



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES
AMENDMENT**

MULTI-COUNTY:

Association of Bay Area Governments

A written comment period has been established commencing on November 4, 2022 and closing on December 19, 2022. Written comments should be directed to the Fair Political Practices Commission, Attention Daniel Vo, 1102 Q Street, Suite 3000, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the

proposed conflict-of-interest code(s). Any written comments must be received no later than December 19, 2022. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING
COSTS AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

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

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Daniel Vo, Fair Political Practices Commission, 1102 Q Street, Suite

3000, Sacramento, California 95811, telephone (916) 322-5660.

TITLE 2. STATE LIBRARY

THE CONFLICT-OF-INTEREST CODE OF THE CALIFORNIA STATE LIBRARY

NOTICE IS HEREBY GIVEN that the **California State Library**, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on November 4, 2022 and closing on December 19, 2022. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: adding, deleting, and updating employee positions, deleting disclosure category 1, adding disclosure category 5, adding new electronic filing language, amending the Commission and Boards section, and also makes other technical changes.

Information on the code amendment is attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than *December 19, 2022, which is the last day of the 45-day period*, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than *December 4, 2022, which is 15 days before close of the written comment period*.

The **California State Library** has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.

5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Scott Taylor, General Counsel, (916) 603-7205, scott.taylor@library.ca.gov.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) proposes to make permanent emergency rulemaking approved on July 11, 2022, for Title 3 California Code of Regulations (CCR) Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952, pertaining to the Industrial Hemp.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on December 19, 2022. The Department will consider only comments received at the Department offices by that date or postmarked no later than December 19, 2022. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
Erin.Lovig@cdfa.ca.gov
916.403.6650

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698-2947 or rachel.avila@cdfa.ca.gov.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department of Food and Agriculture may adopt the proposal as set forth

in this notice without further notice to the public. Following the public hearing, if one is requested, or following the written comment period if none is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY

The Department proposes to make permanent Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952, pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 81003, 81004, 81004.5, 81006, and 81013 of the Food and Agricultural Code.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

The purpose of CCR Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952 is to comply with the California State Regulatory Plan for Hemp Production, the USDA, and the approved state regulatory plan adopted by the Department for compliance with the USDA final federal rule on industrial hemp production. On September 18, 2020, the Department submitted the California State Regulatory Plan for Hemp Production to the USDA in accordance with the interim final rule, which was adopted by the USDA to implement the Agriculture Improvement Act of 2018. On January 19, 2021, the USDA published the final federal rule, Document number AMS–SC–19–0042, SC19–990–2 FR, Establishment of a Domestic Hemp Program.

Senate Bill (SB) 292 was approved by the Governor on October 4, 2021 and took effect on January 1, 2022. SB 292 amends existing law regarding hemp production reporting to the Farm Service Agency of the United States Department of Agriculture (USDA FSA) for registered established agricultural research institutions, hemp breeders, and growers of industrial hemp and made other minor changes to meet the requirements outlined in 2018 Farm Bill and the federal final rule.

The Department revised its proposed state regulatory plan based on the federal final rule and submitted it to the USDA for review and approval

on December 20, 2021. The USDA approved the state regulatory plan, effective January 1, 2022. To stay in compliance with the federal final rule, these regulations were implemented as emergencies on July 11, 2022. The Department is now making these regulations permanent.

EXISTING LAWS & REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

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

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

Existing law, FAC 81006, obligates the Secretary to adopt sampling procedures and approve laboratories and laboratory testing methods.

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

**ANTICIPATED BENEFITS OF
THE PROPOSED AMENDMENT**

By proposing state regulations for industrial hemp cultivation that are in compliance with the federal final rule, the industrial hemp industry can continue to grow. With this regulation, the State of California will be able to continue to regulate a growing industry with high quality industrial hemp production.

There is no existing, comparable federal regulations or statute regulating industrial hemp.

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

EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY
WITH EXISTING STATE REGULATIONS

The Department considered any other possible regulations addressing industrial hemp, and it found that these are the proposed amendments are the only regulations dealing with this subject. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952 and has determined that it is not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: No reimbursement is required under Section 17561 of the Government Code because each county agricultural commissioner currently is reimbursed through CCR Section 4900, Industrial Hemp Registration Fees, and FAC Section 81005. There is a memorandum of understanding between the Department and California Agricultural Commissioners and Sealers Association (CACASA), the respective organization of the county agricultural commissioners. The MOU sets forth enforcement responsibilities for Division 24 among the Department and county agricultural commissioners. The MOU is intended to facilitate uniformity among county systems of enforcement, and between counties and the Department.

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

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

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

Cost impacts on a representative private person or business: The 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. Without the amendment and adoption of Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952 current representative private person or business would not be able to continue operations.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses

in other states: The action will not have a significant statewide adverse economic impact on business as the amendment and adoption of Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952 will allow industrial hemp cultivators to continue growing their crops with regulations that are harmonized with the USDA federal final rule, which is required to allow the industry to continue operations.

Significant effect on housing costs: The Department has determined that the proposed actions will not have a significant adverse economic impact on housing costs.

Small business determination: The Department's determination that the action will not have a significant statewide adverse economic impact on small business as amendment and adoption of Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952 will allow industrial hemp cultivators to continue growing their crops with regulations that are harmonized with the USDA federal final rule, which requires the industry to comply with state and federal law regarding hemp cultivation. This will allow these business to continue operations.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The Department has concluded that the Sections 4890, 4900, 4901, 4902, 4930, 4934, 4935, 4936, 4940, 4941, 4942, 4943, 4944, 4946, 4950, 4950.1, 4951, and 4952 adoption and amendment (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation or elimination of businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) will have no impact on the health and welfare of California residents, (5) will have no impact on the state's environment, and (6) is not expected to benefit workers' safety.

CONSIDERATION OF ALTERNATIVES

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

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

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

The Department has prepared an initial statement of reasons for the proposed action, and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdffa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED
OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL
STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the agency officer named herein.

