largest one-year cost savings of \$817K occurring in year 2050.

Proposed Regulation Implementation Costs

The Proposed Regulation would create additional workload on CARB staff that would be impossible to absorb with existing staff resources. Staff requested 4.0 positions (1.0 Air Resources Supervisor (ARS) I and 3.0 Air Resources Engineers (ARE)) in fiscal year (FY) 2020–2021 to support the development of the Proposed Regulation. These positions will continue supporting the implementation of the Proposed Regulation once it takes effect starting in 2023. CARB would need an additional 26.0 positions (2.0 AREs, 7.0 Air Pollution Specialists (APS), 8.0 Air Resources Technician (ART) IIs, 1.0 Information Technology Manager (ITM) II, 3.0 Information Technology Specialist (ITS) IIs, 2.0 ITS IIIs, 2.0 Associate Governmental Program Analysts (AGPA), and 1.0 Attorney III) for 2022–2023, 2023–2024, and 2024–2025 FYs to effectively implement and enforce the Proposed Regulation. The staffing needs are described further below:

- 2022–2023 Fiscal Year (14.0 new permanent full-time positions)
 - 2.0 AGPA positions are required to provide support for the Proposed Regulation implementation contracting efforts.
 - 1.0 ITM II, 1.0 ITS II, and 1.0 ITS III positions are required to support the implementation of the CARB's HD I/M database system. The ITM II, ITS II, and ITS III positions are needed for the overall design, implementation of the hosting environment for the HD I/M system. The IT team would ensure that all security measures are met for security compliance and handling of sensitive data that resides in the system.
 - 1.0 ARE position is required to support the implementation of the proposed OBD testing device certification requirements and help manage the activities of the HD implementation contractor.
 - 1.0 ARE and 4.0 ART II positions are required to help support the enforcement of HD I/M program via physical roadside emissions monitoring systems, data science, software development, and enforcement support.
 - 2.0 data analyst (APS) positions are required to begin developing the Enforcement Decision Support System (EDSS) and

²County of Los Angeles v. State of California (1987) 43 Cal.3d 46, 56.

³San Diego Unified School Dist. v. Commission on State Mandates (2004) 33 Cal.4th 859, 877.

⁴County of Los Angeles v. State of California, 43 Cal.3d. 46, 58.

requested to perform data analysis of incoming vehicle data, including performing quality assurance/quality control on vehicle emissions data collected from PEAQS. Furthermore, the positions would support the analysis of submitted test data for any suspicious or fraudulent data submission activity, and assessing vehicle compliance based on the submitted vehicle data.

- 1.0 APS position is required to support emissions assessments and modeling efforts. Such efforts are needed to determine emissions benefits and program validation of the HD I/M program to ensure the program is as effective at reducing emissions as possible.
- 2023–2024 Fiscal Year (8.0 new permanent full-time positions)
 - 2.0 APS positions are required to be added to the call center to support additional call volumes as the proposed HD I/M program would impact more vehicles and fleets relative to current regulations (approximately one million vehicles would be affected by the proposed program, increasing with time).
 - 1.0 APS position is required for HD I/M related outreach efforts. As the proposed HD I/M program impacts all vehicles entering California, it will be critical to constantly outreach not only to stakeholders within the State of California itself, but also out-of-state fleets whose vehicles operating in California.
 - 1.0 APS position is required to provide data management oversight for HD I/M data extraction and processing to create useful and readily accessible versions of raw data collected through the HD I/M program, and data analytics to process data.
 - 1.0 ART II position is required to assist in performing data quality checks (QA/QC) of PEAQS, EDSS, and the Core Tracker enforcement process management system.
 - 2.0 ITS II and 1.0 ITS III are required to help support the continued development of data security and data transfer protocols between the contractor and CARB, hosting environments, and the system architecture for serving data to other CARB stakeholders as the tasks become more complex.
- 2024–2025 Fiscal Year (4.0 new permanent full-time positions)
 - 3.0 ART II positions are required to help support the enforcement of HD I/M

program via physical roadside emissions monitoring systems, data science, software development, and enforcement support.

- 1.0 Attorney III position is required to help support establishing cases to prosecute potential fraudulent activity, support increased citation activity, and provide legal support related to staff's interaction and management of the implementation contractor.

Furthermore, in support of the implementation of the Proposed Regulation, third-party external contractors would be hired to develop and manage a HD I/M database system, as well as run the day-to-day operations once the HD I/M program is implemented. The initial costs for external contractors are estimated to be approximately \$18.2M, with annual on-going costs of approximately \$10.4M for a five-year contract period.

The costs on State agencies to implement the Proposed Regulation would be covered by the proposed HD I/M compliance fee collected from owners of HD vehicles operating in California. The proposed annual compliance fee of \$30 per affected HD vehicle is projected to provide sufficient funding for State to implement the Proposed Regulation. The proposed compliance fee would be annually adjusted to reflect changes in the CCPI as published by the Department of Industrial Relations. A detailed analysis is discussed in Chapter IX of the ISOR.

Other Non-Discretionary Costs or Savings on Local Agencies:

No other non-discretionary costs or savings to local agencies are expected.

Cost or Savings in Federal Funding to the State:

No costs or savings in federal funding is anticipated.

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

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

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

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

the economic impact analysis and Chapter IX and Appendix F of the ISOR.

Results of The Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subdivision (a) (10)):

MAJOR REGULATION: STATEMENT OF THE RESULTS OF THE STANDARDIZED REGULATORY IMPACT ANALYSIS (SRIA)
(Gov. Code, § 11346.3, subdivision (c))

In July 2021, CARB submitted a SRIA to the Department of Finance (DOF) for its review. CARB has updated the economic analysis of the Proposed Regulation since the original SRIA submittal. The revisions are discussed in Chapter IX and in Appendix F — Further Details on Costs and Economic Analysis of the ISOR.

(A) The creation or elimination of jobs within the state.

Across the California economy, the Regional Economic Models, Inc. (REMI) simulation shows a small increase in job growth in 2023 followed by small decreases in job growth relative to the baseline in subsequent years of the analysis. It is important to note that the expected total number of jobs in California would still increase each year, and that the impact of the Proposed Regulation is insignificant when compared to the entire economy (never in any year registering a statewide impact of more than 0.00 percent). Job increases in 2023 are primarily due to increased demand from repair and testing which outweigh negative impacts associated with costs of the Proposed Regulation. The maximum negative impact is a decrease in job growth of 698 jobs in 2028.

As the requirements of the Proposed Regulation are implemented, the sectors that see direct increases in production costs or rely heavily on industries that see increases in production costs would see decreases in employment growth. Sectors that see increases in final demand or spending would see an increase in employment growth. The largest negative job growth impacts would be seen in the Transportation, Construction, and the Retail and Wholesale Trade sectors. These sectors rely most on services from the Truck Transportation industry, which bears the direct costs of the Proposed Regulation. Within these sectors, impacts would never exceed 0.02 percent of the baseline. The Services sector is estimated to have increased employment growth in the first few years of the assessment as businesses within this sector would be expected to benefit from increased demand for vehicle testing and repair. In later years of the assessment, the services sector is estimated to have a decrease in employment growth. This is due the

decrease in final demand in the Automotive Repair and Maintenance industry associated with HD OBD-equipped vehicles no longer being required to perform the annual smoke opacity testing as currently required under the PSIP. This decrease in demand, along with the broader costs to the Truck Transportation industry, offsets the positive impacts associated with increased demand for vehicle testing and repair. The government sector is also estimated to see small increases in employment growth as compliance fee revenue is used to fund implementation and enforcement activities.

(B) The creation of new businesses or the elimination of existing businesses within the state.

The Proposed Regulation does not directly result in the creation or elimination of businesses. The REMI model cannot directly estimate the creation or elimination of businesses, but changes in jobs and output for the California economy can be used to understand some potential impacts. The trend of increasing production costs for the Truck Transportation industry has the potential to result in a contraction or decrease in business in this industry if sustained over time. However, the macroeconomic analysis results only show impacts up to 0.02 percent for the transportation sector. On the other hand, the projected increase in demand for automotive repair and services, motor vehicle parts manufacturing, testing equipment, and database management resulting from the Proposed Regulation has the potential to result in an increase in growth for businesses in those industries if maintained for a long duration. The macroeconomic analysis results only show impacts up to 0.01 percent for these sectors.

(C) The competitive advantages or disadvantages for businesses currently doing business within the state.

All non-gasoline combustion HD vehicles with gross vehicle weight rating greater than 14,000 pounds operating in California (including out-of-state vehicles) would be subject to the Proposed Regulation. The Proposed Regulation would result in comparable operating cost increases for Californian and non-Californian fleet operators whose HD vehicles operate in California. For in-state fleets, the DMV registration link to program compliance would provide a strong incentive to comply. However, since there is no link between registration for out-of-state vehicles and compliance, some out-of-state fleets may be tempted to not comply with the Proposed Regulation to avoid the testing and repair costs associated with the Regulation. Therefore, it is possible that certain non-compliant out-of-state fleets would see a competitive advantage under this Proposed Regulation compared to a compliant in-state fleet.

Staff is proposing multiple enforcement measures to minimize any potential competitive advantage out-

of-state vehicles may see due to the lack of a DMV registration hold. These include the proposed roadside monitoring systems and an increased field presence through enhanced coordination with CHP. These would significantly increase CARB's enforcement coverage on non-compliant vehicles operating in California, including out-of-state vehicles, which would help level the playing field between in-state and out-of-state vehicles. Additionally, the proposed vehicle compliance verification requirements for freight contractors, brokers, and facilities when doing businesses with vehicles subject to the Proposed Regulation would incentivize both in-state and out-of-state vehicles to be compliant with the Proposed Regulation to do businesses in California.

Zero-emission HD vehicles would not be subject to the Proposed Regulation. Hence, fleets of these vehicles could see a competitive advantage under this Proposed Regulation compared to other HD combustion vehicles due to the avoided incremental compliance costs.

(D) *The increase or decrease of investment in the state.*

Private domestic investment consists of purchases of residential and nonresidential structures and of equipment and software by private businesses and nonprofit institutions. It is used as a proxy for impacts on investments in California because it provides an indicator of the future productive capacity of the economy. The relative changes to growth in private investment for the Proposed Regulation show a decrease of private investment of about \$65M in 2025, the year with highest impact. The impacts are primarily linked to residential investment, which is indirectly impacted by the Truck Transportation industry. Over the analysis period, the Proposed Regulation is estimated to result in an annual average decrease in private investment growth of \$24M. All impacts in the period of analysis do not exceed 0.01 of baseline investment in any year.

(E) *The incentives for innovation in products, materials, or processes.*

The Proposed Regulation would provide incentives for innovation. The proposed OBD testing requirement on HD OBD-equipped vehicles would promote innovation in remote OBD testing technologies such as telematics systems and OBD testing devices. Vendors of such devices would be incentivized to further improve their OBD testing technologies and services for their fleet customers to better compete in the market. Additionally, there could also be opportunities for manufacturers to improve upon existing HD vehicle emission reduction technology to produce more durable vehicle emissions control parts. Given the more stringent vehicle inspection and maintenance requirements under the Proposed Regulation, fleet

owners would tend to buy vehicles with more durable emissions control parts to prevent frequent repairs to comply with the Proposed Regulation.

(F) *The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.*

As discussed, the Proposed Regulation is expected to reduce NOx by approximately 680,333 tons and PM emissions by approximately 6,023 tons from in-use HD vehicles for 2023 through 2050. The estimated total statewide monetized health benefits due to emission reductions from 2023 through 2050 are estimated to be \$75.8B, with \$75.7B resulting from reduced premature cardiopulmonary mortality and \$143M resulting from reduced hospitalizations and ER visits. The anticipated emission reductions would improve the health and welfare of California's residents and reduce exposure to harmful pollutants. The Proposed Regulation would also result in benefits to businesses and the State of California as a whole, as summarized in this notice and discussed in detail in Chapter V of the ISOR.

(G) *Department of Finance Comments and Responses.*

DOF Comments: Finance generally concurs with the methodology used to estimate impacts of the Proposed Regulations, with two exceptions.

1. The SRIA notes in multiple places that estimates are on the conservative side, leading to benefits being understated and direct costs estimated on the high side. While the inclusion of a range or an upper bound can be useful, the SRIA must be based on CARB's best judgment on what the most likely scenario is and must include an estimation of all likely costs, benefits, and cost savings.
2. The SRIA must disclose assumptions and calculations for fiscal costs, notably the \$30 million annual average for statewide implementation and enforcement costs as well as for the additional sales tax revenue. While the SRIA discloses an estimate for CARB staffing resources, an estimate for the implementation contractor and each of the other state agencies providing support should also be provided. Given that contracts and other agency costs are still being finalized, the SRIA should provide a potential range of impacts and most likely scenario, including likely compliance fee ranges. Given that the \$30 compliance fee—the maximum fee that can be assessed per statute—is based on this estimate, changes in projected enforcement costs would also impact HD vehicle owner's compliance costs, including government fleets. The SRIA notes additional

sales tax revenue from an increase in testing devices, engine parts, and vehicle parts sale, and discloses the estimate total, but offers no specific calculations.

