



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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

TITLE 2. STATE PERSONNEL BOARD

Notice is hereby given that the State Personnel Board (Board) proposes to amend Sections 67.6 and 67.7 in order to clarify the whistleblower retaliation complaint process. (Cal. Code Regs., title 2, §§ 67.6, 67.7.)

PUBLIC HEARING

A public hearing regarding the proposed regulatory action will be held on July 6, 2022, at 10:00 a.m. via WebEx. In order to participate in the public hearing, please see the following options:

- Via Video (Online)

You may click, or copy and paste into your web browser, the following link: <https://spb-meetings.webex.com/spb-meetings/j.php?MTID=m9b6731f378dee43a290f37b448ea4782>

Then enter the following information to gain access to the hearing:

Meeting Number: 2555 488 9635

Meeting password: 33F9GbqXAWM
- Via Telephone

You may also participate by dialing the phone number first and then the participant code listed below:

Phone Number: +1-408-418-9388

Participant Code: 25554889635

The telephonic conference to be used for the public hearing is accessible to persons with mobility impairment. Persons with sight or hearing impairments are requested to notify the contact person for these hearings (listed below) in order to make specific arrangements, if necessary.

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below.

Lori Gillihan, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Email: lori.gillihan@spb.ca.gov

The written comment period closes on July 5, 2022. Only written comments received by that time shall be reviewed and considered by the Board before it adopts, amends, or repeals a regulation.

AUTHORITY AND REFERENCE

The Board proposes to amend Sections 67.6 and 67.7 of Title 2, Chapter 1 of the California Code of Regulations pursuant to the authority vested in it by the California Constitution, article 7, section 3, and Government Code section 18701. The proposed regulation will implement, interpret, and make specific the provisions of Government Code sections 8547.8, 18670, 18671, 18671.1, 18675, 18710, 19572, 19574, 19575, 19582, 19583.5, 19590, 19592, and 19683.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The Board is a constitutional body responsible for enforcing California’s civil service statutes. (Cal. Const., art. VII, §§ 1, subdivision (b), & 3; Gov. Code, § 18660.) In addition, the Board, by majority vote of all its members, prescribes probationary periods and classifications, adopts other rules authorized by statute, and reviews disciplinary actions imposed against state employees. (*Ibid.*)

Regulations adopted by the Board are exempt from the Administrative Procedure Act (APA), except as expressly specified. (Gov. Code, §§ 18211, 18215, & 18216.) Regulations concerning Board hearing procedures related to disciplinary and merit matters are not exempt from the APA. (Gov. Code, § 18215, subdivision (a)(2).)

The purpose of this regulation is to clarify the whistleblower retaliation complaint process in order to ensure conformity with existing Government Code section 19683.

Specifically, the proposed changes make clear that any supervisor, manager, employee, or appointing power that the Board’s Executive Officer (EO) finds committed retaliation has a right to appeal the Notice of Findings (NOF) by requesting a full evidentiary hearing whether or not they were a named or unnamed party to the complaint. Moreover, Government Code section 19683 provides that named, party retaliators are subject to discipline following a final determination of the Board, while unnamed, non-party retaliators should receive a Notice of Adverse Action

(NOAA) from their appointing power after being notified by the Board. (Gov. Code 19683, subdivision (e).) As such, the proposed changes to section 67.7 now align with the current statutory framework.

The benefits of this regulatory change include: (1) clarity for all parties to a whistleblower retaliation complaint regarding the complaint process and their appeal rights and (2) conformity with existing statutory framework to ensure the appropriate actions are taken by the Board so that unnamed, non-party retaliators may exhaust their full appeal rights. As a result, the adoption of these regulations, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service hiring process.

In reviewing other state regulations, the Board found that the instant regulatory proposal is consistent and compatible with existing state regulations.

FISCAL IMPACT ON PUBLIC AGENCIES

- Mandate on local agencies and school districts: None.
- Cost to any local agency or school district that must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any State agency: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the State: None

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

ECONOMIC IMPACT ON BUSINESS

- Significant, statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states: None.
- Effect on small business: None. The proposed regulations only set standards related to state civil service appeals procedures. Accordingly, it has been determined that the adoption of the proposed regulations would not affect small businesses in any way.

COST IMPACT ON A REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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 since the regulatory change only impacts the Board's appeals procedures.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Adoption of these regulations will not:

1. Create or eliminate jobs within California.
2. Create new businesses or eliminate existing businesses within California.
3. Affect the expansion of businesses currently doing business within California.
4. Affect worker safety or the state's environment.

The adoption of these regulations, however, will have a positive impact on the general health and welfare of California residents in that the benefits of this regulatory action create a fair, equitable, and consistent process for the civil service hiring process.

CONSIDERATION OF ALTERNATIVES

The Board has initially determined that no reasonable alternatives it has considered or that have been otherwise identified and brought to the attention of the Board would be more effective in carrying out the purposes for which the instant 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.

CONTACT PERSONS

Inquiries concerning the proposed regulatory action, including questions regarding procedure, comments, or the substance of the proposal, may be directed to:

Lori Gillihan, Chief
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-1043
Email: lori.gillihan@spb.ca.gov

The backup contact person for these inquiries is:

Carlos Gomez, Analyst
Policy Division
State Personnel Board
801 Capitol Mall
Sacramento, CA 95814
Phone: (916) 651-8350
Email: carlos.gomez@spb.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, or other information upon which the rulemaking is based to Policy Division Chief, Lori Gillihan, at the above address.

AVAILABILITY OF RULEMAKING FILE

The Board is maintaining a rulemaking file for the proposed regulatory action, which as of the date of this notice contains the following:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout and underline;
2. A copy of this notice and initial statement of reasons for the proposed adoption; and
3. Any factual information upon which the proposed rulemaking is based.

If written comments, data or other factual information, studies or reports are received, they will be added to the rulemaking file. The file is available for public inspection during normal working hours at the State Personnel Board, 801 Capitol Mall, Sacramento, CA 95814. Items 1 through 3 are also available on the Board's website at www.spb.ca.gov under "What's New?" Copies may be obtained by contacting the person via the address, email, or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After 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 that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

It is anticipated that the proposed regulations will be filed with the Office of Administrative Law and shall include a Final Statement of Reasons. Copies of the Final Statement of Reasons may be obtained from the contact person when it becomes available.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed on the Board's website at www.spb.ca.gov under "What's New?"

TITLE 10. DEPARTMENT OF INSURANCE

REG-2022-00001

NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING REGARDING COMMERCIAL AUTOMOBILE INSURANCE PROCEDURE RATES FOR THE CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN

SUBJECT OF HEARING

California's Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") for approval of increased rates for the five commercial sub-lines for the Commercial Automobile Insurance Procedure ("CAIP").

AUTHORITY AND REFERENCE TO ADOPT RATES

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code §11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing,

with respect to the application at the following date, time, and place:

Date: July 13, 2022

Time: 1:00 p.m.

**Place: Department of Insurance Hearing Room
1901 Harrison Street 3rd Floor #3000
Oakland, CA 94612**

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:
Contact Person:

Michael Riordan, Attorney
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
riordanm@insurance.ca.gov
Telephone: (415) 538–4226
Facsimile: (510) 238–7830

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
Telephone: (415) 538–4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner

at the address listed above **no later than 5:00 p.m. on July 13, 2022**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining commercial automobile coverage through CAIP. Section 11624 provides: “Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan.” Title 10, California Code of Regulations, §2498.5 references the commercial automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP’s recent rate application. CAARP has proposed rate changes for five CAIP sub-lines, amounting to an overall average **13.1 percent rate increase**. The five sub-lines are

Trucks, Tractor and Trailers;
Taxis, Limousines and Van Pools;
All Buses Combined;
Zone Rated Risks and
Employers Non–Ownership Liability.

Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

CAARP is proposing overall rate increases for Trucks, Tractor and Trailers; Taxis, Limousines and Van Pools; All Buses Combined; Zone Rated Risks and Employers Non-Ownership Liability. Although the number of commercial auto applications placed by CAARP is small the proposed rate changes could have a statewide economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed rate changes could also impact competition or competitiveness. The proposal could also affect the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in

California. However, California Insurance Code section 11624(e) requires that premium charges for the plan shall be actuarially sound so as to result in no subsidy of the plan by the voluntary market. Therefore, if and to the extent that CAARP is able to demonstrate that certain existing rates are no longer actuarially sound and that rate increases are warranted, the Commissioner is required to approve increased rates. Of course, the Commissioner also recognizes that section 11624(e) requires that rates not be excessive, and the Commissioner will not approve an increase that results in excessive rates.

COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has determined that there could be potential cost impacts on businesses directly affected by the proposed rate increases. Although the rate application involves commercial automobile insurance rates, to the extent a rate increase impacts business, it could also impact private persons employed by those businesses. The rate increase could also impact private persons wishing to purchase goods or services from businesses if the price of goods or services is increased to cover the increased cost of insurance coverage.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

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

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL
STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, this Notice of Proposed Action and Text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, California 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2022-00002

NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING REGARDING
THE CALIFORNIA AUTOMOBILE ASSIGNED
RISK PLAN
PLAN OF OPERATIONS

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara will hold a public hearing to address the proposed amendments to the California Automobile Assigned Risk Plan (CAARP) Plan of Operations.

AUTHORITY TO ADOPT RULES AND
PROCEDURES AND REFERENCE

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

Date: July 13, 2022

Time: 1:00 p.m.

**Place: Department of Insurance Hearing Room
1901 Harrison Street 3rd Floor #3000
Oakland, CA 94612**

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney
California Department of Insurance
Auto Enforcement Bureau
1901 Harrison Street 4th Floor
Oakland, CA 94612
riordanm@insurance.ca.gov
Telephone: (415) 538–4226
Facsimile: (510) 238–7830

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street 4th Floor
Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
Telephone: (415) 538–4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on July 13, 2022**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CA 22–01

The minimum policy premium charged for risks written under the Commercial Automobile Insurance Procedure (CAIP) is \$250 per auto or per policy, whichever is greater. In order to be consistent with other Plans, the minimum policy premium rule and sections in the Manual of Rules and Rates should be revised to eliminate the per auto charge.

CAARP proposes eliminating the \$250 per auto minimum premium alternative for risks written under CAIP and establishing a consistent minimum premium of \$250 per policy for all CAIP policies.

CA 22–02

The existing CAIP servicing carrier will cease writing new business on August 31, 2022. On September 1, 2022, Automobile Insurance Plan Service Office (“AIPSO”), with an agreement with a licensed insurance company, has been approved by governing bodies to issue and service Plan commercial auto policies for 44 CAIP states. The Plan of Operation must be amended to provide the Plan rules needed to facilitate the transition to a countrywide service provider.

CAARP proposes CAIP services will be provided through the use of a licensed insurance company in whose name the policies will be written and will contract with a qualified claims vendor to handle claims.

The existing CAIP servicing carrier will continue to provide policyholder services and handle claims for their in-force policies. Servicing carrier withdrawal

from CAIP will be conducted in accordance with Plan rules.

There is no change in the operation of the CAIP mechanism. Premiums, expenses, and losses will be pooled through CAIP and the operating results shared among companies writing other than private passenger automobile insurance in the voluntary market. The operating results will continue to be apportioned to member companies through assessments and member companies will continue to book their shares of CAIP experience as assumed reinsurance. CAIP will continue to maintain 11 open policy years in accordance with NAIC requirements.

CA 22–04

Section 1871.2 of the California Insurance Code was amended January 1, 2022. The language in the Plan of Operations and application do not reflect the amended statute.

CAARP proposes to revise the fraudulent information statement found in the Plan of Operations and application and introduce a statement in the policy change request form to correspond to amended Section 1871.2 of the Insurance Code.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

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

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL
STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

AVAILABILITY OF DOCUMENTS
ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated,

available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2022-00007

NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING FOR THE
CALIFORNIA AUTOMOBILE ASSIGNED RISK
PLAN SIMPLIFIED MANUAL OF RULES AND
RATES

SUBJECT OF HEARING

The California Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP") to increase private passenger automobile rates referenced in California Code of Regulations, Title 10, Section 2498.5.

AUTHORITY AND REFERENCE TO
ADOPT RATES

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code §11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

Date: July 13, 2022
Time: 1:00 p.m.