**TITLE 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

DIVISION 5. LIVESTOCK DRUGS
CHAPTER 1. SALES OF RESTRICTED
LIVESTOCK DRUGS
ARTICLE 1. DEFINITIONS
ARTICLE 2. GENERAL PROVISIONS
ARTICLE 5. VIOLATIONS AND
PENALTIES

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture (Department) proposes to adopt and amend regulations as described below within the California Code of Regulations, Title 3 (3 CCR), Division 5, Chapter 1, Articles 1, 2, and 5, Sections 5000, 5001, 5001.1, and 5005. The Department is issuing this notice to meet requirements set forth in Government Code Section 11346.4.

PUBLIC HEARING

Any interested person or his or her duly authorized representative may request a public hearing on this proposed action by submitting a written request no later than 15 days before the close of the written comment period noted below.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department by mail, fax, or email. The written comment period will close on December 27th, 2022. The Department will only consider comments received by that date. Submit written comments to:

Ashley James, Research Data Analyst II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs
Regulatory Services Branch
1220 N Street
Sacramento, CA 95814
(916) 900-5022
FAX: (916) 900-5349
Email: feed_lvstk@cdffa.ca.gov

Following the written comment period or public hearing, if one is requested, and after considering all comments, objections, and recommendations regarding the proposed actions, the Department, at its own motion or at the request of any interested person, may adopt the proposal substantially as set forth without further notice.

AUTHORITY AND REFERENCE

Notice is hereby given that the California Department of Food and Agriculture, pursuant to the authority vested by Sections 407 and 14231 of the Food and Agricultural Code (FAC), proposes to make changes to Title 3, Division 5, Chapter 1 of the CCR to implement, interpret, or make specific FAC Sections 14203, 14205, 14281, 14285, 14290, 14294, 14296, 14321, 14326, 14327, 14328, 14329, 14351, 14354, 14356, 14357, and 14362.

INFORMATIVE DIGEST/
POLICY STATEMENT

The Department's Livestock Drugs Program is responsible for enforcing the Livestock Drug Law (FAC Division 7, Chapter 4) by maintaining the registration of over-the-counter livestock drugs and retailer licenses for the sale of restricted livestock drugs. Inspectors and investigators located throughout the state conduct inspections at retailers and distributors, respond to consumer complaints, and enforce the laws and regulations that govern the manufacturing, distribution, and labeling of livestock drugs in California. The work of the Livestock Drugs Program helps ensure products reviewed for safety and efficacy are available for their appropriate use in treating the livestock population of the state. This helps ensure a clean and wholesome supply of food and fiber, as well as providing assurance that the product received by the consumer is the quality purported by the manufacturer.

The Department is proposing the adoptions and revisions to 3 CCR, Division 5, Chapter 1 described below.

The proposed amendment of Chapter 1 removes the language "sales of restricted" from the chapter title.

The proposed adoption of Section 5000(g) defines the term "sell."

The proposed amendment of Section 5001 removes the language "of restricted livestock drugs" from the section title.

The proposed amendment of Section 5001(a) removes subsections (1) and (2) that define types of sales.

The proposed amendment of Section 5001(c) replaces the phrase "kept for sale" with the term "sold."

The proposed amendment of Section 5001(d) removes the phrase "by restricted livestock drug licensees" and adds the phrase "within or into this state."

The proposed adoption of Section 5001.1 defines adulteration and clarifies what the Department will consider to be an adulterated livestock drug for enforcement purposes.

The proposed revision of Section 5005(c) adds the phrase "within or into this state."

The proposed amendment to Section 5005(i) removes the term "restricted."

The proposed amendment to Section 5005(j) removes the term "restricted."

Anticipated Benefits of the Proposed Regulations:

The Department anticipates the proposed regulatory changes will be consistent with the intent of the Livestock Drug Law, prevent potentially unsafe unregistered livestock drug products from being sold to California consumers from out of state, and enable the Department to pursue consistent enforcement action against all unregistered and/or adulterated livestock drug products.

Determination of Inconsistency/Incompatibility with Existing Regulations:

The Department evaluated the proposed regulations and made several determinations required by Government Code Section 11346.5(a)(3)(A) to 11346.5(a)(3)(D). The Department determined that there are no existing state laws or regulations related directly to the proposed action and the effect of the proposed action; the proposed regulations are not inconsistent or incompatible with existing state regulations.

PLAIN ENGLISH REQUIREMENT

The Department prepared the proposed regulations pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2, subdivision (a)(1). The proposed regulations are written to be easily understood by the individuals that will use them.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

California Government Code Section 11346.3 requires state agencies to assess the potential economic impacts on California businesses and individuals when proposing to adopt or amend any administrative regulation. The Department has initially determined that the proposed regulatory action will not have a broad economic or fiscal impact to the Livestock Drug industry.

These proposed regulatory actions will not:

- 1) Create or eliminate jobs within the state
- 2) Create new businesses or eliminate existing businesses within the State of California
- 3) Affect the expansion of businesses currently operating within the State of California
- 4) Affect worker safety or the state's environment. The proposed regulatory action will benefit the health and welfare of California residents by enabling the Department to prevent potentially unsafe unregistered livestock drug products from being sold to California consumers by firms based out of state, ultimately enhancing consumer protections.

The proposed regulatory action will not require any additional ongoing expenses to individuals or businesses in California. However, the Department does anticipate additional ongoing expenses for out of state manufacturers whose unregistered livestock drug products are sold to California consumers. To date, the Department has discovered a total of 678 unregistered livestock drug products made by 102 out of state manufacturers being sold to California consumers. The fee for a two-year livestock drug registration is \$180 per product; an average of seven unregistered products per out of state manufacturer totals to an average cost of \$1,260 per out of state manufacturer every other year.

SMALL BUSINESS DETERMINATION

The Department has initially determined that the proposed regulations will not impact small businesses. The proposed revisions will not have any associated economic impact for California businesses because these are existing statutory requirements.