Responses:

1. Even though staff noted in the SRIA that some estimated costs and cost savings were on the conservative side, those assumptions reflected staff's best estimates given the currently available data and ensured all relevant costs were included in the SRIA. For example, staff noted that there could be potential cost savings to fleet owners due to the proposed periodic testing requirements because it would promote fleets' vehicle preventive maintenance practices and decrease the likelihood of having catastrophic vehicle failures. Consequently, fleet owners could have cost savings through reduced vehicle operating costs due to minimizing expensive repairs and less vehicle downtime due to less vehicle failures in the long run. However, because the extent of such savings is unknown, staff did not quantify such savings.

As another example, in the SRIA staff noted that fleets that do not opt for OBD data submission through telematics were assumed to opt for OBD data submission through purchasing plug-in OBD test devices instead of opting for the free CARB-provided testing device pathway. Since it is difficult to predict the uptake of the free-testing option at this time, staff assumed the higher testing costs of purchasing the OBD testing devices to ensure all the relevant costs are included in staff's program cost estimates.

If new data becomes available in the future, staff will update the Proposed Regulation's cost and benefit impacts accordingly in the Final Statement of Reasons of the Proposed Regulation.

2. At the time of the SRIA development, CARB staff was still in the process of firming up the cost estimates for other State agencies and external contracts needed to support the Proposed Regulation implementation. Until data was available to say otherwise, staff assumed the maximum allowable compliance fee of \$30 per vehicle for the State implementation and enforcement costs. This was done with the intention that a more detailed analysis of the compliance fee cost discussion would be provided in the ISOR, as staff would have a better understanding of implementation costs and compliance fee costs at this time. CARB staff has added cost estimates for external contracts and other State agencies that support the implementation of the Proposed Regulation, along with an analysis of how the

per vehicle compliance fee was determined, in Chapter IX and Appendix F of the ISOR. Table IX-18 in the ISOR provides estimates of costs for other State agencies. Table IX-19 in the ISOR provides estimates of costs for implementation contractors. The compliance fee analysis was used to establish the per vehicle compliance fee requirement in the Proposed Regulation. Sales tax revenue assumptions are also discussed in Chapter III.A.2. and Chapter III.B.3. of Appendix F of the ISOR.

Business Report (Gov. Code, §§ 11346.5, subdivision (a)(11); 11346.3, subdivision (d)):

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

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

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person would necessarily incur in reasonable compliance with the proposed action. There are no cost impacts to individuals as a result of this Proposed Regulation. Individuals may see health benefits as described in Chapter V of the ISOR due to emissions reduction resulted from the decrease in non-compliant vehicles driven on the road under the Proposed Regulation. Typical businesses affected by the regulatory proposal consist of trucking fleets. Staff estimated typical trucking business costs on a California fleet of seven vehicles where six out of the fleet's seven vehicles are OBD equipped, and one of their vehicles is non-OBD vehicle. The initial costs on this typical business is estimated to be, on average, \$705 in the year 2023. Staff estimates that fleets would likely pass the costs to individuals in the State (for example, customers of trucking firms). A detailed analysis is discussed in Chapter IX of the ISOR.

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

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses.

For HD trucking fleets, CARB staff defined small businesses as HD fleets of three or fewer vehicles. Based on 2018 DMV vehicle registration data, these small businesses represent about 89 percent of fleets in California, however, they have only 44 percent

of the vehicle population. Among the California small businesses, single-vehicle fleets are the largest groups, 79 percent of the small businesses; hence, staff estimated the direct costs on a small business to be the costs on a single-vehicle fleet.

Beginning in 2024, annual ongoing costs on a small business would range from \$225 to \$701. A detailed analysis of costs is discussed in Chapter IX of the ISOR. As discussed previously, staff is planning to establish designated locations throughout the state where fleets can check out testing equipment. This network would help minimize testing cost associated for small fleets demonstrating compliance with the Proposed Regulation. Furthermore, staff's proposed phase-in approach of the various program elements will help fleets adjust to the new requirements in a step-wise process, instead of being by the changes all at once. This will help minimize the financial impact to fleet business practices and allow a longer transition time for fleets than if all the various program elements were implemented at once.

Consideration of Alternatives (Gov. Code, § 11346.5, subdivision (a)(13)):

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

Alternatives to the proposed rulemaking that were considered are described in Chapter X of the ISOR. Staff has discussed two alternative concepts in the ISOR, including less stringent periodic testing requirements than the Proposed Regulation and more stringent periodic testing requirements than the Proposed Regulation. No alternative proposed was found to be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing law. The Proposed Regulation is considered a performance standard. Even if certain requirements within the Proposed Regulation were thought to be relatively directive, for example the OBD testing device requirements and certification process, given the rigor and transparency required for standardized testing procedures, a less explicit alternative would not be effective to achieve the necessary level of certainty needed for such requirements.

**STATE IMPLEMENTATION
PLAN REVISION**

If adopted by CARB, CARB plans to submit the proposed regulatory action to the United States Environmental Protection Agency (U.S. EPA) for approval as a revision to the California State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision because it adopts regulations intended to reduce emissions of air pollutants to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the Proposed Regulation, has concluded that this action is exempt from CEQA, as described in CEQA Guidelines §15061, because the action is an Action Taken by Regulatory Agencies for Protection of the Environment (as described in CEQA Guidelines §15308 for "class 8" exemptions), an action affecting Existing Facilities (as described in CEQA Guidelines 15301), an action for Information Collection (as described in CEQA Guidelines 15306), and it is also exempt as described in CEQA Guidelines §15061(b)(3) ("common sense" exemption). A brief explanation of the basis for reaching this conclusion is included in Chapter VII of the ISOR.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or (916) 322-5594 as soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alterno u otro idioma; y

- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al cotb@arb.ca.gov o (916) 322-5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Krista Fregoso, Air Pollution Specialist, Strategic Planning and Development Section at krista.fregoso@arb.ca.gov or (designated back-up contact) James Goldstene, Vehicle Program Specialist, Enforcement Division, at james.goldstene@arb.ca.gov.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Public Hearing to Consider the Proposed Heavy-Duty Inspection and Maintenance Regulation.

Copies of the ISOR and the full text of the proposed regulatory language, may be accessed on CARB's website listed below, on October 8, 2021. Please contact Chris Hopkins, Regulations Coordinator, at chris.hopkins@arb.ca.gov or (916) 445-9564 if you need physical copies of the documents. Because of current travel, facility, and staffing restrictions, the California Air Resources Board's offices have limited public access. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, (916) 445-9544. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

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

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2021/hdim2021>

TITLE 13. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED AMENDMENTS TO THE SMALL OFF-ROAD ENGINE REGULATIONS: TRANSITION TO ZERO EMISSIONS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions (hereinafter referred to as the Proposed Amendments).

Date: December 9, 2021
Time: 9:00 a.m.

AUTHORITY AND REFERENCE

This public meeting may continue at 8:30 a.m., on December 10, 2021. Please consult the public agenda, which will be posted ten days before the December 9, 2021, Board Meeting, for important details, including, but not limited to, the day on which this item will be considered and any appropriate direction regarding a possible remote-only Board Meeting. If the meeting is to be held in person — in addition to remote access — it will be held at the California Air Resources Board, Byron Sher Auditorium, 1001 I Street, Sacramento, California 95814.

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 39600, 39601, 43013, 43018, 43101, 43102, and 43104. This action is proposed to implement, interpret, and make specific sections 43013, 43017, 43018, 43101, 43102, 43104, 43150–43154, 43205.5, and 43210–43212.

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

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on October 15, 2021. Written comments not submitted during the hearing must be submitted on or after October 15, 2021, and received **no later than November 29, 2021**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

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

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

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

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

Sections Affected:

Proposed amendment to California Code of Regulations, title 13, sections 2400, 2401, 2402, 2403, 2404, 2405, 2405.1, 2405.2, 2405.3, 2406, 2407, 2408, 2408.1, 2750, 2752, 2753, 2754, 2754.1, 2754.2, 2755, 2756, 2757, 2758, 2759, 2761, 2762, 2763, 2764, 2765, 2766, 2767, 2767.1, and 2771.

Proposed adoption of California Code of Regulations, title 13, sections 2408.2 and 2754.3.

Proposed repeal of California Code of Regulations, title 13, section 2768.

Documents Incorporated by Reference (Cal. Code Regs., title 1, § 20, subdivision (c)(3)):

The following certification and test procedures and standards would be incorporated by reference in the specified sections of the regulations:

- CARB. Small Off-Road Engine Evaporative Emissions Test Procedure, TP-901, Test Procedure for Determining Permeation Emissions from Small Off-Road Engine Fuel Tanks. Adopted July 26, 2004, amended in this rulemaking. **Sections 2755(b) and 2758(b)(4) (A)2.**
- CARB. Small Off-Road Engine Evaporative Emissions Test Procedure, TP-902, Test Procedure for Determining Evaporative Emissions from Small Off-Road Engines. Adopted July 26, 2004, amended in this rulemaking. **Section 2758(a)(4) (B).**
- CARB. Small Off-Road Engine Evaporative Emission Control System Certification Procedure, CP-902, Certification Procedure for Evaporative Emission Control Systems on Small Off-Road Engines. Adopted July 26, 2004, amended in this rulemaking. **Section 2753(a).**
- CARB. California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054). Adopted October 25, 2012, amended in this rulemaking. **Section 2403(d).**

- CARB. California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065). Adopted October 25, 2012, amended in this rulemaking. **Section 2403(d)**.

The above listed documents are also being amended by this proposed regulatory action, and thus the amendment date would be the date that the regulations are adopted by CARB. These documents are attached as separate appendices in the Staff Report: Initial Statement of Reasons (ISOR) with full proposed regulatory language illustrated in underline and strikeout.

The Proposed Amendments also incorporate by reference in the specified sections of the regulations the following documents that were not previously incorporated. These are copyrighted documents and will be on file as part of the public record.

- American National Standards Institute, Inc. (ANSI)/National Electrical Manufacturers Association (NEMA). 2016. ANSI/NEMA WD 6-2016, Wiring Devices — Dimensional Specifications. ANSI Approval Date: February 11, 2016. Copyrighted. **Section 2401(a)(36)**.
- American National Standards Institute, Inc. (ANSI)/Outdoor Power Equipment Institute (OPEI). 2018. ANSI/OPEI B71.10-2018, American National Standard for Off-Road Ground-Supported Outdoor Power Equipment — Gasoline Fuel Systems — Performance Specifications and Test Procedures. Published November 12, 2018. Copyrighted. **Section 2752(a)(3)**.
- SAE International. 2011. Surface Vehicle Standard SAE J1527, Marine Fuel Hoses. Revised February 2011. Copyrighted. **Section 2752(a)(29)**.
- SAE International. 2012. Surface Vehicle Standard SAE J30, Fuel and Oil Hoses. Revised February 2012. Copyrighted. **Section 2752(a)(28)**.
- SAE International. 2013. Surface Vehicle Recommended Practice SAE J2996, Small Diameter Fuel Line Permeation Test Procedure. Issued January 2013. Copyrighted. **Section 2752(a)(32)**.
- SAE International. 2017. Surface Vehicle Recommended Practice SAE J1930, Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms — Equivalent to ISO/TR 15031-2. Revised March 2017. Copyrighted. **Sections 2404(c)(4)(D) and 2752(a)(31)**.
- SAE International. 2019. Surface Vehicle Recommended Practice SAE J1737, Test Procedure to Determine the Hydrocarbon Losses from Fuel Tubes, Hoses, Fittings, and Fuel Line Assemblies by Recirculation. Revised August 2019. Copyrighted. **Sections 2752(a)(30) and 2754(b)(2)**.

The Proposed Amendments incorporate by reference in the specified sections the following documents that were not previously incorporated in the “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1054)”:

- Title 40, Code of Federal Regulations, Part 1051—Control of Emissions from Recreational Engines and Vehicles, section 1051.505. Last amended June 29, 2021. **Section 1054.501(d)**.
- Title 40, Code of Federal Regulations, Part 1068—General Compliance Provisions for Highway, Stationary, and Nonroad Programs, sections 1068.103(f) and 1068.215. Last amended June 29, 2021. **Sections 1054.10(g) and 1054.601(b) and (c)**.

The Proposed Amendments incorporate by reference in section 1065.1010 and the specified sections the following documents that were not previously incorporated in the “California Exhaust Emission Standards and Test Procedures for New 2013 and Later Small Off-Road Engines; Engine-Testing Procedures (Part 1065)”. All of these documents except the CARB test procedures and certification procedure, federal test procedures, and National Institute of Standards and Technology (NIST) publications, are copyrighted documents. All of these documents will be on file as part of the public record.