Place: Department of Insurance Hearing Room
1901 Harrison Street 3rd Floor #3000
Oakland, CA 94612

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:
Contact Person:

Michael Riordan, Attorney
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
riordanm@insurance.ca.gov
Telephone: (415) 538–4226
Facsimile: (415) 904–5490

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
Telephone: (415) 538–4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be **received** by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on, July 13, 2022**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in

connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346–6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CA 21–06

Pursuant to California Insurance Code Section 11624, the Commissioner establishes rates to be charged to those obtaining private passenger automobile coverage through policies assigned through the California Automobile Assigned Risk Plan (“CAARP”). Section 11624 provides: “Premium charges for the plan shall not be excessive, inadequate, nor unfairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan.” Title 10, California Code of Regulations, §2498.5 references the private passenger automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP’s recent rate application. CAARP has proposed an 8.3 percent rate increase.

Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR
SCHOOL DISTRICTS OR COSTS
WHICH MUST BE REIMBURSED
PURSUANT TO GOVERNMENT CODE
SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE
AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESSES
AND THE ABILITY OF CALIFORNIA
BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE
PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES
OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

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

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL
STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner’s mailing list.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department’s website at www.insurance.ca.gov.

**AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG–2022–00008

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING FOR THE
CALIFORNIA AUTOMOBILE ASSIGNED RISK
PLAN SIMPLIFIED MANUAL OF RULES AND
RATES**

SUBJECT OF HEARING

California’s Insurance Commissioner will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan (“CAARP” or “Plan”) for changes to the Simplified Manual of Rules and Rates.

**AUTHORITY AND REFERENCE TO
ADOPT RATES**

The Commissioner will consider the application pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner’s decision on the application will implement, interpret, or make specific the requirements of Insurance Code Section 11624(e). Government Code §11340.9(g) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the application at the following date, time, and place:

**Date: July 13, 2022
Time: 1:00 p.m.**

**Place: Department of Insurance Hearing Room
1901 Harrison Street 3rd Floor #3000
Oakland, CA 94612**

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

**WRITTEN AND/OR ORAL COMMENTS:
AGENCY CONTACT PERSON**

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
riordanm@insurance.ca.gov
Telephone: (415) 538–4226
Facsimile: (415) 904–5490

The *backup* agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
Telephone: (415) 538–4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on, July 13, 2022**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CA 22-01 A

The minimum policy premium charged for risks written under the Commercial Automobile Insurance Procedure (CAIP) is \$250 per auto or per policy, whichever is greater. In order to be consistent with other Plans, CAARP proposes eliminating the \$250 per auto minimum premium alternative for risks written under CAIP and establishing a consistent minimum premium of \$250 per policy for all commercial applications.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes will not affect small businesses.

**SPECIFIC TECHNOLOGIES
OR EQUIPMENT**

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

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

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

**TEXT AND INITIAL
STATEMENT OF REASONS**

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the

contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, California 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner's mailing list.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

**AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS**

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

**TITLE 10. DEPARTMENT OF
INSURANCE**

REG-2022-00009

**NOTICE OF PROPOSED ACTION AND
NOTICE OF PUBLIC HEARING REVISIONS
TO CALIFORNIA LOW COST AUTOMOBILE
PLAN OF OPERATION**

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara will hold a public hearing to address the proposed amendments to the California Low Cost Automobile ("CLCA") Plan of Operations.

**AUTHORITY TO ADOPT RULES AND
PROCEDURES AND REFERENCE**

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret, or make specific the

requirements of Insurance Code Section 11624(e). Insurance Code Section 11620(c) applies to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date: July 13, 2022

Time: 1:00 p.m.

**Place: Department of Insurance Hearing Room
1901 Harrison Street 3rd Floor #3000
Oakland, CA 94612**

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact Person:

Michael Riordan, Attorney
California Department of Insurance
Auto Enforcement Bureau
1901 Harrison Street 4th Floor
Oakland, CA 94612
riordanm@insurance.ca.gov
Telephone: (415) 538-4226
Facsimile: (510) 238-1830

The backup agency contact person for this proceeding will be:

Elsa Carre, Legal Analyst
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street 4th Floor
Oakland, CA 94612
Elsa.Carre@insurance.ca.gov
Telephone: (415) 538-4461

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above **no later than 5:00 p.m. on, July 13, 2022**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by e-mail or facsimile transmission. Please select only one method to submit written comments.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1-2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Spring Street 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346-6635

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

LC 22-01

Section 1871.2 of the California Insurance Code was amended January 1, 2022. The language in the Plan of Operations and application do not reflect the amended statute.

CAARP proposes to revise the fraudulent information statement found in the Plan of Operations and application and introduce a statement in the policy change

request form to correspond to amended Section 1871.2 of the Insurance Code.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has initially determined that the proposal will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has initially determined that the proposal will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has determined that the proposed regulation will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has initially determined that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has initially determined that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has initially determined that the proposal will not affect housing costs.

IMPACT ON SMALL BUSINESS

The Insurance Commissioner has initially determined that the proposal will not affect small business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Insurance Commissioner has initially determined that specific technologies or equipment will be needed.

ALTERNATIVES

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

PLAIN ENGLISH

The proposed changes describing CAARP's proposals are in plain English.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed amendments in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Text of Regulations are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above. Further details on CAARP's proposal are on file with the Commissioner and available for review as set forth below.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or

e-mail request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department’s web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP’s proposed amendments, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. **By prior appointment**, the rulemaking file is available for inspection at 1901 Harrison Street Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest is being sent to all persons on the Insurance Commissioner’s mailing list.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department’s website at www.insurance.ca.gov.

**AVAILABILITY OF MODIFIED
TEXT OF REGULATIONS**

If the Department amends the proposed regulations with changes that are sufficiently related to the original text, the Department will make the full text of the amended regulations, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended regulations.

**TITLE 10. DEPARTMENT OF
FINANCIAL PROTECTION AND
INNOVATION**

**NOTICE OF PROPOSED RULEMAKING
UNDER THE CALIFORNIA CONSUMER
FINANCIAL PROTECTION LAW:
CONSUMER COMPLAINTS
AND INQUIRIES
(PRO 03–21)**

The Department of Financial Protection and Innovation (“Department”) proposes to adopt Article

5, including sections 1070, 1071, 1072, 1073, 1074, and 1075, of Title 10, Chapter 3, Subchapter 4 of the California Code of Regulations. The proposed regulations implement, interpret, and make specific Financial Code section 90008, subdivisions (a), (b), and (d)(2) (D) of the California Consumer Financial Protection Law (“CCFPL”)¹ administered by the Department.

AUTHORITY

Financial Code section 90008.

REFERENCE

Financial Code section 90008.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action but will hold one if any interested person or authorized representative makes a written request for a hearing to the Department’s designated contact persons below, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or authorized representative may submit written comments regarding this proposed regulatory action to the Department, addressed as follows, by postal or electronic mail:

By Postal Mail

Department of Financial Protection and Innovation
Attn: Sandra Navarro
300 South Spring Street, Suite 15513
Los Angeles, California 90013

By Electronic Mail

Comments may be submitted electronically to regulations@dfpi.ca.gov with a copy to David.Bae@dfpi.ca.gov. Please identify the comments as PRO 03–21 in the subject line.

Written comments may be submitted until July 5, 2022.

INFORMATIVE DIGEST

Policy Statement and Specific Benefits Anticipated from Regulatory Action

On September 25, 2020, Governor Newsom signed Assembly Bill 1864² establishing the CCFPL,³ which

¹ Financial (Fin.) Code, § 90000 et seq.

² Stats. 2020, chapter 157 (Assembly Bill 1864), § 7, effective Jan. 1, 2021.

³ Fin. Code, § 90000 et seq.

expanded the Department’s oversight authority to cover business activity it could not previously regulate including, but not limited to, debt collection, debt settlement, credit repair, check cashing, rent-to-own contracts, retail sales financing, consumer credit reporting, and lead generation.⁴ Among other things, the Legislature intended for the CCFPL to protect consumers from discrimination and unfair, deceptive, and abusive acts and practices by covered persons in connection with financial products and services.⁵

The proposed regulations adopt new rules to implement, interpret, and make specific section 90008, subdivisions (a), (b), and (d)(2)(D) of the CCFPL pertaining to consumer complaints and inquiries.

Financial Code section 90008, subdivision (a) authorizes the Department to promulgate rules establishing reasonable procedures for covered persons to provide a timely response to consumers regarding complaints and inquiries.⁶ The proposed rules would help protect consumers by ensuring covered persons have written policies and procedures in place regarding the handling of complaints and inquiries.

Financial Code section 90008, subdivision (b) authorizes the Department to promulgate rules establishing reasonable procedures for covered persons to provide a timely response to the Department concerning consumer complaints and inquiries.⁷ The proposed rules would protect consumers by ensuring covered persons have policies and procedures in place with respect to the handling of requests from the Department regarding consumer complaints and inquiries.

Financial Code section 90008, subdivision (d)(2)(D) permits covered persons to withhold nonpublic or confidential information, including confidential supervisory information, in response to a consumer request to the covered person for information regarding a consumer financial product or service.⁸ The proposed rules would help clarify this statutory provision for covered persons and consumers by defining the terms “nonpublic or confidential information” and “confidential supervisory information.”

Anticipated Benefits of the Proposed Regulations:

The broad objective of this regulatory action mirrors the Legislature’s intent in enacting the CCFPL: to strengthen consumer protections by expanding the ability of the Department to improve accountability and transparency in the California financial system, provide consumer financial education, and protect

consumers from abusive financial practices, while prioritizing the prevention of unethical businesses from harming the most vulnerable populations.⁹ The proposed regulations would achieve these benefits by requiring covered persons to have appropriate procedures to review, investigate, respond to, track, and report consumer complaints and inquiries. Without these regulations, there would be no specific requirements for covered persons to respond to complaints and inquiries, conduct meaningful investigations, or take appropriate steps to address issues raised by the consumer complaints and inquiries. Also, without these regulations, covered persons would not be subject to enforcement action by the Department for violating Financial Code section 90008.¹⁰

The specific benefits of these rules include enhancing the quality of financial services and products offered, thereby improving the public perception of covered persons, increasing the public’s trust in these financial products and services, and bringing more business to each covered person.

Summary of Existing Laws and Regulations, and Effect of Proposed Action

Existing law requires the Department to promulgate rules establishing reasonable procedures for covered persons to provide a timely response to consumers, in writing where appropriate, regarding the consumer’s complaints against, or inquiries concerning, a covered person.¹¹

Existing law requires the Department to promulgate rules requiring a covered person to provide a timely response, in writing where appropriate, to the Department concerning a consumer complaint or inquiry, including steps that have been taken by the covered person to respond to the complaint or inquiry of the consumer, responses received by the covered person from the consumer, and follow-up actions or planned follow-up actions by the covered person to respond to the complaint or inquiry of the consumer.¹²

Under existing law, a covered person may not be required to provide nonpublic or confidential information, including confidential supervisory information, in response to a consumer request for information concerning a consumer financial product or service.¹³

To implement these statutory provisions, this proposed regulatory action:

- Identifies entities that are exempt from the proposed rules;
- Defines terms used in the proposed rules;

⁴ Sen. Banking and Financial Institutions Com., Rep. on Assem. Bill Number 1864 (2019–2020 Reg. Sess.) as amended Aug. 25, 2020, p. 4.

⁵ Fin. Code, § 90000, subdivision (b)(3).

⁶ Fin. Code, § 90008, subdivision (a).

⁷ Fin. Code, § 90008, subdivision (b).

⁸ Fin. Code, § 90008, subdivision (d)(2)(D).

⁹ Fin. Code, § 90000, subdivision (a)(4).

¹⁰ Fin. Code, § 90008, subdivision (e).

¹¹ Fin. Code, § 90008, subdivision (a).

¹² Fin. Code, § 90008, subdivision (b).

¹³ Fin. Code, § 90008, subdivision (d)(2)(D).