However, the Department does anticipate a small economic impact for out of state manufacturers whose

unregistered livestock drug products are sold to California consumers.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Written comments and inquiries concerning the substance of the proposed regulation, initial statement of reasons, proposed actions, location of the rulemaking file, or a request for a public hearing should be directed to:

Ashley James, Research Data Analyst II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs
Regulatory Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov
Phone: 916-900-5022

The backup contact person for these inquiries is:

Erika Lewis, Research Data Specialist II
California Department of Food and Agriculture
Feed, Fertilizer, and Livestock Drugs
Regulatory Services Branch
1220 N Street
Sacramento, CA 95814
Email: feed_lvstk@cdfa.ca.gov
Phone: 916-900-5022

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process. A copy of this notice, the proposed regulation text, and the initial statement of

reasons may be obtained by contacting Ashley James at the address provided in the “Contact Persons” section.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed action, the initial statement of reasons, and the proposed regulation text in underline and strikethrough can be accessed through the Department’s website: <https://www.cdfa.ca.gov/is/Regulations.html>.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received during the written comment period, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which differ, but 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 prior to amendment. Please send requests for copies of any modified regulations to the attention of Ashley James at the address provided in the “Contact Persons” section. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the final statement of reasons may be obtained by contacting Ashley James at the address provided in the “Contact Persons” section.

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

SPRAY ADJUVANT INGREDIENT STATEMENT REQUIREMENTS DPR REGULATION NO. 22–004

The Department of Pesticide Regulation (DPR) proposes to adopt Title 3, California Code of Regulations (3 CCR) section 6247. The pesticide regulatory program activities affected by the proposal are those pertaining to the registration of spray adjuvant products. In summary, the proposed action will establish and standardize ingredient statement requirements, including principal functioning agent identification and nomenclature requirements,

on spray adjuvant product labels. The proposed regulations will only apply to spray adjuvant products submitted for registration or an amendment on or after the effective date of this proposed action. Labels of currently registered spray adjuvant products will have to comply with the proposed regulations if and when an application for a label amendment is submitted.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. Written comments must be received no later than 5:00 p.m. on December 20, 2022. Comments regarding this proposed action may also be transmitted via e-mail to <dpr22004@cdpr.ca.gov> or by facsimile at 916–324–1491.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by regulating pesticide sales and use and by fostering reduced–risk pest management. DPR’s strict oversight includes: product evaluation and registration; statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

With certain exceptions, pesticides must be registered (licensed for sale and use) with the U.S. Environmental Protection Agency (U.S. EPA) before they can be registered in California. DPR’s preregistration evaluation is in addition to, and complements, U.S. EPA’s evaluation. Before a pesticide can be sold or used in California, both agencies require data on a product’s toxicology and chemistry—how it behaves in the environment; its effectiveness against targeted pests and the hazards it poses to nontarget organisms; its effect on fish and wildlife; and its degree of worker and bystander exposure.

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech–to–speech users may dial 7–1–1 for the California Relay Service.

The purpose of the registration process is to determine whether the pesticide product can be used safely and effectively in accordance with its label directions. The pesticide product label and scientific data must be reviewed and found acceptable before the product can be registered. Pesticide product labels provide critical information about the product, and must include certain information, including an ingredient statement that identifies the name and percentage by weight of each active ingredient and the percentage by weight of other, inert ingredients. Labeling requirements are generally set forth in Title 40, Code of Federal Regulations (40 CFR) section 156.10.

A “spray adjuvant” is any wetting agent, spreading agent, deposit builder, adhesive, emulsifying agent, deflocculating agent, water modifier, or similar agent, with or without toxic properties of its own, which is intended to be used with another pesticide as an aid to the application or effect of the other pesticide, and sold in a package that is separate from that of the pesticide other than a spray adjuvant with which it is to be used (FAC section 12758). Under California law, spray adjuvants are considered pesticides (FAC section 12753(a)). Therefore, DPR requires the registration of spray adjuvants, which are not considered pesticides under federal law. Because spray adjuvants are not considered pesticides under federal law, they are not covered under the labeling requirements in 40 CFR section 156.10.

California statute currently has limited requirements for spray adjuvant labeling. FAC section 12883(b) states that “a pesticide that is sold only as a spray adjuvant is not misbranded if the total percentage of the constituents ineffective as a spray adjuvant is stated on the label without mention of the terms ‘active ingredient’ or ‘inert ingredient.’” FAC section 12885 states that while the label must state the type or function and the names of the principal functioning agents, in cases where more than three functioning agents are present, only the three principal ones need be named. In addition, Article 10 of 3 CCR establishes limited requirements for items that must be identified on product labeling in California. However, DPR has the authority (FAC sections 11501 and 12824) to require additional label language if it is determined that the omission of such label statements would pose a hazard to humans or the environment.

Because the federal government does not register spray adjuvants, 40 CFR section 156.10 does not contain labeling requirements specific to spray adjuvant ingredient statements, including requirements for principal functioning agent nomenclature. Because California requires registration of stand-alone spray adjuvant products, spray adjuvant labeling requirements are necessary to establish clear ingredient statement

requirements and distinguish principal functioning agents from active and inert ingredients covered by federal regulations. In addition, as spray adjuvants are considered pesticides under California law, this will ensure some consistency among ingredient statements of all pesticides.

The proposed regulations will specify ingredient statement requirements for spray adjuvant products, including which ingredients must be named and how the concentrations of certain ingredients must be listed. They will also clarify nomenclature requirements for principal functioning agents listed on the label by specifying how certain principal functioning agents must be identified. The proposed regulatory action does not impose additional data requirements, and will only apply to labels of spray adjuvant products submitted for registration or an amendment on or after the effective date of this proposed action.

