



# California Regulatory Notice Register

REGISTER 2021, NUMBER 51-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

DECEMBER 17, 2021

## PROPOSED ACTION ON REGULATIONS

### TITLE 2. CALIFORNIA SCIENCE CENTER

*Conflict-of-Interest Code — Notice File Number Z2021-1206-01* ..... 1699

### TITLE 4. HORSE RACING BOARD

*Prohibited Actions with Respect to Claims — Notice File Number Z2021-1206-02* ..... 1699

### TITLE 13. DEPARTMENT OF MOTOR VEHICLES

*Driver’s License and ID Cards: Real ID — Notice File Number Z2021-1203-01* ..... 1702

### TITLE 16. BOARD OF PSYCHOLOGY

*Fees — Notice File Number Z2021-1207-01* ..... 1704

### TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES

*Early Intervention Services Regulation — Notice File Number Z2021-1206-03* ..... 1708

## GENERAL PUBLIC INTEREST

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Notice of Modification to Text of Proposed Regulation —*

*Clear and Reasonable Warnings — Short Form* ..... 1711

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Listing Notice — Tetrahydrofuran; 2-Ethylhexyl Acrylate; Methyl Acrylate; and*

*Trimethylolpropane Triacrylate, Technical Grade* ..... 1713

See also above GENERAL PUBLIC INTEREST

(Continued on next page)

*Time-  
Dated  
Material*

## **DECISION NOT TO PROCEED**

### **BOARD OF OPTOMETRY**

*Regarding Proposed Rulemaking Implementation of Assembly Bill 443 (Salas) —  
Amend California Code of Regulations Section 1524 and Adopt Section 1572* ..... 1713

### **HORSE RACING BOARD**

*Regarding Proposed Rulemaking concerning Riding Crop Specification Requirements* ..... 1714

## **AVAILABILITY OF PRECEDENTIAL DECISIONS INDEX**

### **DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL**

*Availability of Precedential Decision Index* ..... 1714

## **SUMMARY OF REGULATORY ACTIONS**

Regulations filed with Secretary of State ..... 1714

---

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.

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$205.00 (annual price). To order or make changes to current subscriptions, please call (800) 328-4880. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON REGULATIONS**

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

**TITLE 2. CALIFORNIA SCIENCE CENTER**

**NOTICE OF INTENTION TO AMEND THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA SCIENCE CENTER**

NOTICE IS HEREBY GIVEN that the California Science Center 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 (December 17, 2021) and closing on (January 31, 2022). All inquiries should be directed to the contact listed below.

The Science Center 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:

- Assigned specific disclosure categories to each individual position that qualifies as a “designated position.”

**Positions added:** C.E.A. I, C.E.A. IV, Staff Services Manager I, Staff Services Manager II, Accounting Officer, Senior Accounting Officer, Administrator (Science Programs), Administrator (Education Programs), Manager of Exhibit Services, Chief of Plant Operations, Associate Governmental Program Analyst (Plant Operations), and AGPA for Accounting.

**Disclosure Categories Added:** Category 1—Investments in Real Property; Category 2—Procurement Decisions (Agency-Wide); Category 3—Procurement Decisions (Limited Authority); Category 4—Museum Exhibitors

**Disclosure Categories Deleted:** Category (A); Category (C)

and also makes other 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 (January 31, 2022), 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 (January 16, 2022).

The **California Science Center** has determined that the proposed amendments:

- Impose no mandate on local agencies or school districts.
- Impose no costs or savings on any state agency.
- 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.
- Will not result in any nondiscretionary costs or savings to local agencies.
- Will not result in any costs or savings in federal funding to the state.
- 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: (Alfred Konuwa, EEO and Training Officer, 213-744-2308 and [akonuwa@californiasciencecenter.ca.gov](mailto:akonuwa@californiasciencecenter.ca.gov).)

**TITLE 4. HORSE RACING BOARD**

**BUSINESS REGULATIONS  
ARTICLE 7. CLAIMING RACES  
RULE 1652. PROHIBITED ACTIONS  
WITH RESPECT TO CLAIMS**

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

**PROPOSED REGULATORY ACTION**

The Board proposes to amend Board Rule 1652, Prohibited Actions with Respect to Claims, to provide that a trainer, owner, or authorized agent representing more than one racing interest shall not file more than one claim for a particular horse in a claiming race.

**PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold

a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **January 31, 2022**. The Board must receive all comments by that time. Submit comments to:

Rick Pimentel, Policy and Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Fax: (916) 263-6042  
Email: [repimentel@chrb.ca.gov](mailto:repimentel@chrb.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code (BPC).

Reference: Sections 19440 and 19562, BPC.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law. Responsibilities of the Board shall include, but not be limited to, adopting rules and regulations for the protection of the public and control of horse racing and parimutuel wagering. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with the provisions of Horse Racing Law, under which all horse races with wagering on their results shall be conducted in California.

Board Rule 1652 prohibits certain actions that an individual may take with respect to claims in claiming races. Subsection (g) specifically bars a person from claiming more than one horse for the account of any one racing interest from any one claiming race. Additionally, it prohibits an authorized agent representing more than one racing interest from filing more than two separate claims on behalf of any of the racing interests represented.

The proposed amendment to Board Rule 1652 will provide that a trainer, owner, or authorized agent representing more than one racing interest shall not file more than one claim for a particular horse in a claiming race. The intent is to address instances in

which an owner submits multiple claims, as part of separate racing interests, for a single horse, thereby obtaining an unfair advantage over others who file a single claim for the same horse.

#### ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendment to Board Rule 1652 will promote fairness and social equity within the horse racing industry by addressing a loophole in the rule whereby an owner may obtain an advantage over another owner in successfully claiming a horse in a claiming race. The proposed amendment will provide that a trainer, owner, or authorized agent representing more than one racing interest shall not file more than one claim for a particular horse. This will address instances in which an owner submits more than one claim for a horse as part of multiple racing interests, which unfairly increases the odds of that owner successfully claiming the horse and is a practice that favors prominent owners who can afford to make multiple claim deposits.

#### CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendment, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rule 1652 is the only regulation that specifies the actions that an individual is prohibited from taking with respect to claims in claiming races. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or saving to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment to Board Rule 1652 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed amendment will provide that a trainer, owner, or authorized agent representing

more than one racing interest shall not file more than one claim for a particular horse. This will address instances in which an owner submits more than one claim for a horse as part of multiple racing interests, which unfairly increases the odds of that owner successfully claiming the horse and is a practice that favors prominent owners who can afford to make multiple claim deposits.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rule 1652 will not (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; or (4) benefit the health and welfare of California residents, worker safety, or the state's environment. The proposed amendment to Board Rule 1652 will promote fairness and social equity within the horse racing industry by addressing a loophole in the rule whereby an owner may obtain an advantage over another owner in successfully claiming a horse in a claiming race. The proposed amendment will provide that a trainer, owner, or authorized agent representing more than one racing interest shall not file more than one claim for a particular horse. This will address instances in which an owner submits more than one claim for a horse as part of multiple racing interests, which unfairly increases the odds of that owner successfully claiming the horse and is a practice that favors prominent owners who can afford to make multiple claim deposits.