- Title 40, Code of Federal Regulations, Part 63, Appendix A—Test Methods, Test Method 320—Measurement of Vapor Phase Organic and Inorganic Emissions by Extractive Fourier Transform Infrared (FTIR) Spectroscopy. Last amended December 2, 2020. **Sections 1065.266 and 1065.275**.
- Title 40, Code of Federal Regulations, Part 86—Control of Emissions from New and In-Use Highway Vehicles and Engines, section 86.132-96(j). Last amended June 29, 2021. **Section 1065.405(e)(2) [re-lettered to 1065.405(f)(2) by the Proposed Amendments]**.
- Title 40, Code of Federal Regulations, Part 1090—Regulation of Fuels, Fuel Additives, and Regulated Blendstocks. Last amended December 4, 2020. **Section 1065.701(d)(2)**.
- ASTM International. 1995. D2986-95a, Standard Practice for Evaluation of Air Assay Media by the Monodisperse DOP (Diocetyl Phthalate) Smoke Test. Approved September 10, 1995. Copyrighted. **Section 1065.170(c)**.

- ASTM International. 2009. F1471 — 09, Standard Test Method for Air Cleaning Performance of a High-Efficiency Particulate Air Filter System. Approved March 1, 2009. Copyrighted. **Section 1065.1001.**
 - ASTM International. 2010. D5291 — 10, Standard Test Methods for Instrumental Determination of Carbon, Hydrogen, and Nitrogen in Petroleum Products and Lubricants. Approved May 1, 2010. Copyrighted. **Section 1065.655(e).**
 - ASTM International. 2010. D5599 — 00 (Reapproved 2010), Standard Test Method for Determination of Oxygenates in Gasoline by Gas Chromatography and Oxygen Selective Flame Ionization Detection. Approved October 1, 2010. Copyrighted. **Sections 1065.655(e).**
 - ASTM International. 2012. D4629 — 12, Standard Test Method for Trace Nitrogen in Liquid Petroleum Hydrocarbons by Syringe/Inlet Oxidative Combustion and Chemiluminescence Detection. Approved April 15, 2012. Copyrighted. **Section 1065.655(e).**
 - ASTM International. 2012. D5762 — 12, Standard Test Method for Nitrogen in Petroleum and Petroleum Products by Boat-Inlet Chemiluminescence. Approved April 15, 2012. Copyrighted. **Section 1065.655(e).**
 - ASTM International. 2012. D6348 — 12^{e1}, Standard Test Method for Determination of Gaseous Compounds by Extractive Direct Interface Fourier Transform Infrared (FTIR) Spectroscopy. Approved February 1, 2012. Copyrighted. **Sections 1065.266(b) and 1065.275(b).**
 - ASTM International. 2020. D1835 — 20, Standard Specification for Liquefied Petroleum (LP) Gases. Approved May 1, 2020. Copyrighted. **Section 1065.701.**
 - CARB. 2012. California 2001 through 2014 Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2009 through 2016 Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. Amended December 6, 2012. **Section 1065.701.**
 - CARB. 2018. California 2015 and Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures and 2017 and Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures for Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles. Amended December 19, 2018. **Section 1065.701.**
 - GPA Midstream Association. 2017. GPA Midstream Standard 2140-17, Liquefied Petroleum Gas Specifications and Test Methods. Adopted as Recommended Procedures 1931, revised 2017. Copyrighted. **Section 1065.701.**
 - International Organization for Standardization (ISO). 2020. ISO 8178-1, Reciprocating internal combustion engines — Exhaust emission measurement — Part 1: Test-bed measurement systems of gaseous and particulate emissions. Reference number ISO 8178-1:2020(E). Published June 2020. Copyrighted. **Section 1065.601(c)(1).**
 - NIST. 1994. NIST Technical Note 1297, 1994 Edition, Guidelines for Evaluating and Expressing the Uncertainty of NIST Measurement Results. September 1994. **Section 1065.1001.**
 - NIST. 2008. NIST Special Publication 811, 2008 Edition, Guide for the Use of the International System of Units (SI). March 2008. **Sections 1065.20(a) and 1065.1005.**
 - SAE International. 2011. Surface Vehicle Recommended Practice SAE J1151, Methane Measurement Using Gas Chromatography. Stabilized September 2011. Copyrighted. **Sections 1065.267(b) and 1065.750(a)(2)(i).**
- Background and Effect of the Proposed Regulatory Action:**
- Background:*
- Small off-road engines (SORE) are spark-ignition engines rated at or below 19 kilowatts (kW). Emissions from SORE occur both when the engine is running (exhaust and evaporative emissions) and when it is not running (evaporative emissions). CARB regulates SORE emissions by adopting and enforcing emission standards, and certification and test procedures, for engines produced for sale or lease for use or operation in California (collectively, SORE regulations).
- Section 209(e) of the federal Clean Air Act uniquely grants the State of California the authority to adopt and enforce emission standards and other requirements relating to the control of emissions from new nonroad engines or vehicles within the state, which includes SORE. California is, effectively, allowed an exemption from federal Clean Air Act provisions that otherwise prevent states from setting their own emission standards for these nonroad mobile sources. The exemption recognizes California's long standing air pollution challenges and pioneering work to reduce mobile source emissions. Under section 209, subsection (e)(1) of the federal Clean Air Act, "New engines which are used in construction equipment or vehicles or used in farm equipment or vehicles and which are smaller than 175 horsepower" are preempt from CARB's emission standards and only subject

to emission standards from the U.S. Environmental Protection Agency (U.S. EPA).

CARB adopted the first SORE regulations in 1990 when setting the first exhaust emission standards. The exhaust emission regulations include emission standards for hydrocarbons (HC), oxides of nitrogen (NO_x), carbon monoxide (CO), and particulate matter (PM). The exhaust emission standards were implemented in two tiers between model years (MYs) 1995 and 2002. CARB adopted further exhaust emission standards and the first CARB evaporative emission standards for SORE in 2003. The most recent SORE exhaust emission standards were implemented between MYs 2000 and 2008. The evaporative emission standards were implemented between MYs 2006 and 2013. The most recent amendments to the evaporative emission regulations were adopted in 2016, following validation studies that found low rates of compliance with existing emission standards. A major purpose of those amendments was to increase compliance rates and facilitate compliance testing and enforcement actions.

In September 2020, Governor Gavin Newsom issued Executive Order (EO) N-79-20, which sets a goal to “transition to 100 percent zero-emission off-road vehicles and equipment by 2035 where feasible.” EO N-79-20 specifically directs CARB, to the extent consistent with State and federal law, to develop and propose strategies, in coordination with other state agencies, U.S. EPA, and local air districts, to achieve 100 percent zero-emission from off-road vehicles and equipment operations in the State by 2035. The EO further states that in implementing the strategies, CARB “shall act consistently with technological feasibility and cost-effectiveness.”

The 2016 State SIP Strategy includes control measures to achieve the reductions necessary from mobile sources, including SORE, fuels, and consumer products, to meet the national ambient air quality standards (NAAQS) for ozone and $\text{PM}_{2.5}$ (PM with diameter of 2.5 micrometers or smaller). The 2016 State SIP Strategy includes a measure to reduce statewide NO_x and ROG emissions from SORE by an estimated 4 and 36 tons per day (tpd), respectively, in 2031. The 2016 State SIP Strategy also includes region-specific goals for the South Coast Air Basin (reduce NO_x emissions by 2 tpd and ROG emissions by 16 tpd) and the San Joaquin Valley (reduce NO_x emissions by 0.3 tpd). Additionally, the 2016 State SIP Strategy includes a measure for “Further Deployment of Cleaner Technologies: Off-Road Equipment” specific to the South Coast Air Basin. The goal of this measure is to achieve 18 tpd of NO_x emission reductions and 20 tpd of ROG emission reductions by 2031, but the measure does not specify the source of the reductions. As described in the 2016 State SIP Strategy, this

measure would accelerate the penetration of near-zero and zero-emission equipment. The Proposed Amendments would help achieve the further emission reductions expected under this measure.

ZEE are available for most small off-road equipment categories, including lawn and garden equipment and utility equipment, for both residential and professional use. The level of performance, number of brands, and number of equipment options have increased greatly and continue to do so today. At present, there are at least 35 brands of zero-emission lawn mowers available, with several brands directed at professional users. While adoption rates for ZEE among professional landscapers are lower than for residential users, there is substantial evidence that all new small off-road equipment can be zero-emission. Using ZEE is technologically feasible and can offer significant cost-savings to professional users. There are at least 12 brands of zero-emission lawn and garden equipment designed for professional users available for sale.

Summary and Effect of Proposed Regulatory Action:

The Proposed Amendments would accelerate the transition of SORE equipment to ZEE. SORE equipment and ZEE are collectively referred to as small off-road equipment. Deployment of ZEE is key to meeting the expected emission reductions in the 2016 State SIP Strategy and the goals of EO N-79-20. The Proposed Amendments would update emission standards for new SORE (engines or equipment produced for sale or lease for use or operation in California) and would not affect equipment already in use. This would be achieved by setting SORE emission standards to zero in two phases. First, for model year (MY) 2024 and all subsequent model years, exhaust emission standards would be set to zero (0.00 grams per kilowatt-hour or $\text{g}\cdot\text{kWh}^{-1}$), except for carbon monoxide (CO). Evaporative emission standards would also be set to zero (0.00 grams per test or $\text{g}\cdot\text{test}^{-1}$). The evaporative emission standards would include “hot soak” emissions (representing emissions that occur when placing a hot engine in storage after use on a hot summer day) to better evaluate emissions from real-world use of SORE equipment. These emission standards of zero would apply for engines used in all equipment types produced for sale or lease for operation in California, except generators. Generator emission standards would be more stringent than the existing emission standards starting in MY 2024, but would not be zero. The second phase would be implemented starting in MY 2028, when the emission standards for generators would be zero.

The Proposed Amendments would also amend existing emission reduction credit programs to improve consistency and add flexibility for manufacturers. The exhaust emission regulations include an emission reduction credit averaging, banking, and trading

(ABT) program, where manufacturers can generate credits with engines that emit below the emission standards and use them to produce engines that emit above the emission standards. This averaging of emissions gives manufacturers the flexibility to certify those higher-emitting engines. Exhaust emission reduction credits may be banked for up to five years, to be used later, or may be traded with other manufacturers. The existing evaporative emission reduction credit program only includes averaging and banking. In the Proposed Amendments, trading would be added to the evaporative credit program. New zero emission generator credit programs would be added to the ABT programs, which would allow manufacturers to earn emission reduction credits for zero-emission generators.

Other Proposed Amendments to the regulations include sunsetting the voluntary “Blue Sky Series” engine requirements and repealing the variance provisions in the evaporative emission regulations. The Blue Sky Standards were developed to allow manufacturers to receive recognition for certifying to lower emission standards, but CARB has no record of any manufacturer taking advantage of the program for engines. Under the current evaporative emission regulations, a manufacturer that cannot meet one or more requirements, due to extraordinary reasons beyond the manufacturer’s reasonable control, may apply in writing for a variance. Repealing the variance provisions would ensure equity for all manufacturers, because all manufacturers would be required to meet the requirements of the regulations. Additionally, the Proposed Amendments to the evaporative emission test procedures would add further instructions for a fuel tank pressure test, a new fuel cap and tether test, a tilt test to check for fuel leaks, and instructions for accelerated preconditioning of engines. The Proposed Amendments to evaporative emissions test procedure TP-901 would ensure fuel tank testing configurations were closer to those of production fuel tanks by requiring the hole for a fuel line and grommet system to be present in the fuel tanks and requiring fuel tanks to be tested with the same production fuel cap throughout testing. Evaporative emission control system certification procedure CP-902 would be used for all engines, including those with displacement less than 80 cc, which currently use a different certification procedure.

Most of the Proposed Amendments to the exhaust emission test procedures are intended to align them with updates to the federal test procedures that have been adopted since CARB adopted its test procedures. The Proposed Amendments also include California-specific changes necessary to maintain the stringency of California emission standards, provide consistency with other California SORE regulations, prevent

redundant effort and confusion for testers, or provide additional flexibility. For example, the requirements for exhaust emission compliance testing would be changed from testing “a reasonable number of engines” to “one or more engines.” Procedure text that provides examples based on equipment or fuel types that are not relevant to SORE, such as locomotives and compression-ignition engines, would be removed to prevent confusion. References to NIST-traceable standards would be changed to *Système International d’Unités* (SI)-traceable standards to allow flexibility for manufacturers around the world to use other recognized international standards while still maintaining the consistency necessary to ensure test data accuracy, precision, and comparability to the emission standards.

CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, during the course of this rulemaking process.

Objectives and Benefits of the Proposed Regulatory Action:

Emission and Health Benefits:

Under the Proposed Amendments, significant reductions in both NO_x and ROG emissions would begin in calendar year 2025. In 2031, the expected summer average emission reductions would be 7.9 tpd of NO_x and 64.5 tpd of ROG. These represent 43 percent and 51 percent reductions of NO_x and ROG, respectively, compared to the emissions in the absence of the Proposed Amendments. These emission reductions would meet the expected emission reductions put forth for SORE in the 2016 State SIP Strategy and result in public health benefits.