The broad objective of the proposed action is to benefit the health and welfare of California residents, worker safety, and the State’s environment by defining consistent and meaningful methods of identifying principal functioning agents on spray adjuvant product labels. Many principal functioning agents used in spray adjuvant formulations are polymers or mixtures that lack common names that would be more easily identifiable to the general public. Such chemicals often have long and complex chemical names that do not provide readily identifiable information regarding chemical structure and general physicochemical properties. The use of chemical class provides a way to group chemicals with similar properties into distinct classes that are more meaningful to end-users. In cases where chemical class is inadequate in distinguishing properties among members of a class, the proposed regulation requires the use of chemical or common name to better protect the public and the environment.

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. The proposal will not interfere or otherwise impact other state agencies as DPR is the only agency that regulates spray adjuvants within the State.

**IMPACT ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq. There are no other nondiscretionary

costs or savings imposed upon local agencies that are expected to result from the proposed regulatory action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR made an initial determination that adoption of this regulation 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.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California. This action is consistent with current law and will not significantly restrict or increase the use of spray adjuvant products in California. The proposed action will specify ingredient statement requirements, including nomenclature that must be used to identify principal functioning agents on new and amended spray adjuvant labels.

The proposed regulations will benefit the health and welfare of California residents, worker safety, and the State's environment by defining consistent and meaningful methods of identifying principal functioning agents on spray adjuvant product labels. Many principal functioning agents used in spray adjuvant formulations are polymers or mixtures that lack common names that would be more easily identifiable to the general public. Such chemicals often have long and complex chemical names that do not provide readily identifiable information regarding chemical structure and general physicochemical properties. The use of chemical class provides a way to group chemicals with similar properties into distinct classes that are more meaningful to end-users. In cases where chemical class is inadequate in distinguishing properties among members of a class, the proposed regulation requires the use of chemical or common name to better protect the public and the environment.

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11501 and 12781.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 12753, 12758, 12883 and 12885.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the

rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Lauren Otani, Senior Environmental Scientist
(Specialist)
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812-4015
916-445-5781

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Jason Eiserich, Environmental Program Manager I
Pesticide Evaluation Branch
916-324-3899

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the documents can be made available in another language, or an alternate form as a disability-related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

TITLE 13: DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (department) proposes to amend Sections 430.00 and 431.00 in Article 6.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to the fee for recording notices of delinquent parking and toll evasion violations.

PUBLIC HEARING

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

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **December 19, 2022**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 4763 and 4773.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In September 1993, the Department of Motor Vehicles (department) adopted Section 430.00, implementing Vehicle Code section 4763, to establish a \$3.00 fee assessed on processing agencies for each notice of delinquent parking violation filed with the department. In May 1999, the department adopted Section 431.00, implementing Vehicle Code section 4773, to establish a \$3.00 fee assessed on processing agencies for each notice of delinquent toll evasion violation filed with the department.

Assembly Bill (AB) 516 (Chapter 90; Statutes of 2016) added Vehicle Code section 4456.2 to require the department to develop an operational system, no later than January 1, 2019, that allows a vehicle dealer or vehicle lessor/retailer to electronically report the

sale of a vehicle and provide a temporary license plate if the vehicle does not already display license plates. AB 516 also amended Vehicle Code sections 4763 and 4773 to authorize the department to assess a fee that is sufficient to provide for the administration of the electronic report of sale system established in Vehicle Code section 4456.2.

In September 2017, and effective on January 1, 2018, the department amended both Sections 430.00 and 431.00 to adjust each fee from \$3.00 to \$4.00. In that rulemaking, the department noted that, after the electronic report of sale system is fully funded, the department would reassess both fees to an amount sufficient to cover the cost of administering the system. The department received sufficient revenue to cover the implementation and one-time costs of the electronic report of sale system and reduced the fees back to \$3.00 in April of 2019. Since then, the department conducted a costing review and ultimately determined that the fee should be reduced to \$2.00. Therefore, the department is amending Sections 430.00 and 431.00 to reflect the adjusted fee of \$2.00. This amendment is necessary to ensure the department is only collecting a fee that is sufficient to fund the actual costs of recording notices of delinquent parking and toll evasion violations.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department conducted a review of other regulations and has determined that there are no other regulations related to the fee for recording notices of delinquent parking violations and delinquent toll evasion violations. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

There are no existing federal statutes or regulations that govern the administrative fee charged by the department to record notices of delinquent violations.

DOCUMENTS INCORPORATED BY REFERENCE

There are no documents incorporated by reference.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

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

- Cost or Savings to Any State Agency: None.
- Other Non-Discretionary Cost or Savings to Local Agencies: The fee for recording delinquent parking and toll evasion violations is a non-reimbursable cost by the state and is assumed absorbed by local agencies that update records to the DMV database. The cost for each fee is being reduced by two dollars.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This action will amend the recording fee paid to the department by violation processing agencies.
- Small Business Impact: This proposed action is unlikely to impact small business. Local violation processing agencies are the entities responsible for paying fees to the department.
- Local Agency/School District Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The proposed regulatory action is not anticipated to have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposed action decreases a fee paid to the department by an agency responsible for processing parking and toll evasion violations.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

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

The department has determined that this action will not impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, or 3) the expansion of businesses currently

doing business within the State of California, or 4) the welfare of California residents, worker safety or the state's environment.

PUBLIC DISCUSSIONS
OF PROPOSED REGULATIONS

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

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

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

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

Telephone: (916) 282-7294
Facsimile: (916) 657-6243
E-Mail: LADRegulations@dmv.ca.gov

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

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

AVAILABILITY OF STATEMENT
OF REASONS AND TEXT
OF PROPOSED REGULATIONS

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

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

AVAILABILITY OF MODIFIED TEXT

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

TITLE 13. HIGHWAY PATROL

DIVISION 2, CHAPTER 6.5, ARTICLE 3,
AMEND SECTION 1213, ADD SECTION
1213.3, AND ARTICLE 6, AMEND
SECTION 1234.
ELECTRONIC LOGGING DEVICES FOR
INTRASTATE MOTOR CARRIERS AND
DRIVERS (CHP-R-2018-09)

The California Highway Patrol (CHP) proposes to amend the Motor Carrier Safety Regulations contained in Title 13, California Code of Regulations (CCR), to be consistent with the current version of adopted federal regulations in Title 49, Code of Federal Regulations (CFR).