Effect on small business: none. The proposal to amend Board Rule 1652 does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulation will provide that a trainer, owner, or authorized agent representing more than one racing interest shall not file more than one claim for a particular horse in a claiming race.

#### CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable

alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome on affected private persons than the proposed action, or would be more cost-effective and equally effective in implementing the statutory policy or other provision of law.

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

#### CONTACT PERSONS

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

Rick Pimentel, Policy and Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Fax: (916) 263-6042  
E-mail: [repimentel@chr.ca.gov](mailto:repimentel@chr.ca.gov)

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

Amanda Drummond, Manager  
Policy, Regulations, and Administrative Hearings  
Telephone: (916) 263-6033  
Email: [amdummond@chr.ca.gov](mailto:amdummond@chr.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Rick Pimentel or the alternative contact person at the address, phone number, or email address listed above.

**AVAILABILITY OF MODIFIED TEXT**

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

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

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

**BOARD WEB ACCESS**

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is [www.chrb.ca.gov](http://www.chrb.ca.gov).

**TITLE 13. DEPARTMENT OF MOTOR VEHICLES**

The Department of Motor Vehicles (department) proposes to amend Section 17.00 and repeal Section 17.04 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to REAL ID-compliant driver's licenses and identification cards.

**PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

**DEADLINE FOR WRITTEN COMMENTS**

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **January 31, 2022**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

**AUTHORITY AND REFERENCE**

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section 681, and Part 37.11 of Title 6 of the Code of Federal Regulations.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Beginning on May 3, 2023, a federally-compliant driver's license or identification card will be required to board commercial aircrafts and access federal facilities.

In 2017, the department adopted rules related to the application process for a REAL ID-compliant driver's license or identification card, including documentation acceptable to establish proof of the applicant's legal presence and identity, documentation acceptable as proof of the applicant's social security number, and an exemption process for applicants unable to provide the required documentation.

Section 17.04 requires a REAL ID-compliant driver's license or identification card applicant to submit proof of a valid social security number by providing the department with an original Social Security Administration account card, a W-2 form, an SSA-1099 form, or a paystub that includes the applicant's social security number. When the department adopted Section 17.04 in 2017, the department determined Section 17.04, while largely duplicative of federal rules, was necessary to comply with the provisions of Title 6, Code of Federal Regulations, Section 37.11(e), requiring proof of a valid social security number.

The REAL ID Modernization Act, signed on December 28, 2020 as part of the Consolidated Appropriations Act of 2021, includes an immediate burden reduction measure that allows states discretion in requiring the submission of separate documentation of the applicant's social security number. Federal rules continue to require that states verify the social security number provided to the Departments of Motor Vehicles during that application process. Pursuant to Title 13, California Code of Regulations, Section

15.04, the department will continue to verify social security numbers provided on driver’s license and identification card applications whether the applicant is applying for a REAL ID–compliant driver’s license or identification card, or a federal non–compliant driver’s license or identification card.

The department proposes repealing Section 17.04 due to federal changes made through burden reduction measures making it discretionary for states to require separate documentation of the applicant’s social security number as part of the REAL ID–compliant card application process. The department has determined it will not require separate documentation, as there is currently a process in which the department verifies the social security number provided on the driver’s license and identification card application.

**CONSISTENCY AND COMPATIBILITY  
WITH STATE REGULATIONS**

The department conducted a review of other California regulations and has determined that there are no other California regulations related to the application process for REAL ID–compliant driver’s licenses or identification cards. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

**COMPARABLE FEDERAL STATUTES OR  
STATE REGULATIONS**

Existing federal rules allow states discretion as to whether to require separate documentation to establish proof of a social security account number. The department will not require such documentation, as there is already an existing process to verify the social security number provided at the time of application, regardless of whether the applicant is applying for a REAL ID–compliant driver’s license or identification card or a federal non–compliant driver’s license or identification card.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

There are no documents incorporated by reference.

**ECONOMIC AND FISCAL  
IMPACT DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: Estimated \$9,600,000 savings in the current fiscal year.

- Other Non–Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Cost Impact 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. This action impacts private persons applying for a REAL ID–compliant driver’s license or identification card. There is a fee for a driver’s license or identification card regardless of whether the card is REAL ID–compliant. However, the cost of a card is unchanged.
- Small Business Impact: This proposed action will not impact small businesses. This action impacts individual applicants for a REAL ID–compliant driver’s license or identification card.
- Local Agency/School District Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The proposed regulatory action will not have a significant statewide adverse economic impact on businesses or the ability of businesses to compete with other states. This action affects individual applicants for a REAL ID–compliant driver’s license or identification card.

**RESULTS OF THE ECONOMIC  
IMPACT STATEMENT**

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact: 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state’s environment.

This proposed action may benefit California residents by creating a more efficient process by which

a person can apply for a REAL ID-compliant driver's license or identification card. The repeal of Section 17.04 is consistent with the intent of the REAL ID Modernization Act in implementing immediate burden reduction measures. This action is unlikely to benefit or affect worker safety or the state's environment.

**PUBLIC DISCUSSIONS OF  
PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

**ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be 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 provisions of law.

**CONTACT PERSON**

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

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
P.O. Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898  
Facsimile: (916) 657-6243  
E-Mail: [LADRegulations@dmv.ca.gov](mailto:LADRegulations@dmv.ca.gov)

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff  
Department of Motor Vehicles  
Telephone: (916) 657-6469

**AVAILABILITY OF STATEMENT OF  
REASONS AND TEXT OF  
PROPOSED REGULATIONS**

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

**AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

**TITLE 16. BOARD OF PSYCHOLOGY**

**FEES**

**NOTICE IS HEREBY GIVEN** that the Board of Psychology (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

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**

February 17, 2022, at 1:00 p.m.

**Meeting link (Computer or Tablet)**

<https://dca-meetings.webex.com/dca-meetings/j.php?MTID=m06cb54ee584bb5f67d4aee5aa986fa75>

Meeting number:

2487 215 8482

Password:

vcF2C5Zgs2E

**Join by video system**

Dial 24872158482@[dca-meetings.webex.com](https://dca-meetings.webex.com)

You can also dial 173.243.2.68 and enter your meeting number.