- Establishes procedures for covered persons to respond to consumer complaints and to develop and implement written policies and procedures regarding the initiation of complaints, the acknowledgment of receipt of complaints, the review and evaluation of complaints, the tracking of complaints, the response to complaints, the maintenance of a written record for each complaint, the administration of the complaint process without discrimination, and the reporting of complaints to the Department;
- Establishes procedures for covered persons to respond to consumer inquiries and to develop and implement written policies and procedures regarding the initiation of inquiries, the review and evaluation of inquiries, the response to inquiries, the retention of copies of written inquiries and responses, the tracking of inquiries, the administration of the inquiry process without discrimination, and the reporting of inquiries to the Department;
- Establishes requirements for covered persons to develop and implement written policies and procedures for responding to requests from the Department regarding consumer complaints and inquiries; and
- Defines “nonpublic or confidential information,” “confidential supervisory information,” “personal information,” and “publicly available information.”

Existing Federal Regulation or Statute

Existing comparable federal regulations or statutes include:

- 12 U.S.C. section 5534(b),
- 12 U.S.C. section 5534(c)(1),
- 12 U.S.C. section 5534(c)(2)(D),
- 12 C.F.R. section 1070.2(f), and
- 12 C.F.R. section 1070.2(i).

However, there are no significant differences between these federal laws, which apply to covered persons under Title X of the Dodd–Frank Wall Street Reform and Consumer Protection Act,¹⁴ and the proposed action, which applies to covered persons under the CCFPL.

Existing State Regulations

The Department evaluated the proposed regulations for consistency and compatibility with existing state regulations and has concluded these are the only regulations pertaining to covered persons under the CCFPL.

Forms Incorporated by Reference

This proposed regulatory action does not incorporate any forms by reference.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

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

Cost or savings to any state agency: \$100,000 to implement the proposed regulations and \$500,000 in ongoing costs (these costs are absorbable within existing resources).

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

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

ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination this proposed regulatory action 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.

EFFECT ON SMALL BUSINESS

This regulatory action may impact small business.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The Department estimates a representative covered person could incur initial costs of \$2,500 and annual costs thereafter of \$4,000 to comply with this regulatory action.

Initial costs would include the cost to develop and implement written policies and procedures, forms, consumer disclosures, and templates for responses, record-keeping, and reporting. The covered person would also incur initial costs to revise their contracts with third parties.

Ongoing costs would include the cost to review, evaluate, and investigate complaints and inquiries, to monitor the operation of the complaint process, to track complaints and inquiries, to respond to complaints and inquiries, to maintain a written record for each complaint, and to collect information and prepare reports for the Department regarding complaints and inquiries. Most of these costs would be absorbable, however, because covered persons already receive,

¹⁴ Public Law Number 111–203 (July 21, 2010) 124 Stat. 1955.

evaluate, investigate, track, respond to, and monitor consumer complaints and inquiries to some degree.

Ongoing costs would also include the cost to provide a live representative to receive oral complaints and inquiries and provide status updates; however, these costs should be absorbable as most covered persons already have staff on hand to perform these tasks, which are a part of everyday customer service. Moreover, the regulations mitigate this cost by permitting covered persons to provide complainants and inquirers with the option to leave a voicemail message for a call back within twenty-four hours, which should obviate the need to hire additional staff.

The only other ongoing cost would be the cost to provide translation and interpretation services to consumers for whom the covered person has negotiated a contract primarily in one of five languages; however, this cost would be absorbable because covered persons subject to this requirement would already be providing translations to their customers.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Department has determined:

- The proposed action may create jobs but will not eliminate jobs within California;
- The proposed action will not create new businesses or eliminate existing businesses within California;
- The proposed action will not affect the expansion of businesses currently doing business within California; and
- The proposed action will benefit the health and welfare of California residents, worker safety, and the state’s environment.

BUSINESS REPORTING REQUIREMENT

The Department has determined it is necessary for the health, safety, or welfare of the people of this state that the reports required in this regulatory action apply to businesses.

CONSIDERATION OF ALTERNATIVES

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

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

The Department will make the entire rulemaking file, including this notice, the initial statement of reasons, and the proposed text of the regulations, available for inspection and copying throughout the rulemaking process at the address provided, and from the persons identified, in the “Contact Persons” section of this notice.

AVAILABILITY OF THE DOCUMENTS ON THE INTERNET

The notice, initial statement of reasons, and proposed text are also available on the Department’s Web site at www.dfpi.ca.gov. To access the documents from the Department’s Web site, click on “Laws and Regulations” under the “Licensees” tab at the top of the home page, then on the “Regulations/Rulemaking” link, and then on the “California Consumer Financial Protection Law” link.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing, if scheduled, and considering all timely and relevant comments, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications 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 prior to adopting the revised regulations. Requests for a copy of any modified regulation(s) must be addressed to the contact persons named in this notice. The Department will accept written comments on the modified regulations for at least 15 days after the date they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

The Final Statement of Reasons will be available when completed. Copies may be requested from the contact person named in this notice or accessed on the website listed above.

CONTACT PERSONS

Please direct all inquiries concerning the proposed rulemaking action (including requests for copies of the proposed text of the regulations, the initial statement of reasons, or the modified text of the regulation,

and questions regarding the timelines or rulemaking status) to:

Sandra Navarro
 Department of Financial Protection and
 Innovation
 300 South Spring Street, Suite 15513
 Los Angeles, CA 90013
 Telephone: (213) 897–3432
 e–mail: regulations@dfpi.ca.gov

The backup contact person for these inquiries is:

David Bae
 Department of Financial Protection and
 Innovation
 300 South Spring Street, Suite 15513
 Los Angeles, CA 90013
 Telephone: (213) 554–2962
 e–mail: David.Bae@dfpi.ca.gov

**TITLE 14. FISH AND GAME
 COMMISSION**

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 205, 219, 255, 265, 270, 275, 315, 316.5, 399, 2084, 7149.4, and 7380 of the Fish and Game Code and to implement, interpret, or make specific sections 110, 200, 201, 203.1, 205, 255, 265, 270, 275, 7149.4, 7380, and 7381 of said Code, proposes to amend Sections 2.00, 2.25, 5.00, 5.15, 5.20, 5.41, 5.75, 5.79, 5.85, 5.87, 5.88, 7.00, 7.40, 7.50, 8.00, and 29.85 of Title 14, California Code of Regulations related to sport fishing regulations.

**INFORMATIVE DIGEST/POLICY
 STATEMENT OVERVIEW**

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations.

This California Department of Fish and Wildlife (Department) proposal combines Department and public requests for changes to Title 14, California Code of Regulations (CCR), for the 2022 Sport Fishing Regulatory Cycle. This proposal will amend bag and possession limits for black bass, striped bass, catfish, and trout; extend the low flow closure period for the North and Central Coast areas; and, add a low flow closure target for the San Lorenzo River and its tributaries. In addition, this proposal will make needed corrections to existing regulations. The proposed regulatory changes are needed for clarity and to improve regulatory enforcement. Detailed descriptions of the proposed changes are found in the Initial Statement of Reasons (ISOR).

The Department is proposing changes to the following regulations in Title 14, CCR:

- Section 2.00, Fishing Methods — General, subsection (a).
- Section 2.25, Bow and Arrow Fishing, subsection (a).
- Section, 2.30, Spearfishing, subsections (b) and (c).
- Section 5.00, Black Bass, subsections (b)(5) Barrett Lake, (b)(8) Cuyamaca Lake, and (b)(19) Otay Lake.
- Section 5.00, in which the following waters are removed from the special regulations, and are subject to statewide provisions (12” minimum and 5 trout per day): (b)(9) Eastman Lake, (b)(11) Hensley Lake, (b)(13) Isabella Lake, (b)(14) Kaweah Reservoir, and (b)(18) Success Reservoir.
- Section 5.15, Catfish and Bullheads, subsection (b)(4) Contra Costa County, Lafayette Lake.
- Section 5.20, Clams, Freshwater, subsection (d).
- Section 5.41, Landlocked Salmon, subsection (e) (1).
- Section 5.75, Striped Bass, subsections (d)(1) and (d)(2).
- Section 5.79 White Sturgeon Report Card and Tagging Requirements for Inland Waters, subsection (e).
- Section 5.85, Trout, subsections (a)(1), (a)(2), (a)(3)(A).
- Section 5.87, North Coast Salmon Report Card Requirement, subsection (h).
- Section 5.88, Steelhead Report and Restoration Card Requirements for Inland Waters.
- Section 7.00, District General Regulations, subsection (e) South Central District.
- Section 7.40, subsections (a)(2), (a)(3), (a)(4), (b)(25) Carmel River and tributaries above Los Padres Dam (Monterey County), (b)(34) Coyote Creek, (b)(40)(A)(1) Eel River, (b)(40)(A)(2) Eel River, (b)(72) Upper Penitencia Creek, and (b)(80) Sacramento River and mainstem below Keswick Dam.
- Section 7.50, Alphabetical List of Trout Waters with Special Fishing Regulations, subsections (a)(2); (b)(44)(B) Eagle Lake inside the breakwater at Gallatin Marina; (b)(44)(C) Eagle Lake tributaries, including Pine Creek; and (b)(56)(A) Heenan Lake.
- Section 8.00, Low–Flow Restrictions, subsections (a) Eel River, Mad River, Mattole River, Redwood Creek, Smith River and Van Duzen River. Stream closures: Special Low Flow Conditions; (a)(1) Eel River; (b) Mendocino,

Sonoma, and Marin County coastal streams: Stream Closures: Special Low Flow Conditions; (b)(1) Mendocino County; (b)(2) Sonoma and Marin counties, except for the Russian River; (c) South Central Coast Streams — Special Low Flow Closures; (c)(1) Upper Penitencia Ck. (Santa Clara Co.) and Lower Coyote Ck.; and (c)(3) San Lorenzo River and all its tributaries.

- Section 29.85, Recreational Take of Crabs, subsection (a)

The proposed regulation changes pertaining specifically to the Fall River Complex are intended, in part, to facilitate resolution of CEQA litigation filed by the Fall River Conservancy and California Trout (Petitioners) against the Department and Fish and Game Commission (Commission).

In addition, the best available science that has recently become available about the Fall River Complex, including Bear Creek, indicates a unique spring system with a mix of Rainbow Trout life histories locally adapted to a spring fed and snow melt system. This information suggests that there are genetic differences among Rainbow Trout populations within the Fall River Complex. These findings derive from a research effort led by U.C. Davis with field assistance from the Department. This proposal will amend the current bag and possession limits for trout in the Fall River Complex and expand the geographic area to account for the best available science. The proposed regulation change will not allow a seasonal harvest, and will prohibit the use of barbed hooks to protect and conserve the unique trout fishery in the Fall River Complex. Prohibiting the harvest of trout will protect and conserve Rainbow Trout in the Fall River Complex.

The Department is proposing the following changes to subsection (b)(47) Fall River Complex, of Section 7.50, Title 14, CCR:

- Amend the current regulation to prohibit seasonal harvest of trout and implement a catch and release only fishery. The new regulation will allow year-round angling, with a 0 (zero) trout bag limit and gear restrictions that only allow for use of artificial lures with barbless hooks.
- Expand the geographic area to include Bear Creek (downstream of Pondsosa Way bridge), Fall River Pond, and Fall River Lake.

BENEFIT OF THE REGULATIONS

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law.

The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout to ensure their continued existence.

The benefits of the proposed regulations include up to date and streamlined trout fishing regulations that are consistent statewide, consistency with federal fishery management goals, sustainable management of California's trout fisheries, promotion of the general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout the state. The proposed changes will provide benefits by maximizing trout fishing opportunity, where possible, through the proposed extensions of fishing seasons and increases in bag and possession limits on both district and special regulations waters without adversely affecting native and non-native wild trout populations. The proposed regulatory changes may increase participation in sport fishing by new anglers, and may increase retention of existing anglers through simpler regulations facilitating ease of compliance and comprehension.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315, and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to trout sport fishing seasons, bag, and possession limits.

PUBLIC PARTICIPATION

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at California Department of Transportation Building Conf Rm 1.040A,B,C, 100 South Main Street, Los Angeles, California, **AND** Trinidad Rancheria, Administrative Office Conference Room, 1 Cher-Ae Lane, Trinidad, California on **Thursday, June 16, 2022**, at 8:30 a.m.,

or as soon thereafter as the matter may be heard. Instructions for participation in the meeting will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in Fortuna, California, on **Thursday, August 18, 2022**, at 8:30 a.m., or as soon thereafter as the matter may be heard. The specific location for this meeting is still being determined. As soon as this information is available, but not less than thirty days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published in the California Regulatory Notice Register and published on the Commission's website. Instructions for participation in the meeting will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899.