From 2023 through 2043, the Proposed Amendments would result in cumulative total emission reductions of approximately 59,307 tons of NO_x and 423,240 tons of ROG from 2023 through 2043, compared to the emissions in the absence of the Proposed Amendments. Such emission reductions would decrease the amount of adverse health impacts in California. Through 2043, premature deaths due to cardiopulmonary causes would decrease by 892; emergency room visits for asthma would decrease by 438; and acute respiratory and cardiovascular hospitalizations would decrease by 169 and 142, respectively.

The health benefits are monetized in accordance with U.S. EPA practice. The estimated value of the accrued statewide health benefit derived from criteria emission reductions is about \$8.82 billion, with \$8.80 billion resulting from reduced premature mortality and \$17.2 million resulting from reduced hospitalizations and emergency room visits for asthma.

The Proposed Amendments would decrease the use of fossil fuels in California, which would decrease carbon dioxide and other greenhouse gas (GHG) emissions. The benefit of the GHG emission reductions

can be estimated using the Social Cost of Carbon, which calculates benefits between \$339 million and \$1.43 billion through 2043, depending on the discount rate.

In addition to reduced emissions, ZEE offer a number of other benefits to operators when compared to SORE equipment. ZEE are quieter, which reduces noise at the worksite as well as in the community where the equipment is operating. SORE equipment frequently creates noise above the threshold of 85 decibels set by the Occupational Health and Safety Administration (OSHA). OSHA requires employers to implement a hearing conservation program when employees may be exposed to noise above this threshold. The sound from ZEE is typically below the 85 decibel threshold. Specifically related to gasoline-powered lawn and garden equipment, it has been shown that the noise exposure and associated health effects from these will be more pronounced in workers because they will be operating in close proximity to this equipment for a significant amount of time, such as an 8-hour work day. These workers often lack resources to protect themselves from high noise levels such as using hearing protection devices. Also, many local jurisdictions have noise ordinances that limit when small off-road equipment can be used. By choosing ZEE, users may have more flexible working hours with their equipment.

Furthermore, SORE are known to emit CO, PM_{2.5}, and toxic air contaminants (TAC). CO poisoning can occur when users follow manufacturers' instructions and from improper use of SORE equipment, including using the equipment indoors. TACs are compounds that may contribute to mortality or adverse human health effects such as cancer, eye and lung impacts, and reproductive and developmental effects. By choosing ZEE, users would have less exposure to CO and TACs.

Economic Impacts and Benefits:

ZEE often have a higher purchase price than SORE equipment but frequently provide operational savings in terms of lower fuel and maintenance costs. Maintenance is much less intensive and required less frequently on ZEE. Having more durable equipment that is not taken out of service for maintenance reduces the need for backup equipment and spare parts. Overall, the Proposed Amendments would have a net direct cost of \$4.08 billion accrued over the modeled regulatory horizon of 2023 through 2043. Residential users are expected to experience a net direct cost accrued through 2043 of \$2.79 billion, while professional users (nonlandscaping businesses, landscapers, and government entities) are expected to experience a net direct cost of \$1.29 billion. When health benefits are considered, the Proposed Amendments are estimated to have a net benefit of \$4.27 billion accrued through 2043. Overall, the Proposed Amendments would have

a benefit-cost ratio of 1.30, meaning the monetized benefits are greater than the costs.

Public Process:

CARB staff held public workshops and attended meetings with interested stakeholders during the development of the Proposed Amendments. Stakeholders' comments during and after these informal pre-rulemaking discussions provided staff with useful information that staff considered during development of the Proposed Amendments. Key elements of the public process that staff conducted to inform the development of the Proposed Amendments are described below.

1. Informational Briefing to the CARB Board during a Public Meeting

CARB staff presented an update on zero-emission alternatives to SORE to the CARB Board in November 2018. Staff described demonstration projects that provide professional landscapers an opportunity to use and test professional-grade battery-operated landscaping equipment. Additionally, staff provided information on cities in California that had already replaced their SORE municipal landscaping equipment with ZEE. Staff noted that some colleges and universities in California are also on the path to adopt ZEE to replace their SORE equipment. There was a showcase of ZEE outside the meeting room with eight manufacturers and businesses showing their newest ZEE. A similar showcase of ZEE was conducted in the November 2016 Board meeting.

2. Participation in Conventions and Community Meetings

CARB staff attended four conventions held for landscapers in California, which provided opportunities for staff to inform professional landscapers about potential regulatory changes and about ZEE capabilities and availability. CARB staff also gave presentations at several meetings attended by landscapers and local decision makers in California, including the Pleasanton Committee on Energy and the Environment in January 2019, the San Francisco Integrated Pest Management Technical Advisory Committee in March 2019, the San Mateo Integrated Pest Management Workshop in April 2019, the San Francisco Commission on the Environment in November 2019, and the Tri Valley Air Quality Community Alliance in April 2021.

3. Public Workshops Organized by CARB Staff

CARB staff held three public workshops on SORE rulemaking from 2019 through early 2021. The workshops focused on various regulatory concepts including timelines to transition to ZEE and specific potential changes to test and certification procedures. Workshops were attended by manufacturers, industry groups, environmental groups, and interested citizens.

4. ZEE Roadshow

Since 2018, CARB staff has operated a demonstration project called the ZEE Roadshow, where several brands of zero-emission lawn and garden equipment designed for professional use are loaned to landscaping crews throughout the state. This provides them with an opportunity to use ZEE without purchasing it. The response has been overwhelmingly positive, with nearly all crews finding at least one ZEE type that they preferred over SORE equipment. Landscaping crews receiving the ZEE Roadshow have included theme parks, colleges and universities, school districts, and municipal organizations.

Comparable Federal Regulations:

When California's SORE exhaust emission standards were adopted in 1990, and when California's SORE evaporative emission standards were adopted in 2003, no comparable federal rules existed. In 1995, U.S. EPA adopted Title 40, Code of Federal Regulations (40 CFR) Part 90, to control exhaust emissions from new nonroad spark-ignition engines at or below 19 kW, and in 2008, U.S. EPA adopted CFR Parts 1054 and 1060 to control exhaust emissions from new, small nonroad spark-ignition engines and equipment and evaporative emissions from new and in-use nonroad and stationary equipment, respectively. Subsequent California rulemakings in 2011 and 2016 helped to align California's exhaust and evaporative test and certification procedures with federal requirements, but differences remain between the two sets of regulations.

Although staff has made an effort to align California requirements with federal requirements as much as possible, significant additional stringency in California regulations of SORE is justified in light of California's unique air quality concerns. Low rates of compliance with evaporative emission standards in CARB's validation studies, compliance testing, and other testing suggest the expected emission reduction benefits of CARB's regulations have not been completely realized. Replacing new SORE equipment with ZEE would ensure emission reductions are achieved, as expected under the 2016 State SIP Strategy. California's exhaust and evaporative regulations for this category, as specified in title 13, California Code of Regulations, sections 2400–2409 and 2750–2774, are already equivalent to or more stringent than the existing federal standards.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Gov. Code, § 11346.5, subdivision (a)(3)(D)):

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

DISCLOSURES REGARDING THE
PROPOSED REGULATION

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

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

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory action would create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would create costs or mandate to any local agency or school district, whether or not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), and would create other nondiscretionary cost or savings to State or local agencies.

Cost to Any Local Agency or School District Requiring Reimbursement under Section 17500 et seq.:

None. Because the regulatory requirements apply equally to all regulated entities and unique requirements are not imposed on local agencies or school districts, the Executive Officer has determined that the proposed regulatory action imposes no costs on local agencies or school districts that are required to be reimbursed by the State pursuant to part 7 (commencing with section 17500), division 4, title 2 of the Government Code, and does not impose a mandate on local agencies or school districts that is required to be reimbursed pursuant to Section 6 of Article XIII B of the California Constitution.

Cost or Savings for State Agencies:

Agencies that own and operate small off-road equipment subject to the SORE regulations could be impacted by new costs and cost-savings due to the Proposed Amendments. These agencies are expected to bear higher upfront costs for new equipment under the Proposed Amendments, but also realize fuel and operational savings. The net of these costs and cost-savings represents a fiscal impact to the State government. Based on its 23 percent share of total government employment in California, the State would incur a \$1.36 million incremental cost to comply with the Proposed Amendments accrued over the regulatory horizon of 2023 through 2043. Annual net cost-savings would not occur during the regulatory horizon.

Other Non-Discretionary Costs or Savings on Local Agencies:

Local agencies that own and operate small off-road equipment under the SORE regulations could be impacted by new costs and cost-savings due to the Proposed Amendments. These agencies are expected to bear higher upfront costs for new equipment under the Proposed Amendments, but also realize fuel and operation savings. The net of these costs and cost-savings represents a fiscal impact to local agencies. Based on its 77 percent share of total government employment in California, local government entities as a whole would incur a \$4.54 million incremental cost to comply with the Proposed Amendments accrued over the regulatory horizon of 2023 through 2043. Annual net cost-savings would not occur during the regulatory horizon.

Cost or Savings in Federal Funding to the State:

None. Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action would not create costs or savings in federal funding to the State.

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

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

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

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

Results of the Economic Impact Analysis/Assessment (Gov. Code, § 11346.5, subdivision (a)(10)):

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter VII and Appendix I of the ISOR. Appendix I contains the Standardized Regulatory Impact Assessment with Department of Finance (DOF) comments.

MAJOR REGULATION: STATEMENT OF THE RESULTS OF THE STANDARDIZED REGULATORY IMPACT ANALYSIS (SRIA)
(Gov. Code, § 11346.3, subdivision (c))

The creation or elimination of jobs within the state:

Employment comprises estimates of the number of jobs, full-time plus part-time, by place of work for all industries. Full-time and part-time jobs are counted at equal weight. Employees, sole proprietors, and active partners are included, but unpaid family workers and volunteers are not included. The employment impacts represent the net change in employment across the economy, which is composed of positive impacts for some industries and negative impacts for others. The Proposed Amendments are estimated to result in an initial decrease in employment growth that does not exceed 0.02 percent of baseline employment that diminishes towards the end of the regulatory horizon. In 2043, the Proposed Amendments are estimated to result in job gains of 707 across most economic sectors and 1,160 jobs foregone predominantly in the services and government sectors. The net job impact of the Proposed Amendments in 2043 is estimated to be a loss of 453 jobs.

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

The macroeconomic model used in this analysis cannot directly estimate the creation or elimination of businesses. Changes in jobs and output for the California economy can be used to understand some potential impacts. The overall jobs and output impacts of the Proposed Amendments are very small relative to the total California economy, representing changes less than 0.03 percent. However, impacts in some specific sectors are larger. The trend of decreasing production costs for the services to buildings and dwellings industry and has the potential to result in an expansion or increase in the number of businesses in this industry if sustained over time. The decreasing trend in demand for gasoline fuel following from the Proposed Amendments has the potential to result in a decrease in the number of businesses in this industry if sustained over time. The personal and household maintenance and repair industry sees the largest relative decrease in industry employment and output from the Proposed Amendments and may be indicative of potential business contraction or eliminations. In particular, staff expects small-engine repair shops to see significant impacts to their business. ZEE do not contain an engine and are expected to need significantly less repair than SORE equipment. The remaining revenue for these businesses would likely come from repair of equipment other than SORE, such as saws and hand tools, from repair that would

be conducted on both ZEE and SORE, including blade sharpening, as well as from sales of new equipment.

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

The small off-road equipment manufacturers that must comply with requirements of the Proposed Amendments are mostly based outside of California and therefore do not present any competitiveness impacts for this industry inside California. Small off-road equipment dealers may potentially find themselves at a competitive disadvantage as a result of the Proposed Amendments. Businesses, or individuals could purchase small off-road equipment out of state and bring it into California for use. Due to the small price differences on the household side of the market between SORE equipment and ZEE, this is unlikely to happen at the individual level. However, the higher upfront costs associated with professional ZEE may make this enticing for large businesses. The additional costs of transportation for purchasing and repair may prevent some of this. In contrast, online sales of noncompliant equipment are expected to be low, as CARB staff search for such equipment and have initiated enforcement mechanisms against online retailers selling noncompliant SORE. The requirements result in an incremental net savings to professional users of the equipment. These net savings are anticipated to be realized generally across professional users and are not anticipated to result in any competitive advantages or disadvantages within industries.

The increase or decrease of investment in the state:

Private domestic investment consists of purchases of residential and nonresidential structures and of equipment and software by private businesses and nonprofit institutions. It is used as a proxy for impacts on investments in California because it provides an indicator of the future productive capacity of the economy. The Proposed Amendments would cause a decrease of private investment by about \$231 million in 2027 and an increase of \$41 million in 2043, not exceeding 0.05 percent of baseline investment.

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

The Proposed Amendments are written to provide maximum flexibility to manufacturers, while still meeting California's air quality goals. A new zero-emission generator credit program is being added to incentivize an earlier adoption of zero-emission generators by allowing credit generation to offset emissions from SORE.