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Title 13, CCR, Division 2, Chapter 6.5, Article 3, Section 1213, contains general driving requirements, and Article 6, Section 1234, contains carrier requirements.

This rulemaking action proposes to amend Title 13, CCR, sections in order to align with current California Vehicle Code (CVC) sections. The actions will enhance the safe operation of motor vehicles and increase the competitiveness of California carriers by eliminating or modifying, to the extent possible, regulations which conflict with updated federal regulations, reducing negative impacts on businesses. This rulemaking will also allow the CHP to remain consistent with Federal Motor Carrier Safety Regulations (FMCSR) adopted by the United States Department of Transportation, and addresses inconsistencies and incompatibilities between state and federal regulations.

Currently, state regulations do not require an Electronic Logging Device (ELD) as the method for preparing an intrastate driver's record of duty status (RODS), and are subsequently not compatible with federal regulations. In order for the CHP to fulfill the mandate established in Section 34501(a) CVC and be in compliance with federal law, the CHP must amend intrastate RODS regulations. This rulemaking actions will align state regulations with FMCSR in Title 49, CFR, Part 395, by requiring California intrastate carriers and drivers to record RODS using ELDs. Additionally, the use of ELDs will enhance commercial vehicle safety by improving compliance with the applicable hours-of-service (HOS) rules and reducing the overall paperwork burden for both motor carriers and drivers. This proposed rulemaking actions amends Title 13, CCR, Section 1213 and Section 1234, and adopts and incorporates by reference the most

current edition of Title 49, CFR, Part 395, into Title 13, CCR. Adding Title 13, CCR, Section 1213.3, ensures California's regulatory consistency with federal requirements.

**EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH EXISTING
STATE REGULATIONS**

The CHP has determined this proposed regulation is neither inconsistent, nor incompatible, with existing regulations. After conducting a review for any regulations that would relate to or affect this area, CHP has concluded that these are the only regulations that concern the driver's record of duty status.

PUBLIC COMMENTS

Interested persons may submit written comments on these proposed actions via facsimile to (916) 322-3154, by electronic mail to cvsregulations@chp.ca.gov, or by writing to:

California Highway Patrol
Enforcement and Planning Division
Commercial Vehicle Section
Attention: Sergeant David Kelly
P.O. Box 942898
Sacramento, CA 94298-0001

Written comments will be accepted until December 19, 2022.

PUBLIC HEARING

No public hearing has been scheduled. If any person desires a public hearing, a written request must be received by the CHP, Commercial Vehicle Section (CVS), no later than 15 days prior to the close of the written comment period.

AVAILABILITY OF INFORMATION

The CHP has available for public review an Initial Statement of Reasons for the proposed regulatory actions, the information upon which this action is based (the rulemaking file), and the proposed regulation text. Requests to review or receive copies of this information should be directed to the CHP at the above address, by facsimile to (916) 322-3154, or by calling the CHP, CVS, at (916) 843-3400. All requests for information should include the following information: the title of the rulemaking package, the requester's name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester's information is incomplete or illegible.

The rulemaking file is available for inspection at the CHP, CVS, 601 North 7th Street, Sacramento,

CA 95811. Interested parties are advised to call for an appointment.

All documents regarding the proposed action are also available through the CHP's Web site at <https://www.chp.ca.gov/News-Alerts/Regulatory-Actions>.

CONTACT PERSON

Any inquiries concerning the written materials pertaining to the proposed regulations, or questions regarding the substance of the proposed regulations, should be directed to Sergeant David Kelly or Officer Kasonja Pochop, CHP, CVS, at (916) 843-3400.

ADOPTION OF PROPOSED REGULATIONS

After consideration of public comments, the CHP may adopt the proposal substantially as set forth without further notice. If the proposal is modified prior to adoption and the change is not solely grammatical or nonsubstantive in nature, the full text of the resulting regulation, with the changes clearly indicated, will be made available to the public for at least 15 days prior to the date of adoption.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The CHP has made the following initial determinations:

LOCAL MANDATE

These proposed regulations will not impose a mandate on local agencies or school districts that must be reimbursed in accordance with Part 7 (commencing with section 17500) of the Government Code.

FISCAL IMPACT

Costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq. None anticipated.

Cost or savings to any state agency. Estimates of fiscal costs and savings to the state include, but is not limited to; increased states tax revenue from the purchase and installations of ELD devices. The estimated state revenue impact for ELD sales tax assess the ELD cost for; hardware, new installation labor, replacement installation labor, and monthly fees.

Other non-discretionary costs or savings imposed upon local agencies. None anticipated.

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

HOUSING COSTS

No significant effect on housing costs exists. The proposed regulations do not intersect with the cost of housing.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The proposed regulations will directly affect intrastate commercial vehicle motor carriers and drivers. The following compliance requirements are projected to result from the proposed regulation:

- Require ELDs for recording RODS for commercial drivers.
- Require installation of new ELDs in regulated commercial vehicles.
- Software service of ELD devices.
- Training costs.

This rulemaking will affect California commercial vehicle motor carriers and drivers. The CHP made an initial determination that the amendment and adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The CHP has considered proposed alternatives that would lessen any adverse economic impacts on businesses and invites you to submit additional proposals. Submissions may include the following considerations:

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

RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT

The CHP determined that this rulemaking action is a major regulation and has completed a Standardized Regulatory Impact Assessment (SRIA), conducted by Berkeley Economic Advising and Research (BEAR). The SRIA, the Department of Finance (DOF) comments on the SRIA, and the CHP's response to DOF's comments are included in the Initial Statement of Reasons for this rulemaking action.