It is requested, but not required, that written comments be submitted by 5:00 p.m. on August 4, 2022 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 12, 2022.** All comments must be received no later than August 18, 2022, during the Commission meeting. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, CA 95814.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, Fish and Game Commission, 715 P Street, 16th Floor, Sacramento, California 95814, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or David Haug at FGC@fgc.ca.gov or at the preceding address or phone number.

Senior Environmental Scientist, Karen Mitchell, Department of Fish and Wildlife, (Karen.Mitchell@wildlife.ca.gov or (916)376–1917), has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed action 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 changes are necessary for the continued preservation of the resource, while providing inland sport fishing opportunities and thus, the prevention of adverse economic impacts.

- (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 Commission does not anticipate adverse impacts on the creation or elimination of jobs within the state. The Commission does not anticipate

adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. Minor variations in the bag and possession limits and/or the implementation of a size limits are unlikely to significantly impact the volume of business activity.

The Commission anticipates benefits to the environment by the sustainable management of fishery resources throughout the state. The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

(c) **Cost Impacts on a Representative Private Person or Business**

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

(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 is 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

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

equally effective in implementing the statutory policy or other provision of law.

**TITLE 16. LANDSCAPE ARCHITECTS
TECHNICAL COMMITTEE/
ARCHITECTS BOARD**

**NOTICE OF PROPOSED REGULATORY
ACTION CONCERNING:
DISCIPLINARY GUIDELINES**

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action described in the Informative Digest, below.

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 their authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under **Contact Person** in this Notice.

WRITTEN COMMENT PERIOD

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under **Contact Person** in this Notice, must be received by the Board at its office not later than **5:00 p.m. on Tuesday, July 5, 2022**, or must be received by the Board at the hearing, should one be scheduled.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

The Board, upon its own motion or at the insistence 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 481, 493, 5622, and 5630 of the Business and Professions Code (BPC), and section 11400.20 of the Government Code (GC), and to implement, interpret or make specific sections 125.3, 125.6,

140, 141, 143.5, 480, 490, 493, 496, 499, 5616, 5640, 5642, 5659, 5660, 5662, 5666, 5667, 5668, 5669, 5670, 5671, 5672, 5673, 5675, 5675.5, 5676, and 5678 of the BPC, and sections 11400.20 and 11425.50 of the GC, the Board is considering amending article 1 of division 26 of title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Under the jurisdiction of the California Architects Board (Board), the Landscape Architects Technical Committee (Committee) licenses landscape architects. (BPC, § 5621.) BPC section 5620.1 mandates that the protection of the public shall be the highest priority of the Committee in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. BPC section 5630 authorizes the Board in accordance with the Administrative Procedure Act (APA) (GC section 11400 et seq.), to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Landscape Architects Practice Act (Act) (BPC section 5620, et seq.).

The Board is responsible for discipline of landscape architects and enforcement of Chapter 3.5 of Division 3 of the Business and Professions Code that regulates the profession (Act) (BPC, §§ 5620, subdivision (d), 5629). Existing regulation at Title 16, CCR section 2680 requires the Board, in reaching a decision on a disciplinary action under the APA, to consider the Disciplinary Guidelines [Rev. 2000] (Disciplinary Guidelines), which are incorporated by reference. Deviation from the Disciplinary Guidelines, including the standard terms of probation, is appropriate where the Board in its sole discretion determines that the facts of the particular case warrant such a deviation — for example: the presence of mitigating factors; the age of the case; evidentiary problems; and rehabilitation.

The Board has determined that, in order to better protect the public from licensees who have committed one or more violations of the BPC or the CCR, conform the Disciplinary Guidelines to recent statutory changes, bring the Disciplinary Guidelines into greater conformance with the Disciplinary Guidelines for architects, and provide clarity to probationers of the terms of probation, the Board needs to revise its Disciplinary Guidelines. The current Disciplinary Guidelines contain many outdated terms and conditions of probation and, in many instances, do not reflect recent updates to statutory law and other changes that have occurred in the probationary environment since the last update in 2000. If the Guidelines are

amended, the corresponding regulation, CCR section 2680, must also be amended to incorporate by reference the revised Guidelines as revised and approved by the Committee in August 2021 and approved by the Board on September 10, 2021.

The Board is proposing the following changes:

- *Amend Section 2680 of Article 1 of Division 26 of Title 16 of the CCR*

The existing regulation references the “Disciplinary Guidelines” [Rev. 2000]. This regulatory proposal will update that regulatory reference and title to reflect a new revision date of 2021 and new title content to include the words “and Model Orders”. This means that it is necessary to incorporate the updated Disciplinary Guidelines by reference due to the size of the document. The proposal would also update the authority and reference sections of the regulation to add relevant BPC and GC sections.

- *Amend the Disciplinary Guidelines that are incorporated by reference in Section 2680 of Article 1 of Division 26 of Title 16 of the CCR*

The proposed amendments to the Disciplinary Guidelines are as follows:

- *Add a Cover Page to the Disciplinary Guidelines*

This proposal will add a cover page to provide the title “Landscape Architects Technical Committee Disciplinary Guidelines and Model Orders (Revised 2021), and the Committee’s address and contact information.

- *Add a Table of Contents to the Disciplinary Guidelines*

This proposal will add a Table of Contents to provide the organization of the Disciplinary Guidelines.

- *Amend the Introduction of the Disciplinary Guidelines*

This proposal would amend the Introduction to accurately reflect the appropriate terminology used throughout the Disciplinary Guidelines. The Introduction would also be amended to clarify that the Disciplinary Guidelines reference statutory and regulatory provisions, provide notice that all disciplinary actions will be published on the Internet, and add language about obtaining copies of the Disciplinary Guidelines and the possible charge assessed for providing paper copies.

- *Amend the “General Considerations” Section of the Disciplinary Guidelines*

This proposal would amend the “General Considerations” section to add general recommendations and policy language regarding citations, proposed decisions, stipulated settlements, cost reimbursement, criteria to be considered in denying, suspending, or revoking a license, and mitigation and rehabilitation evidence.

- *Amend the “Definition of Penalties” Section of the Disciplinary Guidelines*

This proposal would amend the “Definition of Penalties” section to add “public reproof” as a type of penalty and provide the definition of public reproof.

- *Amend or Modify the Board’s Use of Pronouns*

This proposal would also make other syntax or clean-up changes to change “his/her” to “their” wherever used in the Guidelines.

- *Update the “Business and Professions Code” Section of the Disciplinary Guidelines*

This proposal would amend the “Business and Professions Code” section to add additional titles and minimum and maximum proposed penalties for violations of the Act, including for violations of BPC sections 5616, 5659, 5666, 5671, and 5678. This proposal would also amend the maximum and/or minimum proposed penalties for the existing BPC code section violations already listed in this section to include more appropriate penalties, revise recommendations for optional terms and conditions of probation, and make grammatical and other technical clean-up changes.

- *Update the “General Provisions of Business and Professions Code” Section of the Disciplinary Guidelines*

This proposal would amend the “General Provisions of Business and Professions Code” section to add additional titles and minimum and maximum proposed penalties for violations of the BPC provisions that are enforced by the Committee and the Board, including for violations of BPC sections 140, 141, 143.5, 490, and 499. This proposal would also amend the maximum and/or minimum penalties for the violations of the BPC sections already listed in the Guidelines to include more appropriate penalties, revise recommendations for optional terms and conditions of probation, and make grammatical and other technical clean-up changes.

- *Update the “California Code of Regulations” Section of the Disciplinary Guidelines*

This proposal would amend the “California Code of Regulations” section to add a new title and proposed minimum and maximum penalties for violation of section 2670 (willful misconduct), amend the minimum penalties for violations of the regulatory provisions already listed in this section to include more appropriate penalties, revise recommendations for the optional conditions of probation listed for each section, and make grammatical and other technical clean-up changes.

- *Make technical and non-substantive changes to the title of the “Violation of Probation” Section*

This proposal would re-number and change the formatting of this section to make it consistent with the formatting and titles of other sections of the Guidelines.

- *Add a Model Orders Section*

This proposal would add a Model Orders section to include model orders that the Board recommends be used for the following:

- A. licensees’ discipline (with model order language for revocation of license, revocation stayed and licensee placed on probation, public reproof, or surrender of license in lieu of revocation);
- B. petitions for reinstatement (with model order language for when the Board acts to grant petition with no restrictions on the license, grant petition and place licensee on probation, grant petition and place licensee on probation after completion of condition precedent, or deny the petition);
- C. petitions to revoke probation (with model order language for when the Board acts to revoke probation or extend probation after violations have been found);
- D. applicants (with model order language for when the Board acts to grant the application with no restrictions, grant the application and place licensee on probation, grant application and place licensee on probation after completion of conditions precedent, or deny the application); and,
- E. civil penalty (with model order language to be used only in cases applicable to

the authority in BPC section 5678 and used in lieu of revocation).

- *Update the Standard Conditions of Probation*

This proposal would add a sentence providing notice that the Board reserves discretion to waive any conditions of probation on a case-by-case basis. This proposal adds new titles and Standard Conditions with model language for use in every probationary order: “Maintain Active and Current License;” “Notification of Changes to Address and/or Telephone Number;” “License Surrender While on Probation;” and “Cost Reimbursement;” and would make revisions to compliance requirements for the following existing standard terms: “Obey All Laws;” “Submit Quarterly Reports;” and “Tolling for Out-of-State Practice, Residence or in-State Practice” conditions. This proposal also would make other minor grammatical and technical clean-up changes to existing conditions.

- *Update the Optional Conditions of Probation*

This proposal would create the following new titles and Optional Conditions of probation with model language that may be used as recommended in these Guidelines: “California Supplemental Examination;” and “Ethics Course.” This proposal also would revise the following existing optional terms and model language for: “Written Examination;” “Continuing Education Courses;” “Restitution;” “Criminal Probation Reports;” and “Notification to Clients/Cessation of Practice” conditions. Additionally, this proposal would delete the terms for license and wall certificate relinquishment, cost reimbursement (which is proposed to be moved to the standard conditions of probation section) and make minor grammatical and technical clean-up changes to existing conditions.

- *Delete the “Rehabilitation Criteria”*

This proposal would remove the “Rehabilitation Criteria” section in its entirety as outdated. The summary for the Board’s current rehabilitation criteria and reference to the regulation that already covers this issue (section 2656) is proposed to be added to the new “Criteria to be Considered” section of the Guidelines.

- *Repeal the Quarterly Probation Report of Compliance Form: Add narrative*

summary to the standard condition for “Submit Quarterly Reports” condition

This proposal would strike the “Quarterly Probation Report of Compliance” form as an attachment at the end of the Guidelines as the information requested in the form has been added to the “Submit Quarterly Reports” condition as a narrative list, including:

- (1) the respondent’s full legal name, telephone number, and address of record;
- (2) the name of the firm respondent works for, respondent’s title, firm address and telephone number;
- (3) a statement of all of Respondent’s landscape architecture activities during the reporting period. The statement shall include: the client’s name, address and telephone number, project title/address, project description, project’s start and end date and a description of Respondent’s involvement;
- (4) a requirement that Respondent provide a list of activities related to the practice of landscape architecture by activity and date; and,
- (5) a requirement that Respondent provide a certification under penalty of perjury that the information provided in the report is true and correct.

This proposal would allow probationers to submit the current information required by the form in alternative formats to the Board.

ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendments make the Disciplinary Guidelines consistent with current law and the current probationary environment, clarify the terms and conditions of probation to reduce the likelihood of misinterpretation, provide model orders, and strengthen consumer protection.

The Board anticipates that the updated Disciplinary Guidelines will be a more useful tool for the Board, applicants and licensees, Administrative Law Judges (ALJs), legal counsel, and the public by providing a more accurate overview of the Board’s processes in formal disciplinary actions. The updated Disciplinary Guidelines will also serve as an educational and guidance tool for the ALJs who administer hearings for the Board. The regulatory proposal will improve the consistency of penalties for violations of the Act and its regulations.