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

The objective of the Proposed Amendments is to accelerate the replacement of SORE equipment produced for sale or lease for operation in California with ZEE. A transition to ZEE is not expected to occur without the Proposed Amendments. Without further regulation, the SORE equipment population is projected to be higher in 2043 than it is in 2021. Accelerating the adoption of ZEE would create public health benefits by reducing emissions and create the potential for cost-savings to users of small off-road equipment. A summary of these benefits is provided in the "Objectives and Benefits of the Proposed Regulatory Action" section of the Informative Digest of Proposed Action and Policy Statement Overview on page 10 of this document.

Department of Finance Comments and Responses:

DOF Comments:

Finance generally concurs with the methodology used to estimate impacts of the proposed regulations, with two exceptions.

1. The SRIA must be modified to include benefits—such as avoided health costs and emissions reductions—on an annual basis.
2. Given that cost increases differ widely by type of equipment, the SRIA should include a cost and benefit breakdown analysis for each of the nine regulated product categories identified by CARB to identify impacts on representative individuals and businesses that use the equipment. The SRIA does so for certain types of businesses, such as for one-person landscaping businesses, which are projected to incur an upfront cost of \$1,300 to replace a lawnmower, leaf blower, hedge trimmer, chainsaw and string trimmer with zero emission equipment, and to save \$1,800 per year due to reduced maintenance and operational costs. These discussions are helpful and should be extended to cover typical users of all types of equipment. CARB should then discuss any differential impact on individuals and businesses. For instance, the upfront costs of \$1,300 to a one-person landscaping businesses are about 1 percent of their average yearly revenue. However, a business that uses a pressure washer will incur an incremental upfront cost of \$18,250, which is about 5 percent of the annual revenue for home and dwelling service businesses with less than 20 employees. Therefore, businesses with low operating cash and savings might not be able to

purchase the new equipment and might be driven out of business.

Responses:

1. In response to DOF's request that annual benefits such as avoided health costs and emission reductions be added, staff has added tables delineating the annual reduction in emissions, reduction in negative health outcomes, and associated cost-benefits for both the Proposed Amendments and considered alternatives.
2. In response to DOF's comment that the SRIA should include a cost and benefit breakdown analysis for each of the nine regulated product categories identified by CARB to identify impacts on representative individuals and businesses that use the equipment, staff has added more discussion of specific equipment types. The reasons for and impacts of the large upfront costs of switching to zero emission generators and pressure washers are now discussed. Furthermore, staff has added a table that shows the length of time it would take a typical owner of a piece of ZEE to experience cost-savings compared to SORE for each equipment type. This table shows that owners of some equipment types are expected to break even nearly immediately, and owners of other equipment types may not break even within the median lifetime of the equipment. Finally, staff has added more discussion of the differential impacts on residential versus professional users.

Business Report (Gov. Code, §§ 11346.5, subdivision (a)(11); 11346.3, subdivision (d)):

In accordance with Government Code sections 11346.5, subdivision (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action which apply to businesses are necessary for the health, safety, and welfare of the people of the State of California. The Proposed Amendments include reporting requirements as part of the amendments for the voluntary emission reduction credit programs. Manufacturers that voluntarily seek to utilize the updated ABT program and the newly proposed zero-emission generator program under the Proposed Amendments would be required to report sales information, consistent with requirements for existing credit programs. The information contained in the reports is necessary for CARB to be able to verify compliance with emission credit program requirements, which is necessary to prevent potential inappropriate generation and subsequent use of credits that could lead to excess emissions. CARB staff expects such potential reporting costs would be negligible and would have no impact on costs to consumers because manufacturers would not be required to create new information.

Manufacturers are already required to maintain and submit sales reports under current regulations for purposes of verifying compliance with production line testing, warranty, emission related defect reporting, recall, and emission reduction credit requirements.

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

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. As part of this evaluation, CARB contracted with the Social Science Research Center at California State University, Fullerton (CSUF) to conduct an intensive survey between 2017 and 2019 of households, nonlandscaping businesses, and landscapers on their ownership and use of small off-road equipment, and other related topics. The survey (referred to as CSUF survey) reached over 1,100 households, 1,300 businesses and 600 landscaping businesses throughout the state.

Representative Individuals:

Individuals most likely to be affected by the Proposed Amendments are homeowners who do their own landscaping. More than half (56 percent) of California households do not own any lawn and garden equipment and they will not be directly impacted by the Proposed Amendments. The remaining 44 percent of households owning equipment could be impacted. From CSUF survey data, the three most frequently owned types of residential lawn and garden equipment are lawn mowers, leaf blowers, and string trimmers/edgers/brush cutters. As an example, consider a new homeowner who needs these three pieces of equipment to maintain their yard. The upfront cost would be \$326 higher for ZEE than for SORE equipment. If all three pieces of equipment were purchased at once, it would take seven years after purchase for the homeowner to break even. Seven years is longer than the median ages from CSUF survey data for these three equipment types. However, a seven-year life is common for residential ZEE, and cost-savings are possible.

As a second example, staff assumed that an individual in a rural area may own a generator to run some electric equipment during a power outage, and a riding mower to maintain a large area of grass. Under the Proposed Amendments, the individual would incur an increase in upfront cost of \$1,898 by having to purchase ZEE, assuming both pieces of equipment are purchased at once. At average use times, the individual would reach the break-even point before nine years of ownership. After ten years of ownership, the homeowner would have saved \$400 by purchasing ZEE instead of SORE equipment. A ten-year life is common for these types of residential ZEE.

Representative Businesses:

A representative typical business is one that does not do landscaping work but may own small off-road equipment such as pumps and generators to maintain its own property or conduct work outdoors. Based on CSUF survey data, 15 percent of all businesses in the state that are not landscapers own at least one piece of lawn and garden equipment. Roughly 25 percent of all businesses surveyed had another piece of small off-road equipment such as a generator or pump. Therefore, most typical businesses would have no costs associated with the Proposed Amendments, as most do not own any small off-road equipment.

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

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses, because 99 percent of all landscaping businesses are considered small businesses. These businesses rely on small off-road equipment to do their work.

One third of all landscaping business owners surveyed in the CSUF survey responded that they do not have any employees. As an example, assume a sole proprietorship landscaping business needs to purchase a chainsaw, a lawn mower, a leaf blower, a string trimmer, and a hedge trimmer to conduct its work. Due to the Proposed Amendments, despite an increased upfront cost of \$2,134 for a complete suite of ZEE, the landscaping business in this example would start saving money between two and three years after purchasing ZEE due to decreased fuel and maintenance costs. Most professional-grade lawn and garden equipment used by landscapers is less than five years old. Over five years, the landscaping business in this example would experience a cost-savings of \$2,621. The increased upfront cost difference of \$2,134 is roughly 1 percent of the average revenue of a landscaping business with fewer than 5 employees. This hypothetical example assumes that a landscaping business would purchase its ZEE all at once. In reality, ZEE purchase costs would likely be spread out over several years as landscapers purchase new ZEE when SORE equipment breaks.

Based on median populations from CSUF survey data, a small landscaping business with ten employees likely has three chainsaws, two lawn mowers, one riding mower, two leaf blowers, two string trimmers, and two hedge trimmers. Under the Proposed Amendments, this small landscaping business would incur an increase in upfront cost of \$14,110, assuming all equipment is purchased at once. The ten-employee landscaping business in this example would reach a break-even point before five years of ZEE ownership. The cost-savings after five years of ownership, which

corresponds to the median age of professional lawn and garden equipment, would be \$238.62.

Other types of small businesses that will be impacted by the Proposed Amendments are outdoor power equipment stores (known as equipment dealers) and small engine repair shops. They are expected to be indirectly impacted due to lost revenue from the reduced maintenance requirements for ZEE. In California, there are 78 businesses that are classified as “home and garden equipment repair.” These 78 businesses average \$1.7 million per year in revenue, for a total of \$132.6 million per year as of 2018. There are 334 business in California that are classified as outdoor power equipment stores. These businesses are also all small businesses and have \$449.1 million per year in combined revenue as of 2018. Based on the estimated overall maintenance cost-savings to small off-road equipment purchasers under the Proposed Amendments, CARB staff estimated there would be an average annual lost revenue of \$24.96 million per year expected for home and garden equipment repair and outdoor power equipment stores between 2023 and 2043.

Consideration of Alternatives (Gov. Code, § 11346.5, subdivision (a)(13)):

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. CARB staff considered reasonable alternatives to the Proposed Amendments, as described in Chapter VIII of the ISOR.

STATE IMPLEMENTATION
PLAN REVISION

If adopted by CARB, CARB plans to submit the proposed regulatory action to U.S. EPA for approval as a revision to the California State implementation Plan required by the federal Clean Air Act. The adopted regulatory action would be submitted as a State Implementation Plan revision because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the NAAQS promulgated by U.S. EPA pursuant to the federal Clean Air Act.

ENVIRONMENTAL ANALYSIS

The Proposed Amendments are substantively similar to a regulatory concept measure previously included within CARB's 2016 State SIP Strategy. In its approval of the 2016 State SIP Strategy, CARB certified an environmental analysis (EA), entitled Final Environmental Analysis for the Revised Proposed 2016 State Strategy for the State Implementation Plan (Final EA), that evaluated the impacts associated with the 2016 State SIP Strategy's SORE regulatory measures. CARB identified mitigation for those impacts, evaluated overarching alternatives to the 2016 State SIP Strategy, and adopted a statement of overriding circumstances for impacts deemed significant and unavoidable. While the Proposed Amendments fill in more detail with respect to specifying the more stringent emission standards and eventual emission standards of zero, the additional detail does not change the potential compliance responses identified in the Final EA and associated impacts and mitigation measures from potential compliance-response development projects. Rather, the only change triggered by the Proposed Amendments that warrants an addendum to the Final EA is the need to add the Proposed Amendments' detail to the project description of the 2016 State SIP Strategy's SORE measures. Therefore, since the Final EA adequately evaluated impacts, mitigation, and alternatives associated with the 2016 State SIP Strategy SORE measures and the Proposed Amendments are substantively similar to the 2016 State SIP Strategy SORE measures, the Proposed Amendments do not trigger the need to prepare a subsequent EA. The basis for reaching this conclusion is provided in Chapter V of the ISOR.

SPECIAL ACCOMMODATION REQUEST

Consistent with California Government Code section 7296.2, special accommodation or language needs may be provided for any of the following:

- An interpreter to be available at the hearing;
- Documents made available in an alternate format or another language; and
- A disability-related reasonable accommodation.

To request these special accommodations or language needs, please contact the Clerks' Office at cotb@arb.ca.gov or (916) 322-5594 as soon as possible, but no later than ten business days before the scheduled Board hearing. TTY/TDD/Speech to Speech users may dial 711 for the California Relay Service.

Consecuente con la sección 7296.2 del Código de Gobierno de California, una acomodación especial

o necesidades lingüísticas pueden ser suministradas para cualquiera de los siguientes:

- Un intérprete que esté disponible en la audiencia;
- Documentos disponibles en un formato alternativo u otro idioma; y
- Una acomodación razonable relacionados con una incapacidad.

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al cotb@arb.ca.gov o (916) 322-5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Dorothy Fibiger, Air Resources Engineer, Testing and Certification Section, at (916) 324-8426 or (designated back-up contact) Chris Burford, Air Resources Engineer, Testing and Certification Section, at (916) 327-4719.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Public Hearing to Consider Proposed Amendments to the Small Off-Road Engine Regulations: Transition to Zero Emissions.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, on October 12, 2021. Please contact Bradley Bechtold, Regulations Coordinator, at Bradley.bechtold@arb.ca.gov or (916) 322-6533 if you need physical copies of the documents. Because of current travel, facility, and staffing restrictions, the California Air Resources Board's offices have limited public access. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (916) 322-6533.

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

HEARING PROCEDURES

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

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

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2021/sore2021>

TITLE 14. DEPARTMENT OF FISH AND WILDLIFE

As directed by Fish and Game Code Section 2353, the Department of Fish and Wildlife (Department) proposes to adopt a new form DFW 901 (New 11/2021) in section 712.5 of title 14, California Code of Regulations (CCR). The Declaration of Importation of Fish and Wildlife form will allow the fishing and hunting public to conveniently declare fish or

wildlife from out of state upon entry into the state. The new regulations described below may be adopted after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

No public hearing is scheduled for this action. The Department will hold a public hearing if one is requested in writing to the contact below no later than 15 days prior to the close of the written comment period. If a hearing is requested, the Department will, to the extent practicable, provide notice of the time, date, and place of the hearing by mailing the notice to every person who has filed a request for notice.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department. All written comments must be received by the Department at this office no later than November 29, 2021. All written comments must include the true name and mailing address of the commenter. Written comments may be submitted by mail, or e-mail, as follows:

Chris Stoots, Captain
California Department of Fish and Wildlife
Law Enforcement Division
P.O. Box 944209, Sacramento CA 94244-2090
Email: Chris.Stoots@wildlife.ca.gov

AUTHORITY AND REFERENCE

Fish and Game Code Section 2353 authorizes the Department to adopt these proposed regulations. This proposed rulemaking will implement, interpret, and make specific Fish and Game Code Section 2353.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Fish and Wildlife proposes to implement the requirements of Fish and Game Code 2353, specifically the provision of a Declaration of Importation Form. The proposed regulation is necessary to implement the requirements of Section 2353(a)(3), Fish and Game Code which states:

"A declaration is submitted to the department or a designated state or federal agency at or immediately before the time of entry, in the form and manner prescribed by the department."