**Join by phone**

+1-415-655-0001 US Toll

Access code: 2487 215 8482

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, 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 Monday, January 31, 2022**, or must be received by the Board at the hearing.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 2930, 2987, and 2989 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 2987, 2988, and 2989 the Board is considering amending section(s) 1392 and 1392.1 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board of Psychology (Board) regulates licensed psychologists, registered psychological assistants, and registered psychologists, all of whom are entitled to provide psychological services in California. California Business and Professions Code (BPC) section 2920.1 states that protection of the public shall be the highest priority for the Board in exercising its licensing, regulatory, and disciplinary functions.

Section 2930 of the Code authorizes the Board to adopt regulations as may be necessary to enable the Board to effectuate the Psychology Licensing Law.

Business and Professions Code (BPC) section 2930 authorizes the Board to adopt rules and regulations as are reasonably necessary to carry out the provisions of the Psychology Licensing Law. BPC section 2989 authorizes the Board to set fees by regulation to be deposited in the Psychology Fund (Fund) and made available to the Board upon appropriation by the Legislature. BPC 2987 sets forth the minimum and maximum fee ranges for application, examination, initial licensure and renewal for psychologists, registration and renewal for psychological assistants, delinquency fee, and other miscellaneous fees.

The California Board of Psychology (Board) is seeking to increase the fees charged for application, initial license, registration, license renewal, and the California Law and Ethics Exam (CPLLE). The fee increases are necessary to help alleviate the structural imbalance the Board currently faces and thus ensure the Board is able to meet its consumer protection goals.

**Anticipated Benefits of Proposal**

This regulatory proposal seeks to make amendments to the Board’s fee schedule, which will help to reduce the Board’s structural budget imbalance and to maintain a sufficient fund balance reserve until the Board can increase statutory fee levels to eliminate the structural imbalance.

The amendments will help to ensure the Board has sufficient funding to meet its consumer protection goals.

The Board has historically been able to operate within its existing budget. However, due primarily to recent increased enforcement-related workload and costs, the Board Members began considering options to stabilize the Board budget in fiscal year 2020/21 and voted unanimously to approve the proposed regulations at its May 21, 2021, Board meeting.

Immediate action to increase the regulatory fees collected by the Board is required. The fee increases will bolster the Board’s revenues and funding available to continue the Board’s daily functions, enforcement, and licensing operations without interruptions.

If this regulatory proposal is not adopted, the Board may need to restrict its core operations, including slowing its ability to process applications, restricting investigations, and limiting the Board’s ability to adjudicate violations of the Licensing Act in an expedient manner.

These restrictions to the operational functions of the Board could result in licensing backlogs and compromise the Board’s ability to achieve its mission and statutory mandate of consumer protection.

This regulatory proposal will benefit the health and welfare of California residents because the proposal

will increase the Board's revenue and funding available to continue the Board's enforcement, investigative, licensing, examination, and public outreach operations.

**Consistency and Compatibility with Existing State Regulations**

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

**DISCLOSURES REGARDING THIS PROPOSED ACTION**

The Board has made the following initial determinations:

**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 estimates the proposed regulations will increase revenues by approximately \$1.1 million per year and help to reduce the structural imbalance.

Because the Board currently charges the fees in this proposal and/or performs workload associated with these programs and fees, no additional workload and costs are anticipated.

The Board estimates one-time information technology (IT) costs of \$5,000 to update cashiering and accounting software. Any IT costs will be absorbed within existing resources.

**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.

**RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS**

**BUSINESS IMPACT ESTIMATES**

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

**Impact on Jobs/Businesses**

The Board has determined that this regulatory proposal will not have an 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 because the proposed fees are anticipated to have minimal impact on businesses because the incremental fee increase is negligible compared to the average salary of licensees.

This regulatory proposal will benefit the health and welfare of California residents because the proposal will increase the Board's revenue and funding available to continue the Board's enforcement, investigative, licensing, examination, and public outreach operations. The proposal is not anticipated to benefit worker safety or the state's environment.

**Business Reporting Requirements**

The regulatory action does not require businesses to file a report with the Board.

**Effect on Small Business**

The Board has determined that the proposed regulations may affect small businesses because this proposal will increase fees for individual licensees, which only impacts individuals, not businesses but some small businesses may pay for the licenses of individual employees.

**Cost Impact on Representative Private Person or Business**

The proposed regulations increase license fees in section 1392 as follows:

For Psychologist — Initial Application, the current fee is \$40, the proposed fee is \$50, the increase amount is \$10.

For the California Psychology and Ethics Exam (CPLEE) Fee, the current fee is \$129, the proposed fee is \$232, the increase amount is \$103.

For the Psychologist — Initial License, the current fee is \$400 the proposed fee is \$500, the increase is \$100.

For the Psychologist — Biennial License Renewal, the current fee is \$400, the proposed fee is \$500, the increase amount is \$100.

The proposed regulations increase license fees in section 1392.1 as follows:

For the Psychological Assistant — Registration Application, the current fee is \$40, the proposed fee is \$75, the increase is \$35.

For the Psychological Assistant – Annual Renewal Registration, the current fee is \$40, the proposed fee is \$75, the increase is \$35.

For the Psychological Assistant — Delinquent License Renewal, the current fee is \$20, the proposed fee is \$37.50, the increase is \$17.50.

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

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would 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 submit comments to the Board in writing relevant to the above determinations at 1625 North Market Blvd., Suite N215, Sacramento, California 95834.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 North Market Blvd., Suite N215, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, 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, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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 PERSONS

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

Name: Jason Glasspiegel  
Address: Board of Psychology  
1625 North Market  
Boulevard,  
Suite N215  
Sacramento, CA 95834  
Telephone Number: 916-574-7137  
Fax Number: 916-574-8672  
E-Mail Address: [Jason.glasspiegel@dca.ca.gov](mailto:Jason.glasspiegel@dca.ca.gov)

The backup contact person is:

Name: Jonathan Burke  
Address: Board of Psychology  
1625 North Market  
Boulevard,  
Suite N215  
Sacramento, CA 95834  
Telephone Number: 916-574-7116  
Fax Number: 916-574-8672  
E-Mail Address: [Jonathan.burke@dca.ca.gov](mailto:Jonathan.burke@dca.ca.gov)

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Board's website at [https://www.psychology.ca.gov/laws\\_regs/regulations.shtml](https://www.psychology.ca.gov/laws_regs/regulations.shtml).

**TITLE 17. DEPARTMENT OF DEVELOPMENTAL SERVICES**

**NOTICE OF PUBLIC COMMENT PERIOD FOR PROPOSED AMENDMENTS TO THE EARLY INTERVENTION SERVICES REGULATION**

The Department of Developmental Services (Department) proposes to amend the Early Intervention Services regulations as described below after considering all comments, objections, and recommendations regarding the proposed action.

**WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS**

Any interested person or his or her representative may present comments relevant to the proposed action to the Department by personal delivery, postal mail service, or email submittal as described in detail below. The public comment period for this regulatory action will begin on December 17, 2021. For any written comment to be considered, it must be received by the Department **no later than January 31, 2022**, the close of the 45-day comment period.

Comments sent to persons and/or addresses other than that specified, or received after the date and time specified above, may be included in the record of this proposed regulatory action, but may not be summarized or responded to regardless of the manner of transmission.

For consideration, any written comments shall be submitted as follows:

United States Postal Service or personal delivery to:

Department of Developmental Services  
Legislation, Regulations and Public Affairs  
RE: **Early Intervention Amendments**  
1215 O Street, MS 9-10  
Sacramento, CA 95814

Electronic Submittal: <https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/>

***“Please note: Public comments should not include any personal or medical information, as your written and oral comments, and attachments become part of the public record and can be released to the public upon request under the California Public Records Act (Gov. Code, §6250 et seq.).”***

**PUBLIC HEARING**

A public hearing is not currently scheduled; however, any interested person may request the Department to conduct a public hearing. A public hearing will be held if any interested person, or their duly authorized

representative, requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice **no later than January 14, 2022**, fifteen (15) days prior to the close of the 45-day comment period, which is January 31, 2022. If a request for public hearing is received by January 14, 2022, the time, date, and location of the public hearing will be provided by separate notice and conducted in accordance with the Administrative Procedure Act, Government Code, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with Section 11340).

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW (PURSUANT TO GOVERNMENT CODE SECTION 11346.5(a)(3))**

**Sections Affected:** Proposed amendments to California Code of Regulations (CCR), Title 17, Sections 52000, 52082, 52109, and 52162. The proposed amendments summarized below are required by federal law to align with federal statute and regulation.

**Background on the Proposed Rulemaking**

The Department of Developmental Services (Department) is the lead agency for the Early Start program. This program provides early intervention services to infants and toddlers who have a developmental delay or have a condition that has a high probability of leading to a developmental delay or disability. Through the Department, the State receives federal funding that supports the early intervention services provided to eligible infants and toddlers and their families. As a condition of receiving this federal funding, the Department must ensure that all State policies align with the requirements of Part C of the federal Individuals with Disabilities Education Act (IDEA) (20 U.S.C. Section 1431 et seq.).

*Policy Statement Overview/Anticipated Objectives and Benefits of the Proposed Regulatory Action:*

Current state regulations in Title 17, CCR, Sections 52000, 52082, 52109 and 52162 need to be amended to comply with federal Part C requirements. These regulations will ensure that the rights of consumers are observed and that consumers are provided with appropriate services.

Currently, Section 52000 provides definitions for early intervention services and the evaluation and assessment of the infants and toddlers who are referred for determination of eligibility for these services. The Department proposes to amend Section 52000 by adding definitions of new terms used in the regulation: “assistive technology service” and “early intervention records.” The Department also proposes amending the

definition of “health services” to more accurately align with Part C of the federal Individuals with Disabilities Education Act (20 U.S.C. Section 1431 et seq.).

Currently, Section 52082 states that evaluation to determine eligibility shall be based on informed clinical opinion. The Department proposes to amend this section to specify that informed clinical opinion can be used as an independent basis to establish a child’s eligibility.

Currently, Section 52109 provides the basis for regional centers to purchase early intervention services for eligible infants and toddlers. The proposed amendments to this Section would add clarity to existing regulations by referencing non-substitution of funds.

Existing Title 17 regulations do not state under what basis regional centers are required to obtain consent prior to using the public benefits or insurance of a child or parent to pay for early intervention services. The proposed amendments to Section 52162 specify under what circumstances parental consent is required prior to using public benefits or insurance to pay for early intervention services.

*Effect of the Proposed Regulatory Action:*

The proposed amendments are needed to align the State’s regulations with the requirements of Part C of IDEA. These amendments are needed in order to operate the Part C IDEA program in accordance with federal requirements. This is also necessary to maintain the approximately \$54 million the State receives annually to fund early intervention services for eligible infants, toddlers, and their families who are in the Early Start program. Failure to amend Title 17 regulations in conformity with Part C federal rules would negatively affect the Department receiving the full Part C grant for the Early Intervention Services.

*Existing Laws/Regulations*

The Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare and Institutions Code Section 4500 et seq., was enacted to reduce institutionalization of people with developmental disabilities and prevent their dislocation from their home communities.

Government Code Section 11152 provides that the Department may adopt and enforce rules and regulations necessary to carry out their respective duties.

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

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

these are the only regulations dealing with this subject matter for infants and toddlers with developmental disabilities.

*Substantial Difference from Existing Comparable Federal Regulations or Statutes*

None.

*Anticipated Benefits*

The proposed amendment will indirectly impact the health and welfare of the infants and toddlers in the Early Start program as the proposed amendments ensure the continuity of the federal grant which sustains the Early Start program and the services it provides.

AUTHORITY AND REFERENCE

The Department is proposing to amend CCR, Title 17, Sections 52000, 52082, 52109, and 52162 the authority provided in Welfare and Institutions Code Section 4405, and Government Code Sections 95009, 95028, and 11152.

The proposed regulations implement, interpret, and make specific Welfare and Institutions Code, Sections 4631, 4648(a), and 4691; Government Code, Sections 95014 and 95028; Title 5, California Code of Regulations, Sections 3001 and 3030; Title 20, United States Code, Sections 1432, 1435(a)(10) and (c), 1436, 1440, and 1480; and Title 34, Code of Federal Regulations, Sections 303.9, 303.12, 303.13, 303.16, 303.20, 303.23, 303.24, 303.25, 303.26, 303.27, 303.29, 303.31, 303.300(b) and (c), 303.302, 303.321, 303.322, 303.323(b) and (c) 303.340, 303.342, 303.343, 303.344, 303.345, 303.401, 303.401(a)(1)–(3), 303.404(a), 303.404(b) and 303.405, 303.420, 303.422, 303.430, 303.432, 303.510, and 303.520.

MANDATED BY FEDERAL  
LAW OR REGULATIONS  
(Gov. Code, §§ 11346.2(c), and 11346.9)

The proposed amendments are required by federal law to align with federal statutes and regulations.

LOCAL MANDATE  
(Gov. Code, § 11346.5(a)(5))

Under Government Code Section 11346.5(a)(5), the Department has made an initial determination that the proposed regulatory action would not impose a mandate on any local agency or school district that requires reimbursement by the State under Government Code, Title 2, Division 4, Part 7 (commencing with Section 17500).

**FISCAL IMPACTS**  
(Gov. Code, § 11346.5(a)(6))

The determination of the Department 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.