The SRIA found that businesses will realize an increase in costs due to this regulation. Some of the costs may be absorbed from the potential reduction in traffic crashes, HOS violations, and paperwork savings. The costs associated with the proposed regulations will not be deterred from continuing with this regulatory amendment. However, the SRIA also found the overall savings were greater than cost associated with the proposed regulations. For these reasons, the CHP made the following determinations:

- The proposed regulations will affect the creation or elimination of jobs within the State of California.
- The proposed regulations will likely affect the creation of new businesses or the elimination of existing businesses within the State of California.
- The proposed regulations may affect the expansion of businesses currently doing business in the State of California.
- The proposed regulations may affect the ability of businesses within California to compete with businesses in other states.
- The proposed regulations may affect the competitive advantages or disadvantages for businesses currently doing business in the State of California.
- The proposed regulations may affect the increase or decrease of investment in the State of California.
- The proposed regulations will not likely affect incentives for innovation in products, materials, or processes.
- The proposed regulation will likely have cost impacts on private persons and small businesses.
- The proposed regulation will provide a nonmonetary benefit to the health and safety, and welfare of California residents, worker safety, and the state's environment and quality of life, by providing a regulatory authority for enforcement efforts as they relate to violations of the current RODS regulations found in Title 49, CFR.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

While the regulatory requirements will impose costs on intrastate commercial vehicle motor carriers and drivers, the results of the SRIA concluded that the proposed regulations will also provide economic benefits to individuals and the public by increasing business related to these regulated industries. Based on conservative assumptions that overestimate costs, annualized costs for typical businesses will be responsible for the majority of the average \$49

million cost burden over the first nine years of implementation. The estimated cost burden includes annualized ELD cost for; hardware, new installation labor, replacement installation labor, and monthly fees. In turn, the majority of the indirect economic benefits from this regulatory savings could yield up to a nine-year annual average of approximately \$306 million. The SRIA, as conducted by BEAR, was indicative of current economic trends at the time of the study. These costs and impacts are discussed in more detail in the Economic Impact Assessment in the Initial Statement of Reason (ISOR).

SUMMARY OF DEPARTMENT OF FINANCE COMMENTS ON STANDARDIZED REGULATORY IMPACT ASSESSMENT

The DOF generally concurred with the SRIA study for the proposed regulations and found that it meets the requirements for the SRIA, but completed a critique of the SRIA. The DOF's comments on the SRIA and the CHP's response are summarized as follows:

DOF Comment 1. *“The SRIA should incorporate and discuss relevant assumptions and data on ongoing pandemic circumstances such as the current global chip shortage and general supply disruptions and how that may delay compliance, impacting the timing and magnitude of costs and benefits in the first year of implementation. Actual violation data from the 2021 FMCSA Pocket Guide Book showed that there were over 20,000 (0.7 percent) ELD violations for the nation in 2020, three years after the phase-in of the federal program and one year after the 2019 mandatory compliance, demonstrating challenges in compliance even before the pandemic. Similarly, the agency should discuss any implications of potential truck driver shortages as the SRIA assumes that new drivers will be hired to make up for required reduced hours to avoid HOS violations. Actual occupations data for California showed that the number of affected drivers decreased by nearly 5 percent in 2020. The SRIA should use updated data to reflect current conditions or alternatively justify the implicit assumption that the number of affected drivers has already recovered to pre-pandemic levels and the assumption of growth to make up for reduced HOS violations despite potential labor shortages in this sector.”*

CHP Response to DOF Comment 1. The following text has been added to Section 2.3 Assumptions and Uncertainty:

The ongoing public health threat from COVID-19 has been disruptive to supply chains and livelihoods dependent upon them, including commercial transportation. These shocks affected California's trucking sector through both logistical mismatches

and labor shortages, creating delays and escalating operating costs and prices. Fortunately, the U.S. economy has shown remarkable resilience, with no evidence of a sustained recession and a dramatic recovery of labor markets. As the latest data from the U.S. Bureau of Labor Statistics indicates (Figure 1), national and California employment in freight trucking have returned to long term trends now, six months before the projected ELD compliance date. We assume this recovery will be sustained and, taking all these factors into account, we conclude that COVID-19 itself will be of very limited direct relevance to ELD compliance within the state. In other words, the number of affected drivers has already recovered to pre-pandemic trends and this growth makes up for reduced HOS violations that might have resulted from transitory labor shortages in this sector. As DOF notes, violations of the Federal mandate continued after enactment and before the pandemic, but there is no reliable data attributing COVID-19 to changes in compliance. The current SRIA also takes account of non-compliance in all three scenarios but does not support implicating COVID-19 directly in the regulatory shock.

Note: (Figure 1) is located and discussed in more detail in the ISOR.

DOF Comment 2. *“Another recent development that should be discussed is the move from mobile carriers to begin shutting down 3G networks, which would lead to more existing ELDs that need to be replaced than assumed in the SRIA.”*

CHP Response to DOF Comment 2. The following text was added to Section 2.3: Assumptions and Uncertainty:

During the period of this SRIA assessment, California’s mobile network has been undergoing a transition from 3G to 5G service. Although transition to 5G networks is not a consequence of the ELD regulation and would be part of the Baseline, but process that can be expected to impact adoption patterns for network transmission devices like ELDs. There is no reliable ex ante data to calibrate this in greater detail because, now in the middle of the technology deployment (February–December 2022), no public data is available to identify how many California carriers are currently utilizing 3G and 5G compatible ELDs.

With respect to the regulation, most carriers are expected to be committed to 5G deployment before ELD compliance is required. The announced sunset dates (completing 3G shutdowns) are listed below, although most service providers expect to complete these transitions earlier. These are dates for completing their shutdowns.

- AT&T 3G: February 22, 2022
- Sprint 3G (T-Mobile): March 31, 2022

- Sprint LTE (T-Mobile): June 30, 2022
- T-Mobile 3G: July 1, 2022
- Verizon 3G: December 31, 2022

Thus, only Verizon would fully sunset after the ELD regulation comes into force. Meanwhile, FMCSA strongly encourages motor carriers to take the above actions as soon as possible to avoid compliance issues, as portions of carrier 3G networks will be unsupported in advance of the announced sunset dates. Moreover, it should be borne in mind that delayed 5G adoption need not render 3G devices unusable. ELD devices can still record information even if it is not transmitted across the network. For these reasons, the SRIA assumes timely adoption by users of the first four networks and pre-emptive adoption by Verizon users.