REGULATORY PROPOSAL

A new Section 712.5 will be added to Title 14, California Code of Regulations. The new regulation will incorporate by reference Form DFW 901 (New 11/2021) Declaration of Importation. The Declaration of Importation form will allow the public to conveniently declare their legal fishing or hunting take as it is brought into the State.

The form requires the public to:

1. Identify themselves by name, address, telephone.
2. Provide proof of identity with any legal identification, driver's license, ID card, etc.
3. Identify the vehicle license number in which the animal(s) are imported into California.
4. Provide the proof of legal take with the required out of state hunting, fishing licenses or tags.
5. Provide proof that the take is legal to possess in California by specifying the type, number or parts of animals to brought into the state in conformance with state law.
6. Certify that the declaration is true and correct and that the fish or wildlife described are legally possessed/imported by the undersigned.
7. Instructions to send copies of the completed form to the Department

ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulations will prescribe the form and its contents for use by the public in satisfying the requirements of Section 2353, Fish and Game Code. The public is required by statute to declare the legal take and possession of animals taken out of state and imported to California. The Declaration of Importation of Fish and Wildlife form will allow the fishing and hunting public to conveniently declare fish or wildlife from out of state upon entry into the state.

The form will provide the specific benefit of providing a simple method for the public to declare their legal take, identifying the species, license/tags and out of state location of their hunting and fishing, that demonstrate compliance with other state hunting and fishing laws and that they may legally import such animals, parts, and may possess them in California. The illegal take of animals and fish is detrimental to the environment, it is prohibited in California and enforced by the Department. The form provides the individual declarant a record for the purpose of demonstrating their legal take and possession of the listed items.

The regulation and form do not have significant direct or indirect non-monetary benefits including the protection of public health and safety, worker

safety, the prevention of discrimination, the promotion of fairness or social equity, and the increase in transparency in business and government. The state's environment may have a slight benefit from prohibiting the importation of illegal take.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The Legislature has delegated authority to the Department to adopt regulations prescribing the form and manner of the required Declaration of Importation. The Department has reviewed existing regulations in Title 14, CCR and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. Department staff have searched the CCR and has found no other State regulations that set forth these requirements.

Documents Relied Upon — None.

Documents Incorporated by Reference — DFW Form 901 Declaration of Importation of Fish and Wildlife (New 11/2021)

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

- (a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States:

The Department concludes that it is unlikely that any adverse economic impact will affect any business: the Declaration of Importation form imposes no fees or costs, and does not require any action by any business.

- (b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Department concludes that it is unlikely that any economic impact will adversely affect or benefit any business. The regulation and form do not have direct or indirect non-monetary benefits to the health and welfare of California residents, or worker safety. The state's environment may have a slight benefit from prohibiting the importation of illegal take.

- (c) Cost Impacts on Representative Person or Business:

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The Declaration of Importation form imposes no fees or costs, other than the preparation and mailing or emailing of the one page form.

- (d) Costs or Savings to State Agencies or Costs/ Savings in Federal Funding to the State. None.
- (e) Nondiscretionary Costs/Savings to Local Agencies. None.
- (f) Programs Mandated on Local Agencies or School Districts. None.
- (g) Costs Imposed on Any Local Agency or School District that are Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code. None.
- (h) Effect on Housing Costs. None.

Effect on Small Business:

The Department concludes that it is unlikely that any adverse economic impact will affect small business, since the regulation does not require any action by any business. This proposed action would be followed by individuals seeking to import their caught game into the state of California.

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The Department concludes that it is (1) unlikely the regulation will create additional job opportunities; (2) unlikely to result in the elimination of jobs or existing businesses, creation of new of businesses or elimination of existing businesses and expansions of businesses.

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State
The cumulative effects of the changes statewide are expected to be neutral with regard to the creation or elimination of jobs within the State.
- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State
The cumulative effects of the changes statewide are expected to be neutral with regard to the creation or elimination of businesses within the State.
- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State
The cumulative effects of the changes statewide are expected to be neutral with regard to the expansion of businesses within the State.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents

The cumulative effects of the changes statewide are expected to be neutral with regard to the health and welfare of California residents

- (e) Benefits of the Regulation to Worker Safety
The cumulative effects of the changes statewide are expected to be neutral with regard to worker safety.
- (f) Benefits of the Regulation to the State's Environment
The cumulative effects of the changes statewide are expected to be neutral with regard to the state's environment; however there may have a slight benefit from prohibiting the importation of illegal take.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department has determined that no reasonable alternatives it considered to the regulation or that have otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons 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 regulations during the written comment period.

CONTACT PERSONS

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

Chris Stoots, Captain
California Department of Fish and Wildlife
Law Enforcement Division
P.O. Box 944209, Sacramento CA 94244-2090
Cell: (530) 523-6720
Email: Chris.Stoots@wildlife.ca.gov

Or the backup person:

Mike Randall, Analyst
California Department of Fish and Wildlife
Regulations Unit
P.O. Box 944209, Sacramento CA 94244-2090
(916) 704-3215
Email: mike.randall@wildlife.ca.gov

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 Department website at: <https://www.wildlife.ca.gov/Notices/Regulations/>

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 Captain Chris Stoots (see above for contact information).

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. Please direct requests for copies of the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the text of the regulations, Form DFW 901 (New 11/2021) Declaration of Importation, or other information upon which the rulemaking is based, to Captain Chris Stoots.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After 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. Please send requests for copies of any modified regulations to the attention of Captain Chris Stoots at the address above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by checking the website at the link provided above, or contacting Captain Chris Stoots at the address posted in this document.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Sections 3000, 3466, and 3468 in Title 15, Division 3, Chapter 1, regarding Disabled Veteran Business Enterprise.

PUBLIC COMMENT PERIOD

The public comment period begins **October 15, 2021** and closes on **December 1, 2021**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpbmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

No public hearing is scheduled for these proposed regulations; however, pursuant to Government Code Section 11346.8, any interested person or their duly authorized representative may request a public hearing, no later than 15 days prior to the close of the written comment period.

CONTACT PERSONS

Primary Contact

S. Pollock
Telephone: 916 445–2308
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Back-Up

Y. Sun
Telephone: (916) 445–2269
Regulation and Policy
Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Program Contact

Monique Sikich
Telephone: (916) 255–0523

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction

of abolished predecessor entities, such as: Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** provides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, 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 are vested in the Secretary of the CDCR. **PC Section 5055** provides that commencing July 1, 2005, all powers and duties previously granted to and imposed upon the Department of Corrections shall be exercised by the Secretary of the CDCR. **PC Section 5058** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons. **PC Section 5058.3** authorizes the Director to certify in a written statement filed with Office of Administrative Law that operational needs of the department require adoption, amendment, or repeal of regulation on an emergency basis.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In July of 2009, Assembly Bill No. 21 of the Fourth Extraordinary Session (ABX-41) was approved by the Governor, and amended Public Contract Code 10115.2. The amendment required that when awarding State contracts to the lowest responsible bidder, the awarding department shall consider the efforts of the bidder to *meet* Disabled Veteran Business Enterprise (DVBE) goals, rather than claim to have made a *good faith effort* to meet DVBE goals. This bill was as a result of many DVBE owners asserting that the “good faith effort” exception created a loophole for bidders to circumvent the State’s contracting system and not comply with the State’s DVBE participation goals, but instead focus on meeting the “good faith effort” standard rather than actually trying to hire or contract with DVBE subcontractors.

Military and Veterans Code (MVC) 999 defines a DVBE, and specifies that a DVBE shall perform a Commercial Useful Function (CUF) when providing services or goods that contribute to the fulfillment of the contract requirements. A CUF is also defined in MVC 999, and specifies the requirements that define what is considered a CUF as it pertains to a

DVBE. By specifying the CUF as it pertains to a DVBE contractor, it helps to reduce disingenuous bids from contractors attempting to profit by obtaining State contracts without meeting the necessary DVBE requirements.

This action will:

- Remove “*good faith effort*” language to require that contractors “*meet*” DVBE goals.
- Provide a new definition for the term “*Responsible Bidder*”.
- Provide the specific criteria for what is to be considered as performing a “*Commercially Useful Function*” as it pertains to a DVBE contractor.

DOCUMENTS INCORPORATED BY REFERENCE

None.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

These regulations will benefit CDCR staff and the public by providing a current definition for the term “Responsible Bidder” for a better understanding, and to comply with the goals and requirements in the solicitation of State contracts. DVBE-owned businesses may benefit from the proposed regulations by the regulations ensuring that DVBE requirements for State contracts are met, which will promote social and economic equality.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the department has concluded that these are the only regulations that concern Disabled Veteran Business Enterprise.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any State agency: *None*.

- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the State: *None*.

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations 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, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on worker safety or the State's environment. These regulations may benefit the welfare of California residents by ensuring social and economic equality for DVBE businesses in obtaining State contracts.

CONSIDERATION OF ALTERNATIVES

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period or at a scheduled hearing should one be scheduled.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file), is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After 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, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TITLE 16. BOARD OF PSYCHOLOGY

RETIRED LICENSE STATUS

ADD 16 CCR 1381.10,
AMEND 16 CCR 1392 & 1397.69

NOTICE IS HEREBY GIVEN that the Board of Psychology ("Board") is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the proposed action 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 no later than **5:00 p.m. on Tuesday, November 30, 2021.**

PUBLIC HEARING

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held via webex at:

Date and Time

December 1, 2021 at 1:00 p.m.

Meeting link (Computer or Tablet):

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m12ca03052ffa64b58baf98d5874a9b88>

Meeting number: 2496 697 9199

Password: eV243uvmm3q

Join by video system:

Dial 24966979199@dca-meetings.webex.com

You can also dial 173.243.2.68 and enter your meeting number.

Join by phone:

+1-415-655-0001 U.S. Toll

Access code: 249 669 79199

The Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as 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 2930, 2987, 2988.5, 2989, of the

Business and Professions Code (BPC), and to implement, interpret or make specific sections 118, 2915(h), 2960, 2960.6, 2987, 2988, 2988.5, 2989 of said Code and section 11105(b)(10) of the Penal Code, the Board is considering changes to Division 13.1, Title 16, of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

The California Board of Psychology (Board) is implementing BPC Section 2988.5, which became effective on January 1, 2017, with Senate Bill (SB) 1193 (Hill, Chapter 484, Statutes of 2016). This newly added section gives the Board the authority to issue a retired license to a psychologist who holds a current license issued by the Board. This bill was the byproduct of the sunset review process by which the Senate and Assembly Business and Professions Committees recommended that the Board provide recommendations to the legislature to establish a retired license. At the time the legislative proposal was submitted, retired licenses were the most common constituent inquiry legislative staff received from the Board's licensees.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Although SB 1193 gave the Board the statutory authority to issue retired licenses, it does not specify the requirements and procedures for obtaining this license status. The purpose of the proposed regulatory language is to specify the requirements for obtaining and maintaining a psychologist license in retired status.

Currently, licensed psychologists who no longer wish to practice must utilize the inactive status, every two years, and pay the biennial inactive status renewal fee of \$60 (which includes the \$20 for the Mental Health Professions Education Fund). Alternatively, for licensed psychologists who choose not to renew their license in an inactive status, they can let their license expire, and the license will cancel automatically after three years of the expiration date. There are no regulations that specify the requirements of licensees who wish to place their licenses in a retired status.

The proposed regulations will implement, interpret, and make specific the provisions of BPC Section 2988.5. This proposal will provide clarification and the means necessary to implement these statutory requirements to place a license in retired status. Further, these proposed regulations will allow the Board to grant retired status for eligible licensed psychologists and to provide a more accurate representation of their license status on the Department of Consumer Affairs' (DCA) License Search for the public. The proposed regulations also set the application fee to

obtain a license in retired status at \$75, which does not require renewal or further fee. Finally, the proposed regulations outline the requirements for returning to an active status from a retired status, should a licensee be facing circumstances where they need or want to obtain an active license.

C. Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

- Application for Psychologist Requesting Retired Status (PSY 900 (New 2021))
- Application for Psychologist to Restore to Active Status (PSY 905 (New 2021))

FISCAL IMPACT ESTIMATES

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 license type status 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 estimates 904 licensees will retire in the first two years of implementation and 192 licensees annually thereafter.

Board indicates an Office Technician will take approximately 1 hour to process each license application at a cost of \$59 per license plus \$15 for materials and postage, which results in costs of approximately \$66,900 in the first two years of implementation and \$14,200 annually thereafter.

The Board will also be required to update information technology systems with estimated costs of \$4,800 to facilitate the online application process and internal accounting systems.