*Cost or savings to any state agency:* Cost of less than \$10 million per year.

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

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

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

**SIGNIFICANT STATEWIDE  
ADVERSE ECONOMIC IMPACT  
DIRECTLY AFFECTING BUSINESS,  
INCLUDING ABILITY TO COMPETE**  
(GOV. CODE, §§ 11346.3(a),  
11346.5(a)(7), 11346.5(a)(8))

The Department 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.

**COST IMPACTS ON REPRESENTATIVE  
PRIVATE PERSONS OR BUSINESS**  
(Gov. Code, § 11346.5(a)(9))

In developing this regulatory proposal, the agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**STATEMENT OF RESULTS OF THE  
ECONOMIC IMPACT ASSESSMENT (EIA)**  
(Gov. Code, § 11346.5(a)(10))

Based on the economic impact assessment, the Department has made an initial determination that the proposed regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The proposed amendments do not represent any policy shift in administering the Early Start program for the State. Therefore, the Department forecasts no economic impact and concludes that it is: (1) unlikely that the proposal will eliminate any jobs for the Early Start program service providers, (2) unlikely that

the proposal will create an unknown number of jobs for service providers, (3) unlikely that the proposal will create an unknown number of new businesses providing services in the Early Start program, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

*Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment*

The proposed amendments will indirectly impact the health and welfare of the infants and toddlers in the Early Start program as the proposed amendments ensure the continuity of the federal grant which sustains these services.

The Department has also made an initial determination that there are no anticipated benefits to worker safety or the state's environment.

**HOUSING COSTS**  
(Gov. Code, § 11346.5(a)(12))

In accordance with Government Code Section 11346.5(a)(12), the Department has made the initial determination that the proposed regulatory action will not have an effect on housing costs.

**ALTERNATIVES STATEMENT**  
(Gov. Code, § 11346.5(a)(13))

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

**EFFECT ON SMALL BUSINESS**  
(Cal. Code Regs., title 1, § 4(a) and (b))

The Department has determined that there is unlikely to be an impact on small business as a result of filing these regulations because the proposed amendments to the regulations do not create a burden on businesses.

CONTACT PERSONS  
(Gov. Code, § 11346.5(a)(14))

Inquiries concerning the substance of the proposed regulatory action may be directed to the Department's representative, Sharon DeRego, Manager, Monitoring & Family Services Branch, at (916) 654-3681 or her backup, Omari Smith, Community Programs Specialist II, Early Start and Health Services Section, at (916) 670-9802.

AVAILABILITY OF DOCUMENTS  
(Gov. Code, § 11346.5(a)(16))

The Department has compiled a record for this rulemaking action which includes all the information upon which the proposal is based, including an Initial Statement of Reasons (ISOR) for the proposed regulatory action and the proposed regulation text (the "express terms") of the regulation. This material is available for inspection upon request to the Department's representative listed below.

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 the Department's website listed below. Physical hard copies of the documents may be obtained upon request to the Department's representative to whom non-substantive inquiries concerning the proposed administrative action may be also be directed is Sunday Balalis, Regulations Analyst at [Sunday.Balalis@dds.ca.gov](mailto:Sunday.Balalis@dds.ca.gov) or (916) 653-0732.

HEARING PROCEDURES AND  
AVAILABILITY OF MODIFIED TEXT

If a request for public hearing is received by January 14, 2022, it will be conducted in accordance with the Administrative Procedure Act, Government Code, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with Section 11340). After the Department holds a public hearing and considers all timely and relevant comments, it 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, with the exception of grammatical changes, 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 regulation as revised. Please send requests for copies of any modified regulation to the attention of the contact persons indicated above. The Department will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS

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

AVAILABILITY OF  
DOCUMENTS ON THE INTERNET

This notice, the ISOR, the proposed regulation text and all subsequent regulatory documents, including the FSOR, when completed, are available on the Department's website for this rulemaking at <https://www.dds.ca.gov/transparency/laws-regulations/emergency-and-proposed-regulations/>.

**GENERAL PUBLIC INTEREST**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND  
TOXIC ENFORCEMENT ACT OF 1986  
PROPOSITION 65

NOTICE OF MODIFICATION TO TEXT OF  
PROPOSED REGULATION

TITLE 27, CALIFORNIA CODE OF  
REGULATIONS  
PROPOSED AMENDMENTS TO ARTICLE 6  
CLEAR AND REASONABLE WARNINGS –  
Short-form

As required by Government Code section 11346.8(c), and Title 1, section 44 of the California Code of Regulations, the Office of Environmental Health Hazard Assessment (OEHHA) is providing notice of changes to the proposed regulatory action to amend California Code of Regulations, Title 27, Section 25602, Consumer Product Exposure Warnings — Methods of Transmission; Section 25603, Consumer Product Exposure Warnings — Content; and Section 25607.2 Food Exposure Warnings — Content. This notice initiates a public comment period beginning December 17, 2021, that will close on January 14, 2022. Details on how to comment are given below.

The Notice of Proposed Rulemaking was published on January 8, 2021, in the California Regulatory

Notice Register (Register No. Z2020–1229–01)<sup>1</sup>. This initiated a 60–day<sup>2</sup> public comment period, which was later extended to close on March 29, 2021. A public hearing was held on March 11, 2021, where OEHHA received 21 oral comments. One hundred sixty written comments were received during the comment period.

**Summary of Modifications to Proposed Rulemaking**

The proposed rulemaking would amend the safe harbor warning regulations to improve the short–form warnings to provide consumers more specific information, and to limit the use of the safe harbor short–form warning to small products. After carefully reviewing the comments received, OEHHA has modified the proposed regulation to, among other things: increase the maximum label size for short–form warnings from 5 square inches to 12 square inches; allow use of the short–form warning on the internet or in catalogs where the short–form warning is used on the product label; provide additional signal word options; provide additional warning language options; and provide minor clarifications on the wording of the warning. These proposed changes are summarized below. The specific language modifications to the proposed regulation are shown in the regulatory text.

- In Section 25602(a)(4)(A), OEHHA increased the maximum label size for short–form warnings from 5 square inches to 12 square inches. OEHHA received several comments raising concerns about the originally proposed maximum label size of 5 square inches. After considering these comments, OEHHA determined a 12 square inch limit would accommodate these concerns, while still limiting use of the short–form warnings to packages with limited available label space for consumer product information that would not easily accommodate the full warning.
- In the original proposal, in Sections 25602(b) and (c), the option to use the short–form warning content in online warnings or in a catalog, respectively, had been eliminated. This change has been removed and the original regulatory language that allows use of the short–form warning on websites and in catalogs remains. Several commenters stated that the proposed elimination of the short–form warning option for internet websites and in catalogs could result in varying warning language for the same products. OEHHA also concluded that the proposed limitation could increase product

retailer responsibility, rather than allowing them to rely on the warnings on the product label or those provided to them by product manufacturers or others in the chain of commerce or chemical manufacturers. OEHHA therefore returned to the original language. This provides consistency along the supply/distribution chain and conforms to the existing regulations in Section 25600.2.