This regulatory proposal promotes the fairness and standardization of cases requiring formal discipline by clarifying the conditions under which licensees and

applicants shall be subject to varying levels of discipline and terms of probation.

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

This proposal would incorporate by reference the document entitled “Disciplinary Guidelines and Model Orders” (Revised 2021). The Disciplinary Guidelines are incorporated by reference as they are too lengthy and cumbersome to be included in the CCR.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. There is no fiscal impact to the State in the form of federal funding or any cost or savings to any state agency. This proposal does not change the fines for violations, so no additional revenues are anticipated. This proposal provides a more accurate overview of the Committee’s processes in formal disciplinary actions, which will provide greater clarity to licensees, consumers, the Board, the Office of Attorney General, and the ALJs by outlining relevant and transparent standards directly related to violations outlined in law.

The Board does not anticipate additional workload or costs resulting from the proposed regulations.

Non-discretionary 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 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.

The following studies/relevant data were relied upon in making the above determination:

The proposed regulatory action only impacts landscape architect licensees and applicants who are disciplined by the Board for violations of the laws and regulations within its jurisdiction. The Board does not have the authority to take administrative action

against a business. The Committee currently regulates approximately 3,700 licensed landscape architects and 1,200 applicants who are in the process of meeting examination and licensure requirements. The proposed regulatory action only adversely affects a negligible number of landscape architect licensees and applicants who, through their conduct, subject themselves to disciplinary action for violations of the laws and regulations within the Board’s jurisdiction. Any “adverse economic impact” would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the laws and/or regulations within the Board’s jurisdiction. Any potential “adverse economic impact” may be avoided simply by complying with the existing laws and regulations governing the practice of landscape architecture in California.

Cost Impact on Representative Private Person or Business: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed regulations would revise existing disciplinary guidelines but would not change fine amounts. The proposed regulatory action only adversely affects a negligible number of landscape architect licensees and applicants who, through their conduct, subject themselves to disciplinary action for violations of the laws and regulations within the Board’s jurisdiction. Any potential “adverse economic impact” may be avoided simply by complying with the existing laws and regulations governing the practice of landscape architecture in California.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses as it only affects landscape architect licensees and applicants who are disciplined for violations of the Act and/or Board regulations. Businesses operated by landscape architect licensees and applicants who are in compliance with the law will not incur any fiscal impact. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have any 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. The proposed regulatory action only impacts landscape architect licensees and applicants who are disciplined by the Board for violations of the laws and regulations within its jurisdiction. The Board does not have the authority to take administrative action against a business.

The Committee currently regulates approximately 3,700 licensed landscape architects and 1,200 applicants who are in the process of meeting examination and licensure requirements. The proposed regulatory action only adversely affects a negligible number of landscape architect licensees and applicants who, through their conduct, subject themselves to disciplinary action for violations of the laws and regulations within the Board's jurisdiction. Any "adverse economic impact" would only occur as the result of a disciplinary order following a formal administrative proceeding and a finding of fact affirming a violation of the laws and/or regulations within the Board's jurisdiction. Any potential "adverse economic impact" may be avoided simply by complying with the laws and regulations governing the practice of landscape architecture in California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The Board has determined that updating the Disciplinary Guidelines through this regulatory proposal will benefit the health and welfare of California residents by enhancing the Board's ability to take appropriate action against landscape architect licensees and applicants who, through their conduct, subject themselves to disciplinary action by violating the Act and/or Board regulations.

Additionally, this proposal will benefit Deputy Attorneys General (DAG), ALJs, and others involved in the disciplinary process by ensuring consistency in the interpretation and application of penalties in administrative disciplinary actions.

This regulatory proposal does not affect worker safety and this proposal is not related to the State's environment.

CONSIDERATION OF ALTERNATIVES

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 present statements or arguments orally if a hearing is requested or in writing relevant to the above determinations.

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 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 at the hearing or prior to the hearing upon request from the California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the Contact Person listed below.

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

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

Name: Stacy Townsend
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: (916) 575-7235
Fax Number: (916) 575-7283
E-Mail Address: stacy.townsend@dca.ca.gov

The backup contact person is:

Name: Trish Rodriguez
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: (916) 575-7231
Fax Number: (916) 575-7283
E-Mail Address: trish.rodriguez@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.latc.ca.gov (https://latc.ca.gov/news/laws/proposed_regulation.shtml)

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

SAFER CONSUMER PRODUCTS REGULATIONS — LISTING MOTOR VEHICLE TIRES CONTAINING N-(1,3-DIMETHYLBUTYL)-N'-PHENYL-P-PHENYLENEDIAMINE (6PPD) AS A PRIORITY PRODUCT

DEPARTMENT OF TOXIC SUBSTANCES CONTROL REFERENCE NUMBER:
R-2022-04R

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend the California Code of Regulations, title 22, division 4.5, chapter 55, section 69511, and adopt section 69511.7. This proposed regulation pertains to identification of a Priority Product under the Safer Consumer Products (SCP) regulations, approved by the Office of Administrative Law (OAL) and filed with the Secretary of State on August 28, 2013 (effective date: 10/01/2013; OAL Regulatory Action Number: 2013-0718-03).

WRITTEN COMMENT PERIOD

The written comment period will close on July 5, 2022. Only comments received at the DTSC office or postmarked on or before that date will be considered. Any interested person(s) or their authorized representative(s) may submit written comments relevant to the proposed regulatory action to DTSC in either electronic or hard copy formats.

Written comments may be submitted electronically through the SCP Information Management System, CalSAFER, at: <https://calsafer.dtsc.ca.gov/>. Please direct questions or concerns about CalSAFER to Anne-Cooper Doherty at 916-324-1088 or annecooper.doherty@dtsc.ca.gov. While DTSC prefers written comments be submitted through the CalSAFER system, interested persons may also submit their comments in an email to: SaferConsumerProducts@dtsc.ca.gov or through the DTSC regulations email address at regs@dtsc.ca.gov. Please include the DTSC reference number for this regulation in the subject of your message. Direct hard-copy written comments to Ms. Jackie Buttle, Regulations Coordinator, as specified below.

PUBLIC HEARING

A public hearing has not been scheduled for this rulemaking. However, DTSC will conduct a hearing if a written request for a public hearing is received from any interested person, or his or her duly authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8. Submit a written request for a public hearing in an email to SaferConsumerProducts@dtsc.ca.gov or to Ms. Jackie Buttle, Regulations Coordinator, as specified below.

Notice Pertaining to Accessibility and Reasonable Accommodation

All documents related to these regulations can be made available in alternate format (i.e., Braille, large print, etc.) or in another language, as requested, in accordance with state and federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact the staff person below. Note: the range of assistive series available may be limited if requests are made less than 10 business days prior a public hearing.

Ms. Jackie Buttle
Office of Legislation and Regulatory Review
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812-0806
Fax Number: (916) 324-1808

TTY/TDD/Speech-to-Speech users may dial 711 for the California Relay Service.

AUTHORITY & REFERENCE

Authority

This regulation is being adopted under the following authorities:

- Health and Safety Code (HSC) section 25252 authorizes and requires DTSC to adopt regulations to establish a process to identify and prioritize those chemicals or chemical ingredients in consumer products that may be considered a Chemical of Concern. This section also directs DTSC to reference and use available information from various sources but does not limit DTSC to use only this information.
- HSC section 25253 authorizes and requires DTSC to adopt regulations that establish a process for evaluating Chemicals of Concern in consumer products, and their potential alternatives, to determine how best to limit exposure to or to reduce the level of hazard posed by a Chemical of Concern.

- HSC section 58012 (added by Gov. Reorg. Plan Number 1, §146, eff. July 17, 1991) grants DTSC authority to adopt regulations to execute its duties.

Reference

This regulation implements, interprets, or makes specific the following statutes:

- HSC sections 25252 and 25253.

INFORMATIVE DIGEST

Policy Statement Overview:

Background and Effect of the Proposed Regulatory Action:

The SCP framework regulations were adopted in October 2013 to meet the statutory requirements outlined in HSC sections 25252 and 25253. The regulations outline a science-based process for evaluating Chemicals of Concern in consumer products and safer alternatives by:

- Establishing a list of Candidate Chemicals and specifying criteria by which these may be designated Chemicals of Concern;
- Establishing a process to identify and prioritize product and Candidate Chemical combinations that may be listed as Priority Products;
- Requiring manufacturers of a product listed as a Priority Product to notify DTSC within 60 days of the listing regulation's effective date;
- Requiring manufacturers of a Priority Product to decide whether to perform an Alternatives Analysis (AA) to determine how best to reduce exposures to the Chemical(s) of Concern in the product;
- Allowing DTSC to identify and require implementation of Regulatory Responses following completion of an AA, if needed; and
- Creating a process for persons to petition DTSC to add chemicals to the Candidate Chemicals list, add or remove Candidate Chemicals lists in their entirety, or to add or remove a product-chemical combination from the Priority Products List.

DTSC proposes to amend sections 69511 and add section 69511.7 to Article 11 of the SCP regulations. The proposed action will add motor vehicle tires containing N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD) as a Priority Product on the Priority Products List.

“Motor vehicle tires containing N-(1,3-dimethylbutyl)-N'-phenyl-p-phenylenediamine (6PPD)” means a motor vehicle tire, as defined below, that contains 6PPD. “Tire” means any product that can be described or observed as a covering for a wheel, usually made of rubber reinforced with cords of nylon,

fiberglass, or other material, whether filled with compressed gas (such as air or nitrogen), solid, or non-pneumatic (airless).

“Motor vehicle tire” includes any tire, as defined above, that is intended for use on light duty vehicles (passenger cars, light trucks, vans, and sport utility vehicles); motorcycles; motor homes; medium- and heavy-duty trucks; buses; and trailers (including trailer coaches, park trailers, and semitrailers). “Motor vehicle tire” also includes tire tread material: circular or linear precured tread and raw rubber solely for use in mold cure retreading of a tire.

“Motor vehicle tire” does not include a tire imported into or sold in California as a component of a motor vehicle. It also does not include a tire intended for exclusive use on off-road vehicles, including aircraft; vehicles intended exclusively for off-road (e.g., dirt track) use; construction and agricultural equipment such as excavators, paving equipment, tractors, combines, bulldozers, and skidders (but not farm labor vehicles); industrial equipment such as forklifts, airport service equipment, and ice-grooming machines; and military vehicles (except those that are equivalent to civilian vehicles covered by this product definition, such as light-duty vehicles used as staff cars, buses, and delivery vehicles). Additionally, “motor vehicle tire” does not include the used component(s) of a retreaded tire; however, the new tire tread material that is used in a retreaded tire is included in the definition.

The oxidation products of 6PPD include 6PPD-quinone, which was recently discovered to be the cause of coho salmon urban runoff mortality syndrome observed in the Puget Sound area of Washington state. Tire wear particles, which form as tires roll across the road surface, are readily transported to the aquatic environment by surface runoff and stormwater, thus delivering 6PPD and 6PPD-quinone to those environments.

Benefits of the Proposed Regulatory Action:

A primary goal of the SCP regulations is to mitigate widespread adverse health and environmental impacts of harmful chemicals, as well as the overall costs of these impacts to the State of California. By listing motor vehicle tires containing 6PPD as a Priority Product, DTSC requires manufacturers selling these products into California to evaluate whether 6PPD is necessary in motor vehicle tires or whether there are functionally safer alternatives that would reduce human and environmental exposure to 6PPD during manufacturing, use, post-consumer recycling or disposal of motor vehicle tires containing 6PPD. Both 6PPD and 6PPD-quinone display hazard traits of concern identified in the SCP regulations. Specifically, 6PPD displays dermatotoxicity; hepatotoxicity; hematotoxicity; ocular toxicity; phytotoxicity; reproductive toxicity; and wildlife survival impairment; whereas 6PPD-quinone

displays loss of genetic diversity and biodiversity, reactivity in biological systems, respiratory toxicity, and wildlife survival impairment (including to coho salmon, a threatened and endangered species in California).