Total year—one costs: \$71,700

Applicants will be required to pay a one-time application fee of \$75 to the Board, which results in revenues of approximately \$67,800 per year in the first two years of implementation (904 x \$75) and \$14,400 annually thereafter and up to \$251,000 over a ten-year period.

The proposed regulations require a retired status licensee to pay a \$10 re-activation administration fee, as specified, in the event the individual opts to practice psychology. However, because the retired status is a new license type and intended for those individuals

choosing to retire and discontinue practicing, the Board does not anticipate these individuals will re-activate to active licensure. As a result, the Board does not have an estimate at this time.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that this regulation will not have a significant adverse economic impact on businesses. This initial determination is based on the following facts or evidence/documents/testimony: the only possibility of the proposal impacting businesses is if the application or restoration fees are paid for by a business. The Board assumes that this will be an infrequent occurrence, as this is not a normal cost of doing business.

Cost Impact on Representative Private Person or Business:

The Board anticipates demand for the new retired license type status 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 estimates 904 licensees will retire in the first two years of implementation and 192 licensees per annually thereafter.

Applicants will be required to pay a one-time application fee of \$75 to the Board, which results in costs of approximately \$67,800 per year in the first two years of implementation (904 x \$75) and \$14,400 annually thereafter and up to \$251,000 over a ten-year period.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations will not affect small businesses. While there is a one-time \$75 fee to apply to have the license moved into a retired status, the licensee will no longer be engaged in an active practice. Also, there will be an effect caused by the closure of the practice of the retiring psychologist, although this effect will occur with or without the licensee obtaining a license in retired status.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board of Psychology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or

the elimination of jobs or existing businesses or the expansion of businesses in the State of California, as noted above.

Benefits of Regulation:

The Board has determined that this regulatory proposal will not affect worker safety or benefit the health and welfare of California residents. It may have a slight benefit to the state's environment because the addition of the retired status will eliminate the mailing of renewals, every two years for those with a license in retired status, thus reducing the impact to the State's environment associated with the paper production, and resources associated with the mailing of the renewal.

CONSIDERATION OF ALTERNATIVES

The Board of Psychology must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Any interested person may present statements or arguments, orally or in writing, relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF
REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing, upon request, from the person designated in the Notice under Contact Person or by accessing the Board's website: https://www.psychology.ca.gov/laws_regs/regulations.shtml.

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

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

copy of the final statement of reasons, once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

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

Name: Jason Glasspiegel
Address: 1625 North Market Blvd.,
Suite N215
Sacramento, CA 95834
Telephone Number: (916) 574-7137
Fax Number: (916) 574-8672
E-Mail Address: Jason.Glasspiegel@dca.ca.gov

The backup contact person is:

Name: Antonette Sorrick
Address: 1625 North Market Blvd.,
Suite N215
Sacramento, CA 95834
Telephone Number: (916) 574-7113
Fax Number: (916) 574-8672
E-Mail Address: Antonette.Sorrick@dca.ca.gov

Website Access: Materials regarding this proposal can be found at: http://www.psychology.ca.gov/laws_regs/regulations.shtml.

**TITLE 23. CENTRAL VALLEY FLOOD
PROTECTION BOARD**

**ADMINISTRATIVE PERMIT REVOCATION:
ADOPTION OF SECTIONS 28(d) AND 28.1,
AMENDMENT OF SECTION 5(a) AND 28(b)
AND REPEAL OF SECTION 5(g)**

The Central Valley Flood Protection Board ("Board") proposes to adopt the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Board did not schedule 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 their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

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

Central Valley Flood Protection
Board
Attention: Sarah Backus
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

Comments may also be submitted by e-mail to sarah.backus@cvflood.ca.gov or by fax to: (916) 574-0682. The written comment period closes on November 29, 2021. The Board will consider only timely received comments. When commenting, please indicate the proposed rulemaking action to which your comment refers.

AUTHORITY AND REFERENCE

Water Code section 8571 authorizes the Board to adopt these proposed regulations. The proposed regulation implements, interprets, and makes specific sections 8534, 8598, 8700 and 8702 of the Water Code.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

Existing administrative law regarding the revocation of encroachment permits that were previously issued by the Board is found in California Code of Regulations, title 23, section 28, incorporating the procedural requirements contained in section 25. These rules require that whenever the Board wishes to revoke a previously issued permit it must hold an evidentiary hearing before the Board. Notice of this hearing must be made to the permittee thirty days prior to the hearing. The notice must contain a staff report and a proposed revocation order, both of which must also be served on the permittee thirty days prior to the hearing. Staff must prepare for a public hearing before the Board at a regular or special board meeting. These procedures are required whether the permitted encroachment was ever constructed, if it has been removed or abandoned and when the permittee wishes to surrender the permit.

The proposed action will streamline the revocation process in situations in which the permit is no longer needed or is no longer desired by the permit holder.

Objective and Anticipated Benefits of the Proposed Regulation

The objective of the proposed regulation is to streamline the permit revocation process in cases in which there is no opposition or controversy. It does

not change the regulatory requirements for contested revocations. The benefits expected are that the Board's database of encroachment permits will be more accurate and Enforcement staff will be available for enforcement of serious violations of laws and regulations which protect the flood control system.

Evaluation of Inconsistency/incompatibility with Existing State Regulations

The Board determined that these proposed amendments are not incompatible or inconsistent with existing regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

- Mandate on local agencies or school districts: None.
- Cost or savings to any state agency: None.
- Cost or savings in any federal funding to the State: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary costs or savings imposed on local agencies: None.
- Cost impacts on a representative private person or business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in compliance with the proposed action.
- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Significant effect on housing costs: None.
- Small Business Determination. The Board has determined that the proposed regulation does not affect small businesses because no cost is imposed on any business or individual because of the implementation of these regulations.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Board concludes that it is unlikely that the proposal will eliminate or create jobs. The Board also concludes that it is unlikely that the proposal will eliminate or create any businesses. The Board does not anticipate that the proposed action will result in the expansion of businesses currently doing business within the State.

Benefits of the Proposed Action: The proposed action will benefit the health and welfare of California residents, worker safety, and the State's environment as it will streamline a procedure and allow Board Enforcement Staff to focus their attention on illegal encroachments thereby protecting lives, property, environment and infrastructure within the State's Central Valley from catastrophic flooding.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code 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 to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

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

CONTACT PERSONS

Inquiries concerning the proposed action may be directed to:

Sarah Backus
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821
Telephone: (916) 574-1448
EMAIL: sarah.backus@cvflood.ca.gov

The backup contact person for this proposed action is:

Jit Dua
Central Valley Flood Protection Board
3310 El Camino Ave., Ste 170
Sacramento, CA 95821
Telephone: (916)574-1766
EMAIL: dua.jit@cvflood.ca.gov

Please direct requests for copies of the proposed text (the "express terms") of the regulation, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Sarah Backus using the contact information above.

AVAILABILITY OF DOCUMENTS

Availability of Statement of Reasons, Text of Proposed Regulations, and Rulemaking File

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulation, the Initial Statement of Reasons, and the documents relied upon. Copies may be obtained by contacting Sarah Backus using the contact information above.

Availability of Changed or Modified Text

After holding the hearing, if any, and considering all timely and relevant comments received the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications which are sufficiently related to the original proposed text it will make the modified text, with changes clearly indicated, available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified text to the attention of Sarah Backus using the contact information above. The Board will accept written comments on the modified text for 15 days after the date on which it is made available.

Availability of Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Sarah Backus using the contact information above.

Availability of Documents on the Internet

Copies of this Notice, the proposed text of the regulations, and the Initial Statement of Reasons can be accessed on the Board's website at: <http://cvfspb.ca.gov/>.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

ERRATA AND COMMENT PERIOD EXTENSION

PROPOSED AMENDMENTS TO THE COMMERCIAL HARBOR CRAFT REGULATION

On September 21, 2021, the California Air Resources Board (CARB) released the Notice of Public Hearing to Consider the Proposed Amendments to the Commercial Harbor Craft Regulation (Proposed

Amendments). The materials that are subject to the Notice were originally posted on September 21, 2021. As of October 1, 2021, CARB is incorporating these errata into the public record, which provide corrections to three documents:

- Public Hearing to Consider the Proposed Amendments to the Commercial Harbor Craft Regulation. Staff Report: Initial Statement of Reasons.
- Appendix D–1, Draft Environmental Analysis.
- Appendix E: Technical Support Document and Assessment of Marine Emission Control Strategies, Zero–Emission, and Advanced Technologies for Commercial Harbor Craft.

These errata only reflect corrections to the methodology for implementing existing cost inputs and assumptions, and references to subsection numbers of the Proposed Regulation Order. The errata do not include changes to cost inputs, cost assumptions, or other assumptions regarding compliance outcomes. Overall, the direct economic impacts increase from \$1.79 billion to \$1.98 billion between 2023 and 2038. Updated costs remain far below the valuation of health benefits from avoided adverse health outcomes for the same time period, which remains at \$5.25 billion.

The 45–day comment period for this regulatory action opened on September 24, 2021, and was originally scheduled to close at the end of November 8, 2021. With the addition of this errata document to the rulemaking record, CARB is extending the comment period until November 15, 2021. Written comments regarding the Proposed Amendments (including this Errata document) must be received **no later than November 15, 2021**.

Comments submitted in advance of the hearing must be addressed to one of the following:

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

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

This errata document, including all other posted rulemaking documents regarding this regulatory action, are available on CARB’s website at the following address: <https://ww2.arb.ca.gov/rulemaking/2021/chc2021>.

Any questions regarding these corrections should be directed to the agency representative David Quiros, Manager, Freight Technology Section by email at david.quiros@arb.ca.gov or by phone at (916) 264–9378.

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NO. 1653–2021–080–001–R1

Project: Lost River Road Upgrade Project

Location: Mendocino

Applicant: April Newlander, Sanctuary Forest, Inc.

Background

Project Location: The Lost River tract is located in the Bear Harbor Quadrangle in Mendocino County in the headwaters of the Mattole River watershed, at a property owned by Sanctuary Forest, Assessor Parcel Numbers (APN) 05116001, 05116002, and 05129001. The Lost River supports populations of Coho Salmon (*Oncorhynchus kisutch*), and steelhead trout (*Oncorhynchus mykiss*).

Project Description: April Newlander (Applicant) with Sanctuary Forest Inc. proposes to enhance or restore habitat within the Lost River to provide a net conservation benefit for Coho Salmon (*Oncorhynchus kisutch*), and steelhead trout (*Oncorhynchus mykiss*). The Project includes upgrades to four failing culvert crossings that currently present risks of potential sediment delivery to the Lost River, a headwater tributary to the Mattole River.

The Site 1 culvert is partially plugged with sediment and advancing head–cuts at the outlet pose a risk of blow–out and sediment delivery to Lost River. The Site 1 treatment includes replacing the existing culvert with an adequately sized 30–foot long culvert; armor the inlet and outlet of new culvert with rock rip rap; and install two grade stabilization structures within the outlet channel at the head cuts. The second site remediation replaces the existing plugged culvert with an adequately sized 40–foot long culvert; armors the inlet and outlet of new culvert with 8 to 12–inch rock rip rap; and installs a critical dip at the culvert crossing. Site 3 requires replacing a completely plugged culvert by installing a rocked ford with four to six–inch base rock; clean/install an inboard ditch that delivers spring water and surface runoff to the rocked ford; rock the road surface on either side of the ford and install woven geotextile fabric beneath the base rock of the rocked ford and beneath the surface rock for the entire rocked length of road. The Site 4 treatment includes replacing the existing failing, undersized culvert with an adequately sized 45–foot long culvert; armoring the inlet and outlet of the new culvert with rock rip rap; installing a critical dip at the culvert crossing; apply woven geotextile fabric across the critical dip to the

rocked ford; and applying three-inch minus surface rock over the top of the fabric from the critical dip to the rocked ford.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.02 acres and 115 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) Approximately 70 cubic yards of rock rip rap, and (2) three culverts (30, 40, and 45 feet in length)

Project Timeframes:

Start date: August 15, 2021

Completion date: October 31, 2022

Work window: August 1 through October 31

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in by reducing likely sediment delivery, the Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1B21134WNME; CW-874507). The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to Coho Salmon and steelhead trout.

Receiving Water: Lost River, tributary to the Mattole River.

Filled or Excavated Area:

Permanent area impacted: 0.02 acres

Temporary area impacted: 0.02 acres maximum

Length temporarily impacted: 115 linear feet

Length permanently impacted: 115 linear feet

Dredge Volume: None.

Discharge Volume: 70 cubic yards (cy) of rip-rap, 3 culverts.

Project Location: Latitude 39°, 59', 9.142" and Longitude 123°, 55', 8.699".

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On September 3, 2021, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on September 3, 2021 for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number 2021-0903-03) on September 17, 2021. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non-habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Construction-period Water Quality Protection and Erosion and Sedimentation Control Measures; (2) Post-construction and Sediment Control and Water Quality Protection Requirements; (3) General Program Conditions for Vegetation Management; and (4) General Measures to Avoid Impacts on Biological Resources. The specific avoidance and minimization requirements are found in an attachment to the NOI.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI.