DOF comment 3. *“The SRIA must produce quantitative estimates of all fiscal costs and savings to state, county and local budgets, as required by Finance regulations. This includes but is not limited to:*

- 1) *the increased state and local sales tax revenue from the purchase and installation of nearly 200,000 ELD devices that would cost between \$40 million to \$145 million, which would increase sales tax revenue by \$3.3 million to \$11.9 million (assuming an average tax rate of 8.2 percent)”*

CHP Response to DOF Comment 3. Changes in sales tax revenue are already accounted for in the BEAR forecasts, which used a general equilibrium model that has closed-form accounting of Baseline fiscal interactions. To clarify the sales tax component of this, the revenue impact table was added to Section 5.1 of the SRIA.

Note: The revenue impact table is located and discussed in more detail in the ISOR. The estimated state revenue impact for ELD sales tax assess the average annualized ELD cost for; hardware, new installation labor, replacement installation labor, and monthly fees.

DOF comment 4. *“2) any changes in violation fees collected by the state due to potential delays in compliance discussed above and to better tracking of violations;”*

CHP Response to DOF Comment 4. To be clear, the regulation will explicitly require full compliance by the proposed deadline (October 2022), but the scenarios evaluated in the SRIA assume some violations will continue to occur. In these cases, firms must recruit to replace cited drivers and these compliance costs are explicitly calculated in the Proposed and Alternative Policy scenarios. As there is no historical data on a comparable regulatory adjustment in California, to estimate the effects of “better tracking” we relied on data from Federal precedence (see Section 2.3.4 and Appendix 3 for details).

DOF comment 5. “(3) any changes in workload for roadside inspectors”

CHP Response to DOF Comment 5. As stated in Section 5.2, the SRIA assumes that time spent per citation will remain consistent with current practices. Changes in the number of citations will be the net result of two offsetting forces: improved deterrence (–) and improved detection (+). Lacking California data on this, our assumption is again based on Federal precedence (Appendix 3, Table 11.1). Net personnel cost differences for CHP are estimated to average \$79,792/yr for the first three years of implementation, or about 0.03% of its aggregate staffing budget. Subsection 5.2.1 has been added to provide these details.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) of the GC, the CHP must determine that no reasonable alternative considered, or otherwise identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The CHP invites interested parties to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Once the Final Statement of Reasons for this proposed regulatory action is available, the public may request to review or receive copies of the statement. Requests should be directed to the CHP at the above address, by facsimile to (916) 322–3154, or by calling the CHP, CVS, at (916) 843–3400. All requests for information should include the following information: the title of the rulemaking package, the requester’s name, proper mailing address (including city, state, and zip code), and a daytime telephone number in case the requester’s information is incomplete or illegible.

AUTHORITY

This regulatory action is being taken pursuant to Sections 31401, 34501, 34501.2, 34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

REFERENCE

This action implements, interprets, and/or makes specific Sections 545, 546, 31401, 34501, 34501.2,

34501.5 and 34508, Vehicle Code; and Section 39831, Education Code.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

“NORTHERN SPOTTED OWL TAKE AVOIDANCE PATHWAYS AND HABITAT DEFINITION UPDATES, 2023”
DIVISION 1.5, CHAPTER 4,
SUBCHAPTERS 1, 4, AND 5
SUBCHAPTER 1, ABBREVIATIONS AND DEFINITIONS AND ARTICLE 9 — WILDLIFE PROTECTION PRACTICES

NATURE OF PROCEEDING

Notice is hereby given that the California State Board of Forestry and Fire Protection (Board) is proposing to take the action described in the Informative Digest.

PUBLIC HEARING

The Board will hold a public hearing on January 18, 2023, at its regularly scheduled meeting commencing at 9:00 a.m., at the Auditorium on the first floor, RM 1–302, of the Natural Resources Building, 715 P Street, Sacramento, CA. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. The Board requests, but does not require, that persons who make oral comments at the hearing also submit a written summary of their statements. Additionally, pursuant to Government Code (GOV) § 11125.1(b), writings that are public records pursuant to GOV § 11125.1(a) and that are distributed to members of the state body prior to or during a meeting, pertaining to any item to be considered during the meeting, shall be made available for public inspection at the meeting if prepared by the state body or a member of the state body, or after the meeting if prepared by some other person.

Attendees may also participate via GoToWebinar online meeting platform or telephone conferencing. To participate via GoToWebinar online meeting platform please email PublicComments@bof.ca.gov by 4:30 p.m. on January 17, 2023, to request a link to the meeting. A link to the meeting will also be posted under the “Webinar Information” heading on the front page of the Board website, no later than 8:00 a.m. the morning of the hearing.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends on at the conclusion of the public hearing on January 18, 2023.

The Board will consider only written comments received at the Board office by that time and those written comments received at the public hearing, including written comments submitted in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
 Attn: Jane Van Susteren
 Regulations Coordinator
 P.O. Box 944246
 Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
 715 P Street
 Sacramento, CA 95814

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address:

PublicComments@BOF.ca.gov

AUTHORITY AND REFERENCE
 (pursuant to GOV § 11346.5(a)(2) and
 1 CCR § 14)

Authority cited: Sections 4551 and 4553, Public Resources Code.

Reference: Sections 4513, 4551.5, 4552, 4582.75, 4583, 4597, Public Resources Code; and 50 CFR 17.11.

INFORMATIVE DIGEST/POLICY
 STATEMENT OVERVIEW
 (pursuant to GOV 11346.5(a)(3)(A)–(D))

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973, PRC § 4511, *et seq.* (FPA) the State Board of Forestry and Fire Protection (Board) is authorized

to construct a system of forest practice regulations applicable to timber management on state and private timberlands.