6PPD–quinone has been detected in California waterways at concentrations above those shown to kill at least half of coho salmon in laboratory experiments. Coho salmon are already extirpated in California waters near highly populated, high traffic density areas. The remaining coho populations, which are in the less heavily populated areas of the state, are either threatened or endangered. The presence of 6PPD–quinone in California waterways at concentrations proven to be lethal to coho salmon indicates that current stormwater treatment handling practices are often insufficient for the removal of 6PPD–quinone. 6PPD–quinone is also potentially toxic to other economically important species that are closely related to coho such as chinook salmon, steelhead, and the California golden trout. Additionally, 6PPD itself is known to be toxic to several aquatic invertebrates, although because 6PPD is highly reactive the toxicity assessments are complicated by probable co–exposure to transformation products during experiments. Therefore, reduction of 6PPD in consumer products and the environment means healthier aquatic ecosystems, particularly for threatened and endangered species such as coho salmon.

In addition to impacts to aquatic organisms, loss of coho salmon in California has contributed to adverse impacts on California’s Native American tribes. The loss of core traditional food sources for tribal communities can be tied to loss of culture, increased physical and mental health issues, and increased poverty. The human toll of the decline of salmon has been well–documented by the Karuk Tribe in the Klamath Basin: diabetes, heart disease, hypertension, and stroke, diseases that are strongly influenced by diet, have become more common in the Karuk since the decline of the salmon fishery, costing the tribe an estimated \$1.9 million per year. Native American advocates assert that access to traditional food sources, such as salmon, helps to promote self–reliance among Indigenous peoples and is fundamentally important to protecting Native communities’ health, well–being, economic resilience, and cultural heritage. Therefore, reducing environmental exposures to 6PPD and 6PPD–quinone could ultimately reduce adverse health effects in the tribal populations of California.

Given the number of tires used in California each year — over 171 million tires were driven on California’s roads in 2020 alone — their end–of–life disposition is a major challenge. At the end of their useful life, tires are landfilled, recycled, or reused — either as is or after processing (e.g., by cutting or shredding). Many of the end–of–life uses of tires provide direct pathways

for chemicals to migrate into the aquatic environment and may represent a source of contaminants like 6PPD and 6PPD–quinone. California’s extensive efforts to reuse and recycle used tires, while providing benefits such as reducing burdens on landfill capacity in the state, may contribute to ongoing environmental releases and exposures to these contaminants.

Given this potential for significant and widespread adverse impacts associated with exposure to these chemicals, the presence of 6PPD in tires and the associated release of 6PPD–quinone to the aquatic environment represent a threat to California’s aquatic resources and the tribal communities that rely on them, may interfere with California’s ability to reuse and recycle tires, and may require expensive special handling of stormwater runoff to mitigate adverse impacts. Expanded use and development of new, safer alternatives benefits California’s entire population and environment.

Another primary goal of SCP regulations is to protect public health by reducing exposures to potentially harmful chemicals. By listing motor vehicle tires containing 6PPD as a Priority Product, DTSC sets in motion a strategy to reduce human exposure to 6PPD from the manufacturing, use, and end–of–life of this product. A reduction in exposure to 6PPD could benefit the health of California’s residents and wildlife. The development of safer alternatives benefits California workers, consumers, employers, and environment.

DTSC cannot predetermine the alternatives that each manufacturer will propose; therefore, it is impossible to accurately predict or quantify the full range of potential benefits associated with their development. DTSC’s process encourages the use of alternatives of least concern and prefers those that provide the greatest level of inherent protection. In general, economic benefits to California workers and business owners may include expanded employment opportunities in the fields of consulting, worker and consumer education, and marketing. Additional benefits may accrue because of increased research and product development collaboration between manufacturers and California–based research entities. Institutional and corporate financial support of chemical and material science programs focused on developing safer alternatives to 6PPD could advance the field. These research initiatives could provide manufacturers with employees that are highly skilled in the research and design of products for newly emerging global markets.

Existing Laws and Regulations:

The SCP regulations established a unique approach to regulating Chemicals of Concern in consumer products that grants DTSC authority to take actions to protect people and the environment when such actions are outside the scope of other regulatory programs. There are no equivalent federal or state regulations

that require product manufacturers to determine if the chemical in their product is necessary and whether there is a safer alternative, with the goal of protecting consumers and the environment from adverse effects associated with a product throughout its lifecycle.

DTSC has assessed all applicable state and federal laws and regulations, as well as international treaties or agreements with the force of domestic law, related to the proposed Priority Product and the Candidate Chemical in the product. DTSC has determined that no state or federal regulations overlap or conflict with this proposal to list motor vehicle tires containing 6PPD as a Priority Product. Therefore, there is no conflict or duplication between state or federal regulation and this proposed rule.

The federal Clean Water Act prohibits the discharge of stormwater containing specific pollutants without a National Pollutant Discharge Elimination System (NPDES) permit. U.S. EPA delegates this federal permitting program to the State of California. California’s Municipal Storm Water Program manages NPDES permits for municipalities and the statewide permit for Caltrans. Neither 6PPD nor 6PPD–quinone is currently regulated by the California State Water Resources Control Board.

The National Highway Traffic Safety Administration (NHTSA) regulates the safety of tires. NHTSA has established several Federal Motor Vehicle Safety Standards setting safety and performance requirements for tires (Code of Federal Regulations, title 49, subtitle B, chapter V, part 571, subpart B). DTSC has determined that these regulations do not overlap or conflict with the proposal to list motor vehicle tires containing 6PPD as they do not address the potential exposures or adverse impacts under consideration.

Motor vehicle tires would be required to meet current federal standards for safety and performance even if DTSC listed motor vehicle tires containing 6PPD as a Priority Product. The SCP Regulations do not allow DTSC to require the use of alternatives to a Chemical of Concern that would compromise a Priority Product’s compliance with health and safety requirements.

Related State Laws and Regulations:

No California state laws or regulations currently address the use of 6PPD in motor vehicle tires. Therefore, these proposed regulations will not be inconsistent or incompatible with existing state laws or regulations.

Current laws and regulations require people who store, stockpile, accumulate, or discard waste tires to comply with tire storage and disposal standards and to obtain a waste tire facility permit. CalRecycle is responsible for administering waste tire programs in California and has established technical standards and a permitting program for waste tire facilities. DTSC has determined that these regulations do not overlap or conflict with the proposal to list motor vehicle

tires containing 6PPD, as they do not address the potential exposures or adverse impacts under consideration. If motor vehicle tires containing 6PPD were listed as a Priority Product, they would still be subject to CalRecycle’s storage and disposal requirements.

Comparable Federal Regulation or Statute:

This regulation is not based on, identical to, or in conflict with any federal regulations.

To date, no federal regulation has been developed to address 6PPD used in motor vehicle tires, and therefore there is no conflict or duplication between federal regulation and this proposed rule.

OTHER APPLICABLE REQUIREMENTS
PRESCRIBED BY STATUTE

California Environmental Quality Act (CEQA) Compliance

DTSC anticipates that this rulemaking would be exempt from CEQA (Public Resources Code Section 21000, et seq.) under the “feasibility or planning study” and “data collection” exemptions outlined in California Code of Regulations, title 14, section 15262 and 15306, respectively. The project would also be exempt under the common sense exemption. (Cal. Code Regs., title 14, § 15061, subdivision (b)(3).) A draft Notice of Exemption (NOE) is available for review during the public comment period upon request and will be filed with the State Clearinghouse if the regulation is finalized.

California Environmental Policy Council Review

Under the provisions of HSC section 25252.5, the California Environmental Policy Council (CEPC) reviewed the framework SCP regulations prior to their adoption in October 2013 (the CEPC Resolution may be viewed at: <http://www.calepa.ca.gov/cepc/>). Under HSC Section 25252.5(f), the CEPC determined that the proposed regulations would not have any significant adverse impact on public health or the environment and could be adopted by DTSC without undergoing a multimedia life cycle evaluation.

DTSC determined that further review by the CEPC is not warranted for this rulemaking because the requirements of HSC section 25252.5 apply only to the creation of the SCP program and not regulations that may be required to implement this program.

Peer Review

DTSC requested and obtained an external scientific peer review of the scientific basis of the proposed regulation pursuant to Health and Safety Code section 57004. The result of the external scientific peer review is posted to DTSC’s rulemaking website at: <https://dtsc.ca.gov/regs/>.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DTSC has determined that adoption of this regulation will not impose a local mandate or result in costs subject to state reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO STATE OR LOCAL AGENCIES, OR SCHOOL DISTRICTS SUBJECT TO REIMBURSEMENT

DTSC determined that adoption of this regulation will not result in costs or savings for any local agency or school district required to be reimbursed pursuant to Part 7 of Division 4, commencing with section 17500 of the Government Code, or other nondiscretionary costs or savings imposed on local agencies.

Costs or Savings to Any State Agency:

DTSC will absorb additional costs associated with reviewing Notifications, Abridged AA Reports, or two-stage AA Reports submitted by manufacturers of motor vehicle tires containing 6PPD by reallocating staff to this new task. DTSC estimates that the total fiscal costs to state government for reviewing all Notifications, Abridged AA Reports, and two-stage AA reports submitted by manufacturers will range from **\$1,671,900 to \$6,008,000**.

Local Agencies:

DTSC determined that adoption of this regulation will not impose a local mandate or result in costs or savings for any local agency subject to reimbursement pursuant to Part 7 of Division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

School Districts:

DTSC determined that adoption of this regulation would not result in costs or savings for any school district required to be reimbursed pursuant to Part 7 of Division 4, commencing with section 17500 of the Government Code.

Federal Funding to the State:

DTSC determined that adoption of this regulation will not result in cost or savings in federal funding to the state. DTSC determined that no fiscal impact to federal funding or state programs exists.

DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT

DTSC determined the proposed regulatory action has no significant statewide adverse economic impact

directly affecting business. Following a review of available motor vehicle tire market data and survey of affected manufacturers and industry organizations, DTSC determined the proposed regulation is not a major regulation and is unlikely to have a significant adverse impact on business.

Types of Businesses Affected: Manufacturers of motor vehicle tires containing 6PPD have the principal duty to comply with the notification and reporting requirements.

Projected Reporting, Recordkeeping, or other Compliance Requirements: In accordance with Government Code sections 11346.3(c) and 11346.5(a)(11), DTSC found that 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 specific reporting requirements and forms are:

- Priority Product Notification [section 69503.7]
- Removal/Replacement Notifications:
 - Chemical of Concern Removal Intent Notification [section 69505.2]
 - Chemical of Concern Removal Confirmation Notification [section 69505.2]
 - Product Removal Intent Notification [section 69505.2]
 - Product Removal Confirmation Notification [section 69505.2]
 - Product-Chemical Replacement Intent Notification [section 69505.2]
 - Product-Chemical Replacement Confirmation Notification [section 69505.2]
 - Product Cease Ordering Notification [section 69501.2(b)(2)(B)]
- AA Notifications and Reports:
 - AA Threshold Notification [section 69505.3]
 - AA Extension [section 69505.1(c)]
 - Preliminary AA Report [section 69505.4(a)(2), section 69505.5, section 69505.1(b)(2)(A), section 69505.7]
 - Final AA Report [section 69505.4(a)(3), section 69505.6, section 69505.1(b)(2)(B), section 69505.7]
 - Abridged AA Report [section 69505.4(b)]
 - Alternate AA Work Plan [section 69505.4(c)]
 - Previously completed AA [section 69505.4(d)]

The forms and reports that a manufacturer must submit depends on several factors, including the Priority Products produced, the availability of viable alternatives, and business decisions made by the manufacturer.

The reporting requirements applicable to manufacturers may be fulfilled by a consortium, trade association, public–private partnership, or other entity acting on behalf of, or in lieu of, one or more manufacturer. This does not apply to the Priority Product Notification or AA Threshold Exemption Notification requirements [section 69501.2(a)(2)].

DTSC has made an initial determination that the adoption of this regulation will not exert a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. DTSC has considered proposed regulatory alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

- i. The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- ii. Consolidation or simplification of compliance and reporting requirements for businesses.
- iii. The use of performance standards rather than prescriptive standards.
- iv. Exemption or partial exemption from the regulatory requirements for businesses.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DTSC relied on a variety of sources to estimate the number of California–based manufacturers of motor vehicle tires containing 6PPD potentially impacted by this proposed regulation. DTSC searched lists of manufacturers provided in Dun & Bradstreet Hoovers and United States Census Bureau County Business Patterns for manufacturers of motor vehicle tires containing 6PPD. DTSC then searched manufacturers’ websites to refine the list of companies manufacturing these products.