Notice of Completion

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number 1B21134WNME; CW-874507 indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number 1B21134WNME; CW-874507 with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: seth.ricker@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

DEPARTMENT OF HEALTH CARE SERVICES

NOTICE OF 30-DAY PUBLIC COMMENT PERIOD OCTOBER 1–OCTOBER 30, 2021 MULTIPURPOSE SENIOR SERVICES PROGRAM (MSSP) WAIVER AMENDMENT

NOTICE IS HEREBY GIVEN that the Department of Health Care Services (DHCS) in collaboration with the California Department of Aging (CDA) is posting a draft of the MSSP Waiver Amendment Application for a 30-day Public Comment Period in October 2021, prior to submitting the final version to the Centers for Medicare and Medicaid Services (CMS) for authorization. This notice provides information of public interest with respect to DHCS and CDA seeking approval from CMS to allow for an amendment of the current MSSP Waiver.

WRITTEN PUBLIC COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments to the Department relevant to the MSSP Waiver Amendment identified in this notice. All comments and input received during the 30-day public comment period will be considered for incorporation into the MSSP Waiver Amendment.

On October 1, 2021, the draft MSSP Waiver Amendment will be posted to the DHCS Home and Community-Based Alternatives (HCBA) Waiver webpage, at: Multipurpose Senior Services Program (MSSP) (ca.gov).

Public comments will be accepted from October 1, 2021 through 5:00 p.m. on October 30, 2021.

Public comments about the proposed MSSP Waiver Amendment may be submitted to CDA in writing or by email, to the following addresses:

California Department of Aging
Multipurpose Senior Services Program Bureau
2880 Gateway Oaks Drive, #200
Sacramento, CA 95833

Email: MSSPService@aging.ca.gov
Please Include: **"MSSP Waiver Amendment Public Comment"** in the subject line.

The public comment period closes at 5:00 p.m. on October 30, 2021. Any written comments regardless of the method of transmittal must be received electronically by 5:00 p.m. or postmarked on this date, for consideration.

AVAILABILITY OF PRECEDENTIAL DECISION INDEX

BOARD OF PHARMACY

ANNUAL NOTICE OF AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX

NOTICE IS HEREBY GIVEN that the California State Board of Pharmacy (Board), pursuant to section 11425.60 of the Government Code, the Board maintains an index of precedential decisions, which is annually made available by the Board to the public by email subscription. To join the Board's email list, go to www.pharmacy.ca.gov. The index and the text of the precedential decisions are continuously available on the Board's website at <http://www.pharmacy.ca.gov/enforcement/precedential.shtml>.

For additional information, contact:

Lori Martinez
California State Board of Pharmacy
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
Telephone: (916) 518-3078
Fax: (916) 574-8618
E-mail: Lori.Martinez@dca.ca.gov

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Food and Agriculture
File # 2021-0927-01
Caribbean Fruit Fly Eradication Area

This emergency action by the Department of Food and Agriculture establishes Santa Clara County as part of the Caribbean fruit fly (*Anastrepha suspensa*) eradication area.

Title 03
Amend: 3591.11
Filed 09/29/2021
Effective 09/29/2021
Agency Contact: Rachel Avila (916) 403-6813

Department of Resources Recycling and Recovery
File # 2021-0923-02
Covered Electronic Waste Recycling Fee

This emergency action is a biennial adjustment of consumer electronic waste recycling fees applicable to covered electronic devices pursuant to Public Resources Code section 42464. The emergency is deemed pursuant to Public Resources Code section 42475.2(b)."

Title 14
Amend: 18660.37, 18660.40
Filed 10/04/2021
Effective 01/01/2022
Agency Contact: Irina Kaminer (916) 341-6396

State Water Resources Control Board
File # 2021-0924-01
Emergency Action to Protect Threatened Species,
Mill and Deer Creeks

In this emergency rulemaking, the State Water Resources Control Board (the "Board") is adopting emergency curtailment and reporting regulations for Mill and Deer Creeks. Specifically, the emergency regulations (1) establish emergency drought minimum flow requirements to protect threatened Central Valley spring-run Chinook salmon and threatened California Central Valley steelhead; (2) ensure continued access to water supplies for minimum health and safety needs; (3) permit local cooperative solutions in place of specified Board-issued curtailment orders; (4) prohibit inefficient domestic lawn watering practices; and (5) require curtailment order reporting.

Title 23
Adopt: 876.5, 876.7, 878.4
Amend: 878.1, 879
Filed 10/04/2021
Effective 10/04/2021
Agency Contact: David Rose (916) 341-5196

California Health Benefit Exchange
File # 2021-0924-02
Individual Eligibility and Enrollment and Appeals
Process

The California Health Benefit Exchange (Exchange) adopted emergency regulations related to definitions, abbreviations, standards for notice, standards for eligibility determination and redetermination for qualified health plans, requirements for coverage eligibil-

ity, procedures for termination of coverage, and an appeals process. In this second emergency re-adopt, the Exchange amends its annual eligibility redetermination in a Qualified Health Plan (QHP) to enroll an enrollee in a silver-tier QHP, if the enrollee's household income is at or below 150% of the federal poverty level, the enrollee is determined by the Exchange to be eligible for Advance Payments of Premium Tax Credit (APTC) and Cost-Sharing Reduction (CSR), and the enrollee is currently enrolled in a bronze-tier QHP.

Title 10

Amend: 6408, 6410, 6452, 6454, 6470, 6474, 6482, 6484, 6486, 6496, 6498, 6500, 6502, 6504, 6506, 6602

Filed 10/04/2021

Effective 10/04/2021

Agency Contact:

Courtney Leadham (916) 281-2562

CalSavers Retirement Savings Board

File # 2021-0921-03

CalSavers Retirement Savings Program — Extension of First Deadline

The CalSavers Retirement Savings Board submitted this deemed emergency readoption action to keep in effect the amendment of a regulation in the CalSavers Retirement Savings Program made in an emergency readoption action, filed 2/17/2021 and effective 3/3/2021. The amended regulation changed the first registration deadline from June 30, 2020 to September 30, 2020 for eligible employers with more than 100 employees.

Title 10

Amend: 10002

Filed 09/30/2021

Effective 10/02/2021

Agency Contact: Eric Lawyer (916) 653-1748

Department of Corrections and Rehabilitation

File # 2021-0922-01

Grievances and Appeals

In this action, the Department of Corrections and Rehabilitation readopts, pursuant to Government Code section 11346.1(h), emergency regulations which amend and restructure the inmate and parolee grievances and appeals process.

Title 15

Adopt: 3084, 3480, 3481, 3482, 3483, 3484, 3485, 3486, 3487, 3488

Amend: 3000, 3045, 3077.3, 3078.4, 3134.1, 3136, 3137, 3141, 3173.1, 3179, 3193, 3220.4, 3230, 3282, 3378.4, 3383, 3475 (renumbered to 3465), 3476 (renumbered to 3466), 3477 (renumbered to 3467),

3478 (renumbered to 3468), 3479 (renumbered to 3469), 3480 (renumbered to 3470), 3480.1 (renumbered to 3471), 3481 (renumbered to 3472), 3482 (renumbered to 3473), 3483 (renumbered to 3474), 3484 (renumbered to 3475), 3485 (renumbered to 3476), 3486 (renumbered to 3477), 3491, 3492, 3548, 3563, 3630, 3723

Repeal: 3084, 3084.1, 3084.2, 3084.3, 3084.4, 3084.5, 3084.6, 3084.7, 3084.8, 3084.9, 3085, 3086, 3369.5

Filed 10/04/2021

Effective 10/08/2021

Agency Contact: Josh Jugum (916) 445-2266

Division of Workers' Compensation

File # 2021-0920-02

QME Regulations in Response for COVID-19

The Division of Workers' Compensation (DWC) in this re-adopt (2020-0504-01E, 2021-0219-02EE) is maintaining the process to provide the ability of Qualified Medical Evaluators (QME) to provide certain medical-legal evaluations and to cancel, postpone, or arrange medical-legal evaluations at any available location. Additionally, DWC is providing for the ability of participants in the workers' compensation system to continue to receive medical-legal reports via electronic service.

Title 08

Adopt: 36.7, 46.2

Filed 09/30/2021

Effective 10/12/2021

Agency Contact:

Nicole Richardson (510) 286-0656

California Health Facilities Financing Authority

File # 2021-0923-01

Investment in Mental Health Wellness Grant Program — Children/Youth

This emergency is amending the Investment in Mental Health Wellness Grant Program, within the Mental Health Wellness Act of 2013, specific to the needs of children and youth. (Government Code section 5848.5; Senate Bill 833, Statutes 2016, chapter 30.) Specifically, this action adds an optional online application that can be submitted online.

Title 04

Amend: 7313, 7316

Filed 09/30/2021

Effective 09/30/2021

Agency Contact: Bianca Smith (916) 653-2406

Department of Insurance
File # 2021-0818-01
Workers' Compensation Classification/Rating Rules

In this file and print action, the Department of Insurance has made annual amendments to the California Workers' Compensation Uniform Statistical Reporting Plan — 1995, the California Workers' Compensation Experience Rating Plan — 1995, and the Miscellaneous Regulations for the Recording and Reporting of Data. The three publications are incorporated by reference in sections 2318.6, 2353.1, and 2354, respectively, in title 10 of the California Code of Regulations. The full text of each publication is available at the Insurance Commissioner's offices and is published by the Workers' Compensation Insurance Rating Bureau of California. These amendments are exempt from the Administrative Procedure Act and OAL review under the rates exemption of Government Code 11340.9(g) and are effective 1/1/2021.

Title 10
Amend: 2318.6, 2353.1, 2354
Filed 09/29/2021
Effective 01/01/2021
Agency Contact: Brentley Yim (415) 538-4113

California Energy Commission
File # 2021-0823-03
Enforcement Procedures for the Renewables Portfolio
Standard for Local Publicly Owned Utilities

This change without regulatory effect aligns the definition of "long-term procurement requirement" in section 3201 of title 20 of the California Code of Regulations with Public Utilities Code section 399.13 as recently amended by SB 702 (Statutes 2020, chapter 305).

Title 20
Amend: 3201
Filed 09/30/2021
Agency Contact: Nicolas Oliver (916) 931-8011

Commission on Peace Officer Standards and Training
File # 2021-0526-03
Minimum Standards for Training — BCW

This rulemaking action by the Commission on Peace Officer Standards and Training updates references to basic course waivers (BCW) and adopts a new Specialized Investigators' Basic Course Waiver form.

Title 11
Amend: 1005
Filed 10/01/2021
Effective 10/01/2021
Agency Contact: Julie Gorwood (916) 227-3915

Commission on Peace Officer Standards and Training
File # 2021-0824-01
Testing and Notification Requirements

This action by the Commission on Peace Officer Standards and Training (POST) requires presenters to notify the POST Basic Training Bureau when 15 percent or more of students attending a course fail any scenario or exercise test required by POST.

Title 11
Amend: 1005, 1007, 1008, 1059
Filed 10/05/2021
Effective 01/01/2022
Agency Contact: Anita Finner (916) 227-3901

Contractors State License Board
File # 2021-0729-03
C-47 Initial Installer Training Requirement

In this action, the Contractors State License Board adopts a regulation specifying the initial installer training requirements prerequisite to a C-47 General Manufactured Housing contractor license for the initial installation of manufactured homes in California. The regulation also establishes procedures for would-be licensees to submit proof of compliance with these prerequisite training requirements and a provision concerning who may provide this training to license applicants.

Title 16
Adopt: 825.5
Filed 09/30/2021
Effective 09/30/2021
Agency Contact: Betsy Figueria (916) 255-3369

Department of Public Health
File # 2021-0723-02
Syringe Exchange Program — Regulatory
Consistency

This action amends requirements related to Syringe Exchange Program certification to update the comment period consistent with Health and Safety Code section 121349 and amend requirements related to local ordinances.

Title 17
Amend: 7000, 7002, 7014
Filed 10/04/2021
Effective 10/04/2021
Agency Contact: Michael Boutros (916) 440-7822

New Motor Vehicle Board
File # 2021-0817-02
Protests and Petitions

In this rulemaking action, the Board amends a regulation to specify that petitions must clearly identify

the facts, legal authority, and relief sought. They must also include declarations or other evidence supporting the petition. The Board further adopts a regulation to establish a process for filing protests related to a franchisor's performance standard that is inconsistent with the Vehicle Code.

Title 13
Adopt: 586.5
Amend: 556
Filed 09/29/2021
Effective 01/01/2022
Agency Contact:
Danielle R. Phomsopha (916) 327-3129

New Motor Vehicle Board
File # 2021-0817-03
Case Management

This action by the New Motor Vehicle Board amends case management regulations to comply with new statutes that created new types of protests for franchisees and associations.

Title 13
Amend: 550, 551.8, 551.12, 553.40, 558, 586, 590
Filed 09/29/2021
Effective 01/01/2022
Agency Contact:
Danielle R. Phomsopha (916) 327-3129

**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.