- Additional signal word options “**CA WARNING**” or “**CALIFORNIA WARNING**” were added in several sections to allow businesses to make clear that the warning is being given pursuant to California law. This is consistent with other regulations proposed by OEHHA in the last several months. Businesses would still have the option to use the signal word “Warning.”
- OEHHA is also providing an additional warning option that more directly addresses exposure to carcinogens or reproductive toxicants to provide an additional safe harbor warning that can be used on the product label.
- In several sections the word “product” was removed from the proposed term “product label”. The existing term “label” remains. Some commenters stated that the phrase “product label” was undefined and confusing. Since OEHHA had no intention of changing the meaning, the original term was retained.

**Accessing the Modified Regulatory Text**

The full regulatory text, with all the modified language provided in double underline and double strikeout format, is available on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov) or on request from Monet Vela in the OEHHA Legal Office at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or (916) 323–2517.

**How to Provide Public Comments**

OEHHA is requesting comments on the modifications to the proposed regulatory text. Any written comments concerning the modifications, regardless of the form or method of transmission, **must be received by OEHHA no later than January 14, 2022<sup>3</sup>**, the designated close of the written comment period. All comments will be posted on the OEHHA website at the close of the public comment period.

OEHHA recommends that the public submit written comments electronically, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. Comments submitted in paper form can be mailed, faxed, or delivered in person to the address below. OEHHA encourages all commenters to submit their comments in a format compliant with the accessibility

<sup>1</sup>Correction — The NPRM said “Section 25607.1 Food Exposure Warnings — Methods of Transmission” instead of “Section 25607.2.”

<sup>2</sup>This comment period was longer than required by law to provide more time for public input due to the COVID–19 pandemic.

<sup>3</sup>The comment period was extended due to the holidays that occur during the comment period.

requirements of Section 508 of the Rehabilitation Act and Section 255 of the Communications Act so that they can be read using screen reader technology and those with visual impairments are able to listen to them.

All non-electronic submissions should be directed to:

Monet Vela  
 Office of Environmental Health Hazard  
 Assessment  
 1001 I Street, 23<sup>rd</sup> Floor  
 P.O. Box 4010  
 Sacramento, California 95812-4010  
 Telephone: 916-323-2517

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

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
 HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC  
 ENFORCEMENT ACT OF 1986  
 (PROPOSITION 65)

CHEMICALS LISTED EFFECTIVE  
 DECEMBER 17, 2021

AS KNOWN TO THE STATE OF CALIFORNIA  
 TO CAUSE CANCER: TETRAHYDROFURAN;  
 2-ETHYLHEXYL ACRYLATE; METHYL  
 ACRYLATE; AND TRIMETHYLOLPROPANE  
 TRIACRYLATE, TECHNICAL GRADE

Effective December 17, 2021, the Office of Environmental Health Hazard Assessment (OEHHA) is adding tetrahydrofuran (CAS No. 109-99-9), 2-ethylhexyl acrylate (CAS No. 103-11-7), methyl acrylate (CAS No. 96-33-3), and trimethylolpropane triacrylate, technical grade to the list of chemicals known to the State of California to cause cancer for purposes of Proposition 65<sup>1</sup>. The listing of these chemicals is pursuant to the "Labor Code" listing mechanism<sup>2</sup>.

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

<sup>2</sup>Health and Safety Code section 25249.8(a) and Title 27 Cal. Code of Regs. section 25904.

The basis for the listings was described in a public notice published in the June 11, 2021, issue of the California Regulatory Notice Register (Register 2021, No. 24-Z). The title of the notice was "Notice of Intent to List Chemicals by the Labor Code Mechanism: Tetrahydrofuran; 2-Ethylhexyl Acrylate; Methyl Acrylate; and Trimethylolpropane Triacrylate, Technical Grade." The publication of the notice initiated a 45-day public comment period<sup>3</sup>. We received five sets of comments during the comment period. The comments and OEHHA's responses are posted with the Notice of Intent to List.

A complete, updated Proposition 65 chemical list is available on the OEHHA website.

**DECISION NOT TO PROCEED**

**BOARD OF OPTOMETRY**

NOTICE OF DECISION NOT TO PROCEED  
 WITH RULEMAKING ACTION  
 PURSUANT TO GOVERNMENT CODE  
 SECTION 11347

RE: NOTICE OF PROPOSED RULEMAKING  
 CONCERNING IMPLEMENTATION OF  
 ASSEMBLY BILL 443 (SALAS) — AMEND  
 CALIFORNIA CODE OF REGULATIONS § 1524  
 AND ADOPT § 1572

Pursuant to Government Code Section 11347, the California State Board of Optometry hereby gives notice that it has decided not to proceed with the rulemaking action as published in the California Regulatory Notice Register 2021, Number 9-Z, February 26, 2021.

This proposed rulemaking concerned the Implementation of Assembly Bill 443 (Salas) — Amend California Code of Regulations § 1524 and Adopt § 1572 (OAL Notice Z2021-0216-02).

Any interested person with questions concerning this rulemaking should contact Marc Johnson, Policy Analyst, at 916-575-7170 or [optometry@dca.ca.gov](mailto:optometry@dca.ca.gov).

The Board will also post this Notice of Decision Not To Proceed on its website: [www.optometry.ca.gov](http://www.optometry.ca.gov)

<sup>3</sup>The comment period was extended an additional 15 days due to the COVID-19 Emergency.

**HORSE RACING BOARD**

PURSUANT TO GOVERNMENT  
CODE SECTION 11347

RE: NOTICE OF PROPOSED  
RULEMAKING CONCERNING  
RIDING CROP SPECIFICATION  
REQUIREMENTS

Pursuant to Government Code section 11347, the California Horse Racing Board (Board) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on February 26, 2021, Notice Register 2021, Number 9–Z. The proposed rulemaking concerned Riding Crop Specification Requirements (OAL Notice File Number Z–2021–0216–06).

Any interested person with questions concerning this rulemaking may contact Rick Pimentel at (916) 274–6043 or [repimentel@chr.ca.gov](mailto:repimentel@chr.ca.gov).

The Board will also post this Notice of Decision Not to Proceed on its website.

**AVAILABILITY OF  
PRECEDENTIAL DECISIONS  
INDEX**

**DEPARTMENT OF ALCOHOLIC  
BEVERAGE CONTROL**

NOTICE IS HEREBY GIVEN that the Department of Alcoholic Beverage Control, pursuant to section 11425.60 of the Government Code, maintains an index of precedential decisions. The index and text of precedential decisions is available to the public on the Department’s website at <https://www.abc.ca.gov/law-and-policy/precedential-decisions/>.