Based on the data collected from these sources, DTSC estimates there are four (4) manufacturers of motor vehicle tires containing 6PPD that would be potentially affected by this regulation. DTSC estimates that costs could range from \$112,960 to \$304,960 for individual manufacturers to fulfill the SCP regulatory requirements to submit a Priority Product Notification and complete an Alternatives Analysis report. Total estimated costs to California–based businesses range from \$451,840 to \$1,219,840.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Creation of New Businesses or Elimination of Existing Businesses:

DTSC determined that it is:

- Unlikely that this proposal will eliminate or create businesses or jobs in manufacturing of motor vehicle tires;
- Possible that this proposal could create an unknown number of businesses to assist manufacturers of motor vehicle tires containing 6PPD in meeting regulatory obligations including consulting services, chemical and material science research services, and product development support;
- Possible that this proposal could create an unknown number of public or private sector jobs in consulting services, product research and design, chemical and material science research and support, and marketing.

Expansion of Businesses Currently Doing Business:

DTSC determined that it is possible that this proposal could result in the expansion of businesses currently doing business within the state, particularly those engaged in regulatory consulting services, chemical and material science research and support, product research and design and marketing.

Effect on Housing Costs:

DTSC has determined that the proposed regulation will have no significant effect on housing costs.

Effect on Small Businesses:

DTSC made an initial determination that the adoption of this regulation may affect small businesses. DTSC estimates that one of the four potentially impacted manufacturers is a small business. Costs to submit Priority Product Notifications and AA Reports are expected to be the same for all impacted businesses. Moreover, DTSC estimates that it will take each manufacturer a maximum of 16 hours at \$60/hour to complete a Priority Product Notification, or a total of \$960. DTSC estimates that the cost to each manufacturer for the Priority Product Notification, AA report, and responding to DTSC’s AA report review will be \$112,960 to \$182,960 for an Abridged AA, and \$139,960 to \$304,960 for a two–stage AA. These are one–time notification and reporting requirements that manufacturers are expected to complete within one year of adoption of the proposed regulation; therefore, there are no ongoing costs.

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

DTSC made an initial determination that the adoption of this regulations may positively affect the health

and welfare of California residents and the state's environment. A reduction in exposure to 6PPD could benefit the health of California's wildlife. The development of safer alternatives benefits California residents and the environment. DTSC cannot predetermine the alternatives that each manufacturer will propose; therefore, it is impossible to accurately predict or quantify the full range of potential benefits associated with their development. DTSC's process encourages the use of alternatives of least concern and prefers those that provide the greatest level of inherent protection. In general, economic benefits to California workers and business owners may include expanded employment opportunities in the fields of consulting and marketing. Additional benefits may accrue because of increased research and product development collaboration between manufacturers and California-based research facilities. Institutional and corporate financial support of chemical and material science programs focused on developing safer 6PPD alternatives could advance the field. These research initiatives could provide manufacturers with employees that are highly skilled in the research and design of products for newly emerging global markets.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. DTSC's consideration of alternatives is available in the Initial Statement of Reasons included as part of this proposed regulation.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulation or CEQA documents may be directed to Anne-Cooper Doherty at 916-324-1088 or annecooper.doherty@dtsc.ca.gov of DTSC or, if unavailable, Nancy Ostrom of DTSC at 916-445-3077. However, such oral inquiries are not part of the rulemaking record.

A public comment period for the rulemaking has been established commencing on May 20, 2022 and closing on July 5, 2022. Statements, arguments, or contentions regarding the rulemaking or supporting documents must be submitted in writing or presented orally or in writing at a public hearing, if a hearing is

requested, in order for them to be considered by DTSC before it adopts these regulations.

DTSC will accept statements, arguments or contentions, and supporting documents regarding this rulemaking submitted in writing either through CalSAFER or by mail, or they may be presented orally or in writing at a public hearing, if a hearing is requested.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS, INITIAL STATEMENT OF REASONS, AND OTHER RULEMAKING DOCUMENTS

Copies of the Notice of Proposed Action, Initial Statement of Reasons, all the information upon which this proposal is based, and the express terms of the proposed regulation (also known as the proposed regulatory text) are posted to DTSC's Internet website at <https://dtsc.ca.gov/regs/>.

After the close of the comment period, DTSC may adopt the proposed regulation. If substantial, sufficiently related changes are made to the regulatory text, the modified full text (with the changes clearly indicated) will be made available for comment for at least 15 days prior to adoption. Only persons who request the specific proposed regulation; attend a public hearing, if a hearing is requested; or provide written comments on this specific regulation will be sent a copy of the modified text if substantial, sufficiently related changes are made.

Once DTSC finalizes the regulatory text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials. A copy of the Final Statement of Reasons will also be posted on DTSC's website at <https://dtsc.ca.gov/regs/>, along with the date the rulemaking is filed with the Secretary of State and the effective date of the regulation.

ALL OTHER QUESTIONS/COMMENTS/ INQUIRIES/UPDATES

Please direct all written comments, procedural inquiries, and requests for documents by mail, email, or fax to Ms. Jackie Buttle, Regulations Coordinator, as specified above. To be included in this regulation package's mailing list and to receive updates of this rulemaking, please visit <https://dtsc.ca.gov/dtsc-e-lists/> and subscribe to the applicable E-List or email: regs@dtsc.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT
 CONSISTENCY DETERMINATION
 NUMBER 1653–2022–091–001–R1

Project: South Fork Floodplain Restoration Phase III Project

Location: Siskiyou

Applicant: California Trout

Notifier: Damon Goodman

Background

Project Location: The South Fork Floodplain Restoration Phase III Project (Project) is located at 3044 Cecilville Road, two miles west of Callahan, in the County of Siskiyou. The Project will occur on the Assessor Parcel Number (APN) 031–090–080–000, which is owned by Michael Thamer. The South Fork Scott River is a tributary to Klamath River and supports populations of Chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*O. kisutch*), and steelhead (*O. mykiss*).

Project Description: California Trout (Applicant) proposes to enhance or restore habitat within Scott River to provide a net conservation benefit for Chinook salmon, coho salmon, and steelhead. The conservation benefits from the proposed project will help restore stream function and salmonid populations. The placement of large woody debris and inset floodplain to create scour pools, disperse high flow into the new benches, and assist with the sorting of stream substrate to create complex refugia. The Project will implement one inset floodplains, an apex logjam, three large wood structures (LWS), five root-wad groupings, and seven small wood structures. Hand tools and heavy equipment will be used, along with the temporary placement of a bridge for access. The bridge will be removed upon project completion or before high flow events.

Project Size: The total Project size is approximately 1.46 acres and 490 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 58 logs, (2) 120 tons of boulders, (3) 120 cubic yards of washed coarse gravel, (4) 30 native plantings, (4) a flatcar bridge, (5) approximately 20 cubic yards of native substrate material for abutments, and (6) up to 25 feet of cable for anchoring logs.

Project Timeframes: Start date: September 1, 2021

Completion date: December 31, 2023

Work window: July 15–October 31, option for extension with written approval by CDFW and Regional Water Board

Water Quality Certification Background: Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish passage and function to South Fork Scott River, the North Coast 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 1A21148WNSI, Electronic Content Management Identification (ECM PIN) Number CW–875118 for the Project. 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 fish (Chinook salmon, coho salmon, and steelhead), plants, mammals, and birds.

Receiving Water: South Fork Scott River, Scott River, Klamath River

Filled or Excavated Area:

Permanent area impacted: unknown

Temporary area impacted: 0.55 acres

Length temporarily impacted: 490 linear feet

Length permanently impacted: unknown

Dredge Volume: None.

Discharge Volume: Approximately 58 logs, 120 tons of boulders, 120 cubic yards of washed coarse gravel, 30 native plantings, a flatcar bridge, approximately 20 cubic yards of native substrate material for abutments, and up to 25 feet of cable for anchoring logs. The flatcar bridge is temporary and will be removed immediately at project completion.

Project Location: Within the APN 031–090–080–000, the coordinates for the Project are Latitude 41.290228° North, Longitude 122.831890° West.

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 April 19, 2022, 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 April 26, 2022, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z2022–0426–07 on May 6, 2022. 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) Fish Avoidance and Protection Measures; (2) Special Status Botanical Species; (3) Special Status Avian Species; (4) Minimizing Impacts to Water Quality; and (5) Cultural Resources. Additionally, the Applicant provided an Avian Resources Report and Plant Clearance Report with Best Management Practices. 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, identified as “Monitoring Plan.”

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 and ECM PIN number 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, and ECM PIN number 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: Janae Scruggs at klamathwatershed@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 FISH AND
WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
MINDEGO CREEK FISH PASSAGE PROJECT
(TRACKING NUMBER:
1653–2022–094–001–R3)
SAN MATEO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 5/3/2022, that the San Mateo Resource Conservation District proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves removing a dam and fish ladder barriers, restoring the channel, reconstructing water diversion infrastructure, and adding large woody debris to the creek bed. The proposed project will be carried out on Mindego Creek, located in the Town of La Honda, San Mateo County, California.

On 12/21/2021, the San Francisco Bay Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Mindego Creek Fish Passage Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 2CW446962) for coverage under the General 401 Order on 3/23/2022.

San Mateo Resource Conservation District is requesting a determination that the project and associated documents are complete pursuant to Fish and Game Code section 1653 subdivision (d). If CDFW determines the project is complete, the District will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) or a Lake or Streambed Alteration Agreement under Fish and Game Code section 1605 for the proposed project.

In accordance with Fish and Game Code section 1653 subdivision (e), if CDFW determines during the review, based on substantial evidence, that the request is not complete, the District will have the opportunity to submit under Fish and Game Code section 1652.

FISH AND GAME COMMISSION

NOTICE OF LOCATION OF HEARING
FOR ADOPTION OF REGULATIONS RE:
CALIFORNIA PINK (OCEAN) SHRIMP,
PANDALUS JORDANI, FISHERY
MANAGEMENT PLAN IMPLEMENTING
REGULATIONS AND FORM DFW 1419
(OAL NOTICE NUMBER Z–2022–0315–16)

AND

ADOPTION REGULATIONS RE: ISSUANCE
OF PERMITS FOR CONTESTS OFFERING
PRIZES FOR THE TAKING OF GAME FISH
(OAL NOTICE NUMBER Z–2022–0419–05)

AND

ADOPTION OF REGULATIONS RE:
ALLOWED AND PROHIBITED USES
FOR STATE MARINE RECREATIONAL
MANAGEMENT AREAS
(OAL NOTICE NUMBER Z–2022–0419–07)

On March 25, 2022, the Fish and Game Commission (Commission) provided notice of its intent to add sections 56.00 and 56.01, and amend sections 120, 120.1, and 705, Title 14, California Code of Regulations (CCR), concerning California Pink (Ocean) Shrimp, *Pandalus jordani*, Fishery Management Plan Implementing Regulations and Form DFW 1419. The notice was published in California Regulatory Notice Register 2022, Number 12–Z.

AND on April 29, 2022, the Commission provided notice of its intent to amend Section 230, Title 14, CCR, concerning issuance of permits for contests offering prizes for the taking of game fish; and notice of its intent to amend subsections 632(b)(9), (37), (41), (42), and (91), Title 14, CCR, concerning allowed and prohibited uses for state marine recreational management areas. The notices were published in California Regulatory Notice Register 2022, Number 17–Z.

At the time the notices were published, the location for the June 15–16, 2022 Commission meeting had not yet been determined.

Any person interested may present statements, orally or in writing, relevant to

- California Pink (Ocean) Shrimp, *Pandalus jordani*, Fishery Management Plan Implementing Regulations and Form DFW 1419 (OAL Notice Number Z–2022–0315–16)

- Allowed and Prohibited Uses for State Marine Recreational Management Areas (OAL Notice Number Z-2022-0419-07)

on Wednesday, June 15, 2022, at 8:30 a.m., or as soon thereafter as the matter may be heard, from one of the following locations:

**California Department of Transportation Building
Conference Room 1.040A,B,C
100 South Main Street, Los Angeles, CA 90012.**

**Trinidad Rancheria
Administrative Office Conference Room
1 Cher-Ae Lane
Trinidad, CA 95570.**

In addition to the in-person locations, interested parties may participate in the meeting via Zoom or by telephone.