For additional information, contact:

Robert de Ruyter,  
Assistant General Counsel  
Department of Alcoholic Beverage Control  
3627 Lennane Drive, Suite 100  
Sacramento, CA 95834  
Telephone: (916) 419–8958  
Fax: (916) 419–2516  
E–Mail: [Robert.deRuyter@abc.ca.gov](mailto:Robert.deRuyter@abc.ca.gov)

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH THE  
SECRETARY OF STATE**

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

Board of Parole Hearings  
File # 2021–1018–04  
Comprehensive Risk Assessments

This rulemaking action makes permanent the Board of Parole Hearings’ (Board’s) emergency amendments to section 2240 of title 15 of the California Code of Regulations (CCR) which excuse the Board from the requirement to prepare Comprehensive Risk Assessments (CRAs) prior to initial or subsequent parole consideration hearings or subsequent parole reconsideration hearings scheduled to occur between April 1, 2021 and June 30, 2022 (or which were previously scheduled to occur between April 1, 2021 and June 30, 2022, but were postponed or rescheduled to occur after June 30, 2022). The exception to the requirement to prepare CRAs as described above applies to inmates designated as Security Level IV as of January 1, 2021, and who received two or more serious Rules Violation Reports, as specified by section 3315(a) of title 15 of the CCR, for which the Department of Corrections and Rehabilitation found the inmate guilty at a disciplinary hearing between January 1, 2018 and January 1, 2021. The action also makes permanent related emergency provisions concerning notice to affected inmates and the ability of, and process for, inmates to challenge the Board’s determination or to obtain a CRA for other reasons. As part of the action to make its emergency amendments to section 2240 permanent, the Board further amended the regulation to excuse the Board from the requirement to prepare CRAs for any inmate placed on medical parole supervision on the date of the hearing and who is not otherwise entitled to a CRA pursuant to Penal Code section 3053.9.

Title 15  
Amend: 2240  
Filed 12/01/2021  
Effective 12/01/2021  
Agency Contact:  
Christopher Hoeft

(916) 247–2548

Department of Justice  
 File # 2021-1018-05  
 Dealer Record of Sale Fee

This second emergency readopt action amends the Dealer Record of Sale (DROS) fee pursuant to Penal Code section 28233.

Title 11  
 Amend: 4001  
 Filed 12/02/2021  
 Effective 12/02/2021  
 Agency Contact: Kevin Sabo (916) 210-7639

Board of Forestry and Fire Protection  
 File # 2021-1124-02  
 Fire Safe Regulations Applicability

This emergency action by the Board of Forestry and Fire Protection readopts amendments regarding the applicability of its State Responsibility Area Fire Safe regulations that exempt the reconstruction or repair of legally constructed homes damaged by wildfire under certain conditions and the creation of accessory or junior accessory dwelling units, as specified.

Title 14  
 Amend: 1270.02, 1270.04, 1270.05, 1271.00  
 Filed 12/06/2021  
 Effective 12/06/2021  
 Agency Contact: Edith Hannigan (916) 862-0120

California Debt Limit Allocation Committee  
 File # 2021-1123-03  
 QRRP emergency regulation consolidation

This emergency rulemaking action would amend definitions and requirements pertaining to the Qualified Residential Rental Project Program (QRRP).

Title 04  
 Adopt: 5022  
 Amend: 5000, 5010, 5020, 5033, 5035, 5050, 5052, 5053, 5060, 5100, 5101, 5141, 5144, 5153, 5170, 5180, 5190, 5191, 5192, 5205, 5210, 5220, 5230, 5231, 5232, 5233, 5240, 5241, 5250, 5251, 5422, 5432  
 Repeal: 5102, 5480, 5490, 5491, 5492, 5493, 5494, 5500, 5510, 5520, 5530, 5531, 5532, 5533, 5534, 5540, 5550  
 Filed 12/03/2021  
 Effective 12/03/2021  
 Agency Contact: Emily Burgos (916) 952-7161

Department of Managed Health Care  
 File # 2021-1123-01  
 Summary of Dental Benefits and Coverage Disclosure Matrix

The Department of Managed Health Care submitted this emergency file and print action to readopt a regulation originally adopted in OAL Matter No. 2021-0115-01E and readopted in OAL Matter No. 2021-0914-01EE that implements Health and Safety Code section 1363.04, which requires the department to develop a uniform benefits and coverage disclosure matrix that must be used by health care service plans that issue, sell, renew, or offer a contract that covers dental services. This action is exempt from OAL review pursuant to Health and Safety Code section 1363.04(f)(2).

Title 28  
 Adopt: 1300.63.4  
 Filed 12/02/2021  
 Effective 12/14/2021  
 Agency Contact: Pamela Stone (916) 669-6987

Office of Administrative Law  
 File # 2021-1124-01  
 Electronic Submission of APA-related Documents

This emergency rulemaking action by the Office of Administrative Law readopts requirements to establish a process for electronic submissions and allow for digital signatures.

Title 01  
 Adopt: 6.5, 101  
 Amend: 1, 5, 6, 50, 52, 100  
 Filed 12/03/2021  
 Effective 12/04/2021  
 Agency Contact: Eric Partington (916) 323-6225

California Department of Tax and Fee Administration  
 File # 2021-1116-03  
 Newspapers and Periodicals

This rulemaking action amends a regulation that concerns the taxation of newspapers and periodicals. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 15570.40(b).

Title 18  
 Amend: 1590  
 Filed 12/06/2021  
 Effective 12/06/2021  
 Agency Contact: Kim DeArte (916) 309-5227

**CALIFORNIA REGULATORY NOTICE REGISTER 2021, VOLUME NUMBER 51-Z**

---

Division of Workers' Compensation  
File # 2021-1102-01  
Workers' Compensation—Official Medical Fee  
Schedule—Inpatient Hospital

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

Title 08  
Amend: 9789.25  
Filed 12/01/2021  
Effective 12/01/2021  
Agency Contact: Karen Pak (510) 932-9286

Fish and Game Commission  
File # 2021-1020-02  
Clara Hunt's Milkvetch

This action reclassifies Clara Hunt's milkvetch (*Astragalus claranus*) from the list of "threatened" plant species to the list of "endangered" plant species. This action is exempt from the procedural and substantive requirements of the Administrative Procedure Act pursuant to Fish and Game Code section 2075.5(e)(2).