Any person interested may present statements, orally or in writing, relevant to

- Issuance of Permits for Contests Offering Prizes for the Taking of Game Fish (OAL Notice Number Z-2022-0419-05)

on Thursday, June 16, 2022, at 8:30 a.m., or as soon thereafter as the matter may be heard, from one of the following locations:

**California Department of Transportation Building
Conference Room 1.040A,B,C
100 South Main Street, Los Angeles, California, 90012.**

**Trinidad Rancheria
Administrative Office Conference Room
1 Cher-Ae Lane
Trinidad, CA 95570.**

In addition to the in-person locations, interested parties may participate in the meeting via Zoom or by telephone.

The original notices, initial statements of reasons, and proposed regulatory language are posted on the Commission's website at <https://fgc.ca.gov/>.

FISH AND GAME COMMISSION

NOTICE OF FINAL CONSIDERATION OF PETITIONS

NOTICE IS HEREBY GIVEN pursuant to the provisions of Fish and Game Code Section 2078, that the California Fish and Game Commission (Commission), has scheduled final consideration of the petitions to list western Joshua tree (*Yucca brevifolia*) as a

threatened species and Milo Baker's lupine (*Lupinus milo-bakeri*) as an endangered species for its June 15-16, 2022 meeting. Consideration of the petitions will be heard June 16, 2022 at the California Department of Transportation Building, Conference Room 1.040A,B,C, 100 South Main Street, Los Angeles, California, and the Trinidad Rancheria Administrative Office Conference Room, 1 Cher-Ae Lane, Trinidad, California.

Participation can be done in person or via webinar/teleconference. Instructions for participation in the hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916-653-4899.

The agenda of the June 15-16, 2022 meeting, and the agendas and video archive of previous meetings where actions were taken on western Joshua tree and Milo Baker's lupine are available online at <http://www.fgc.ca.gov/meetings/>.

Pursuant to the provisions of Fish and Game Code, sections 2075 and 2075.5, the Commission will consider the petitions and all other information in the records before the Commission to determine whether listing western Joshua tree as threatened and Milo Baker's lupine as an endangered species is warranted.

The petitions, the California Department of Fish and Wildlife's evaluation reports, and other information in the records before the Commission are posted on the Commission website at <https://fgc.ca.gov/CESA>.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Board of Forestry and Fire Protection
File # 2022-0323-03
Emergency Notice Fuel Treatment and RPF Responsibilities

This certificate of compliance makes permanent emergency regulations relating to emergency timber operations (1) to require a Timber Owner or operator to retain a Registered Professional Forester (RPF) to provide professional advice; (2) to require the RPF be present on site at a sufficient frequency to know the

progress of operations; (3) to require the RPF to advise the Timber Owner; and (4) to alter the timelines for emergency fuels treatments to be based upon the time the Director accepts the Emergency Notice.

Title 14
 Amend: 1052, 1052.4
 Filed 05/05/2022
 Effective 05/05/2022
 Agency Contact:
 Jane Van Susteren (916) 619-9795

Department of Insurance
 File # 2022-0324-02
 Benefits and Coverage Disclosure Matrix

This certificate of compliance action makes permanent the emergency regulations (adopted in OAL Number 2021-0119-01EFP; readopted in OAL nos. 2021-0915-04EFP & 2021-1210-02EFP) that established form, content, and delivery requirements for the uniform benefits and coverage disclosure matrix that must be used by insurers that issue, sell, renew, or offer a policy of insurance that covers dental services.

Title 10
 Adopt: 2239.10
 Filed 05/05/2022
 Effective 05/05/2022
 Agency Contact: Ethan Lavelle (916) 492-3648

Department of State Hospitals
 File # 2022-0324-01
 Contraband Search and Confiscation

This timely certificate of compliance (2020-0413-02E, 2021-0609-01EE, 2022-1231-02EE) rulemaking action by the Department of State Hospitals would make permanent procedures for safety and security searches of patients and living areas, common areas, staff areas, and grounds.

Title 09
 Adopt: 4351, 4352, 4353
 Filed 05/06/2022
 Effective 05/06/2022
 Agency Contact: Sylvester Okeke (916) 654-2478

Occupational Safety and Health Standards Board
 File # 2022-0425-04
 COVID-19 Prevention

In this emergency readopt of OAL Matter Number 2021-1227-02EE, the Occupational Safety and Health Standards Board (“OSHSB”) is establishing requirements regarding COVID-19 prevention for employees and places of employment. Specifically, OSHSB is: (1) identifying which employees and places of employment the regulations apply to; (2) defining terms used throughout the emergency regulations; and (3) adopting regulations for prevention and identification of COVID-19 exposure and hazards in places of employment, including in both employer-provided housing, and transportation to and from work.

Title 08
 Adopt: 3205, 3205.1, 3205.2, 3205.3, 3205.4
 Filed 05/05/2022
 Effective 05/05/2022
 Agency Contact: Christina Shupe (916) 274-5721

Dental Hygiene Board of California
 File # 2022-0330-04
 Dental Hygiene Board Name Reference

In these changes without regulatory effect, the Board amends its regulations to reflect some statutory changes. The term “Dental Hygiene Committee of California” is changed to “Dental Hygiene Board of California.” The Board also corrects a typographical error. The term “Root planning” is corrected to “Root planing.”

Title 16
 Amend: 1100, 1101, 1104.2, 1105.1, 1105.3, 1105.4, 1106, 1108, 1122, 1124, 1126, 1127, 1131, 1138, 1139, 1142, 1143
 Filed 05/10/2022
 Agency Contact:
 Adina Pineschi-Petty (916) 516-5537

CALIFORNIA REGULATORY NOTICE REGISTER 2022, VOLUME NUMBER 20–Z

California Privacy Protection Agency
File # 2022–0325–02
California Consumer Privacy Act

This change without regulatory effect relocates existing regulations regarding the California Consumer Privacy Act from Title 11, Division 1 to Division 6, under the jurisdiction of the California Privacy Protection Agency.

Title 11
Amend: 999.300 (renumbered to 7000), 999.301 (renumbered to 7001), 999.304 (renumbered to 7010), 999.305 (renumbered to 7012), 999.306 (renumbered to 7013), 999.307 (renumbered to 7016), 999.308 (renumbered to 7011), 999.312 (renumbered to 7020), 999.313 (renumbered to 7021), 999.313(c) (renumbered to 7024), 999.313(d) (renumbered to 7022), 999.314 (renumbered to 7051), 999.315 (renumbered to 7026), 999.316 (renumbered to 7028), 999.317(a) (renumbered to 7100(a)), 999.317(g)(3) (renumbered to 7100(b)), 999.317(b)–(f) (renumbered to 7101(a)–(e)), 999.317(g)(1) (renumbered to 7102(a)(1)), 999.317(g)(2) (renumbered to 7102(a)(2)), 999.317(h) (renumbered to 7102(b)), 999.318 (renumbered to 7031), 999.323 (renumbered to 7060), 999.324 (renumbered to 7061), 999.325 (renumbered to 7062), 999.326 (renumbered to 7063), 999.330 (renumbered to 7070), 999.331 (renumbered to 7071), 999.332 (renumbered to 7072), 999.336 (renumbered to 7080), 999.337 (renumbered to 7081), 7000 (renumbered to 7500)
Filed 05/05/2022
Agency Contact:
Brian Soublet brian.soublet@coppa.ca.gov

Board of Psychology
File # 2022–0328–03
Fees

This action amends the fee amounts for (1) psychologist license application, initial license, registration, license renewal, and the California Law and Ethics Exam (CPLEE); and (2) psychologist assistant registration application, annual renewal, and delinquency.

Title 16
Amend: 1392, 1392.1
Filed 05/05/2022
Effective 07/01/2022
Agency Contact:
Jason Glasspiegel (916) 574–7137

Bureau of Automotive Repair
File # 2021–1207–02
STAR Program Updates

This rulemaking action updates elements of the STAR Program, including service and equipment requirements, eligibility and performance standards, and invalidation and reinstatement procedures for certified smog check stations.

Title 16
Adopt: 3392.5
Amend: 3340.1, 3340.16, 3340.16.5, 3340.41, 3392.2.1 (renumbered to 3392.1), 3392.3.1 (renumbered to 3392.2), 3392.5.1 (renumbered to 3392.3), 3392.6.1 (renumbered to 3392.4)
Repeal: 3392.1, 3392.2, 3392.3, 3392.4, 3392.5, 3392.6
Filed 05/05/2022
Effective 07/01/2022
Agency Contact: Holly O’Connor (916) 403–8627

California Highway Patrol
File # 2022–0427–06
Explosive Stops

This action amends the list of Safe Stopping and Parking Places for the transportation of explosives along designated routes in the state pursuant to Vehicle Code section 31616.

Title 13
Amend: 1153
Filed 05/11/2022
Effective 05/11/2022
Agency Contact: Tian–Ting Shih (916) 843–3400

California Student Aid Commission
File # 2022–0328–05
FAFSA and CADAA Model Policy and Form

In this rulemaking action, the Commission adopts a regulation to establish a model opt–out form for the Free Application for Federal Student Aid (FAFSA) or the California Dream Act Application (CADAA) completion requirement, and to establish a model acceptable use policy for data collected by Local Education Agencies (LEA) in compliance with Education Code Section 51225.7.

Title 05
Adopt: 30035
Filed 05/10/2022
Effective 07/01/2022
Agency Contact:
Synequeen Alasa–as (916) 4646–6411

Department of Financial Protection and Innovation
 File # 2022–0328–01
 Amendments to the California Financing Law Pilot Program (RSDL)

This action makes changes to regulations for the Pilot Program for Increased Access to Responsible Small Dollar Loans (“RSDL Program”) in response to statutory changes. The changes include increasing the upper dollar limit for the RSDL Program from \$2,500 to \$7,500, requiring applicants to submit policies and procedures they must maintain to address customer complaints and respond to questions from loan applicants and borrowers, requires lenders report additional information about the finders they use, and allows for use of qualified finders to disburse loan proceeds, collect loan payments, and issue notices and disclosures to borrowers.

Title 10
 Amend: 1602, 1603, 1606, 1613, 1614, 1615, 1616
 Filed 05/10/2022
 Effective 07/01/2022
 Agency Contact: Sandra Sandoval (213) 897–3432

Fish and Game Commission
 File # 2022–0329–01
 California Grunion

This rulemaking action by the Fish and Game Commission revises the fishing season for grunion and sets the bag limit at 30 grunion.

Title 14
 Amend: 27.60, 28.00
 Filed 05/11/2022
 Effective 06/01/2022
 Agency Contact: David Haug (916) 902–9286

State Water Resources Control Board
 File # 2022–0330–05
 Colorado River Basin RWQCB Basin Plan Amendment

On September 3, 2020, the Colorado River Basin Regional Water Quality Control Board (RWQCB) adopted Resolution Number R7–2020–0028, amending the Water Quality Control plan for the Colorado River Basin Region by updating bacteria water quality objectives for water contact recreation to reflect new, statewide objectives established through State Water Resources Control Board Resolution Number 2018–0028. Specifically, the Basin Plan amendment (1) updated bacteria water quality objectives for waters

designated for water contact recreation to include two bacterial indicators; (2) added a new beneficial use definition for “Limited Water Contact Recreation”; and (3) consolidated all site–specific water quality objectives for the Colorado River, including those for bacteria, into one section of the Basin Plan. On March 16, 2021, the State Water Resources Control Board approved the Basin Plan amendment adopted under Resolution Number R7–2020–0028.

Title 23
 Adopt: 3969.5
 Filed 05/10/2022
 Effective 05/10/2022
 Agency Contact:
 Emma McCorkle (760) 340–4521

Secretary of State
 File # 2022–0329–02
 Access to Voter Registration Information

This action by the Secretary of State repeals and adopts regulations regarding access to voter registration information.

Title 02
 Adopt: 19001, 19002, 19003, 19004, 19005, 19006, 19008, 19009, 19010, 19011, 19012, 19013
 Repeal: 19001, 19002, 19003, 19004, 19005, 19006, 19007, 19008, 19009
 Filed 05/11/2022
 Effective 07/01/2022
 Agency Contact:
 Robbie Anderson (916) 216–6488

**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.