Title 14  
Amend: 670.2  
Filed 12/06/2021  
Effective 12/06/2021  
Agency Contact: Jennifer Greaves (916) 653-4899

Fair Political Practices Commission  
File # 2021-1123-05  
Amplification of Online Communications

This action by the Fair Political Practices Commission adopts regulations regarding reporting payments in connection with amplification of online communications.

Title 02  
Adopt: 18421.11  
Filed 12/06/2021  
Effective 01/01/2022  
Agency Contact: Daniel Vo (916) 322-5660

Fair Political Practices Commission  
File # 2021-1123-06  
Electronic Signatures

This action by the Fair Political Practices Commission adopts and amends regulations regarding electronic signatures.

Title 02  
Adopt: 18104, 18757  
Amend: 18115, 18115.2, 18723.1  
Filed 12/07/2021  
Effective 01/06/2022  
Agency Contact: Daniel Vo (916) 322-5660

Board of Education  
File # 2021-1019-03  
School Lunch and Breakfast Programs

This change without regulatory effect filing by the Board of Education updates requirements for school lunch and breakfast programs.

Title 05  
Amend: 15558, 15559  
Filed 12/03/2021  
Agency Contact: Lori Adame (916) 319-0860

Department of Justice  
File # 2021-1020-03  
Inclusive Language

This action by the Department of Justice makes changes without regulatory effect by modifying gender-specific language to gender-neutral language and modifying references to non-U.S. citizens.

Title 11  
Amend: 1, 2, 8, 357, 359, 360, 361, 363, 366, 470, 810.1, 810.6, 810.7, 906, 930.51, 930.54, 930.61, 991, 992.6, 993.2, 993.3, 993.4, 993.6, 994.5, 994.12, 994.14, 999.5, 999.7, 999.8, 999.9.5, 999.108, 999.121, 999.174, 999.175, 999.179, 999.190, 999.197, 999.210, 999.211, 999.219, 999.220, 2001, 2071, 2088, 2093, 2096, 3003, 3008, 3101, 3202, 4031, 4035, 4036, 4037, 4039, 4045, 4097, 4127, 4128, 4130, 4133, 4146, 4159, 4160, 4161, 4162, 4210, 4220, 4250, 4251, 4251.5, 4253, 4254, 4256, 4283, 4340, 4351, 4353, 5474, 5477, 5488, 5513  
Filed 12/06/2021  
Agency Contact: Kevin Sabo (916) 210-7639

Department of Public Health  
File # 2021-1020-01  
Adult Day Health Care Center

This change without regulatory effect amends the definition of "licensee," as it relates to licensure of Adult Day Health Centers, to align with underlying statutory changes made by Senate Bill 1492 (Stats. 1994, Chapter 1121) and Assembly Bill 829 (Stats. 2001, Chapter 681).

Title 22  
Amend: 78055  
Filed 12/06/2021  
Agency Contact: David Martin (916) 440-7673

Department of Public Health  
 File # 2021-1027-01  
 STAKE—Tobacco Military Minimum Age Warning

Retailers of tobacco products are required to post warning signs stating that selling tobacco products to anyone under age 21 is illegal and subject to penalties. The existing regulation provides an exception for U.S. Armed Forces active duty personnel who are at least 18 years of age. In this change without a regulatory effect, the Department proposes to amend its regulation to remove the exception.

Title 17  
 Amend: 6902  
 Filed 12/08/2021  
 Agency Contact: David Martin (916) 440-7673

Air Resources Board  
 File # 2021-1101-01  
 Enhanced Vapor Recovery Amendments

The California Air Resources Board in this action is eliminating the in-station diagnostics (ISD) overpressure alarm and adding other ISD like storing and being able to download at least 14 days of data and the ability to generate a monthly informational report and storing at least 12 monthly reports. Additionally, this action will remove the requirement for RS-232 ports and instead will allow modern, readily available options for ISD communication ports such as USB or Bluetooth. This action also makes the nozzle spillage standard more stringent and requires vapor recovery equipment manufacturers to provide a physical sample of the system or components that successfully comply with applicable performance standards or specifications. Finally, this action revises Phase I drop tube compliance test procedures to accommodate remote fill configurations for gasoline dispensing facilities equipped with underground storage tanks and makes various administrative changes.

Title 17  
 Amend: 94010, 94011, 94016, 94017  
 Filed 12/07/2021  
 Effective 04/01/2022  
 Agency Contact: Chris Hopkins (916) 445-9564

Board of Forestry and Fire Protection  
 File # 2021-1008-04  
 Southern Subdistrict and Broadcast Burning Amendments

This action revises the definition of “Broadcast Burning” and lifts the prohibition on Broadcast Burning within the Southern Subdistrict of the Coast Forest District.

Title 14  
 Amend: 895.1, 916.9, 917.2, 917.3, 917.4, 936.9, 937.2, 956.9, 957.2  
 Filed 12/01/2021  
 Effective 01/01/2022  
 Agency Contact: Jane VanSusteren (916) 619-9795

California Highway Patrol  
 File # 2021-1122-03  
 Explosives Routes — Map 12

This action by the CHP updates the route map for the transportation of explosives by commercial vehicles on highways by removing 11.4 miles and adding 4.1 miles to currently designated routes in the Pismo Beach/Grover Beach/Oceano area.

Title 13  
 Amend: 1152.2  
 Filed 12/07/2021  
 Effective 12/07/2021  
 Agency Contact: Tian-Ting Shih (916) 843-3400

Department of Resources Recycling and Recovery  
 File # 2021-0624-01  
 Food Service Packaging

This action adopts processes and criteria to determine the types of food service packaging that are reusable, recyclable, or compostable as required by the Sustainable Packaging for the State of California Act (Chapter 610, Statutes of 2018 (Allen, Senate Bill 1335)). The Act requires the department to evaluate food service packaging items based on criteria unique to the state (such as existing infrastructure, material markets, material composition, and potential environmental impacts) to ensure that only reusable, recyclable, or compostable food service packaging is used by state facilities. The regulations establish a List of Approved Types of Food Service Packaging Items and standards for creating and maintaining that list.

Title 14  
 Adopt: 17989, 7989.1, 17989.2, 17989.3, 1989.4, 17989.5, 17989.6, 17989.7, 17989.8  
 Filed 12/06/2021  
 Effective 12/06/2021  
 Agency Contact: Daniel Zlatnik (916) 341-6211

Franchise Tax Board  
 File # 2021-1029-02  
 Assignment of Credits, Eligible Assignees and Reorganizations

In this regular rulemaking, the Franchise Tax Board is adopting and amending regulations regarding identifying which entities are eligible assignees when members of a combined reporting group have been

affected by corporate reorganizations and other corporate restructurings.

Title 18

Adopt: 23663-6

Amend: 23663-1

Filed 12/07/2021

Effective 01/01/2022

Agency Contact: L. Red Gobuty (916) 845-7855

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

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