PRC § 4551 requires the Board to “...adopt district forest practice rules... to ensure the continuous growing and harvesting of commercial forest tree species and to protect the soil, air, fish, wildlife, and water resources...” of the state and PRC § 4553 requires the Board to continuously review the rules in consultation with other interests and make appropriate revisions.

The Northern Spotted Owl was listed as Threatened pursuant to the Endangered Species Act (ESA) in 1990, prohibiting “take”, defined as “to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct” (the Endangered Species Act § 3(18)). In 2017, the California Fish and Game Commission (FGC) listed the species as Endangered pursuant to the California Endangered Species Act (CESA) which also prohibits “take” defined as “to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill” (Fish and Game Code, § 86).

Since the initial listings, various mechanisms have been developed at the state and federal level to avoid take of this species or to provide for some form of “incidental take” for otherwise lawful activities. Current Forest Practice Rules related to the Northern Spotted Owl¹ were initially adopted in 1990 and, though they have received minor updates and amendments, still contain regulations related to unused or outdated procedures to avoid take, such as reference the 1992 U.S. Fish and Wildlife Service (USFWS) document “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls” and the known habitat for the species described therein. Thirty years of study, data collection, and analysis has revealed additional information on the protection of Northern Spotted Owl, leading to the 2012 USFWS release of an updated “Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls”, and in 2019 the release of two guidance documents specific to private lands in California: “Northern Spotted Owl Take Avoidance Analysis and Guidance for Private lands in California Attachment A: Take Avoidance Analysis–Coast Redwood Region” and “Northern Spotted Owl Take Avoidance Analysis and Guidance for Private lands in California, Attachment B: Take Avoidance Analysis–Interior.” This rulemaking seeks to update the Forest Practice Rules with the current guidelines and protocols that reflect the survey protocols, habitat definitions, and landscape level protections that have resulted from three decades of study, including

¹ 14 CCR §§ 919.9, 919.10, 939.9, 939.10, and related definitions within 14 CCR § 895.1

incorporating by reference the 2012 USFWS Protocol For Surveying Proposed Management Activities That May Impact Northern Spotted Owls.

The *problem* is that the current regulations refer to outdated Northern Spotted Owl survey protocols and pathways for take avoidance of this species.

The *purpose* of the proposed action is to update regulations to reflect existing survey protocols and pathways for take avoidance of this species.

The *effect* of the proposed action is Forest Practice Rules that conform with the existing survey protocols and pathways for take avoidance of this species.

The *benefit* of the proposed action is consistency between the updated survey protocols and pathways for take avoidance of this species as described in the Forest Practice Rules and as described by the listing agencies.

There is no comparable Federal regulation or statute.

Board staff conducted an evaluation on whether the proposed action is inconsistent or incompatible with existing State regulations pursuant to **GOV § 11346.5(a)(3)(D)**. State regulations related to the proposed action were, in fact, relied upon in the development of the proposed action to ensure the consistency and compatibility of the proposed action with existing State regulations. Otherwise, Board staff evaluated the balance of existing State regulations related to take avoidance mechanisms for Northern Spotted Owl during timber operations within State regulations that met the same purpose as the proposed action. Based on this evaluation and effort, the Board has determined that the proposed regulations are neither inconsistent nor incompatible with existing State regulations. The proposed regulation is entirely consistent and compatible with existing Board rules.

Statute to which the proposed action was compared: Chapter 8, Part 2, Division 4, Public Resources Code. Chapter 1.5, Division 3, Fish and Game Code. — Chapter 35 of Title 16 of U.S. Code

Regulations to which the proposed action was compared: Article 4, Subchapters 4, 5, & 6, Chapter 4, Division 1.5, Title 14, California Code of Regulations. Subchapter B, Chapter 1, Title 50 Federal Code of Regulations.

MANDATED BY FEDERAL LAW OR REGULATIONS

The proposed action is not mandated by Federal law or regulations.

The proposed action neither conflicts with, nor duplicates, Federal regulations.

The rule packages is intended to remove outdated definitions and references to take avoidance pathways related to Northern Spotted Owl that no longer conform with federal guidelines. No existing Federal

regulations meeting the same purpose as the proposed action were identified.

OTHER STATUTORY REQUIREMENTS (pursuant to GOV § 11346.5(a)(4))

There are no other matters as are prescribed by statute applicable to the specific State agency or to any specific regulation or class of regulations.

LOCAL MANDATE (pursuant to GOV § 11346.5(a)(5))

The proposed action does not impose a mandate on local agencies or school districts.

FISCAL IMPACT (pursuant to GOV § 11346.5(a)(6))

There is no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

A local agency or school district has the authority to levy service charges, fees, or assessments sufficient to pay for the program or level of service mandated by the act, within the meaning of Section 17556 of the Government Code.

The proposed action will not result in the imposition of other non-discretionary costs or savings to local agencies.

The proposed action will not result in costs or savings in Federal funding to the State.

The proposed action will not result in costs to any State agency. The proposed action represents a continuation of existing forest practice regulations related to the conduct of timber operations and will not result in any direct or indirect costs or savings to any state agency.

HOUSING COSTS (pursuant to GOV § 11346.5(a)(12))

The proposed action will not significantly affect housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE (pursuant to GOV §§ 11346.3(a), 11346.5(a)(7) and 11346.5(a)(8))

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 (by making it costlier to produce goods or services in California).

FACTS, EVIDENCE, DOCUMENTS,
TESTIMONY, OR OTHER EVIDENCE
RELIED UPON TO SUPPORT INITIAL
DETERMINATION IN THE NOTICE THAT
THE PROPOSED ACTION WILL NOT
HAVE A SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON BUSINESS
(pursuant to GOV § 11346.2(b)(5)
and GOV § 11346.5(a)(8))

Contemplation by the Board of the economic impact of the provisions of the proposed action through the lens of the decades of contemplating forest practice in California that the Board brings to bear on regulatory development.

STATEMENTS OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT (EIA)

The results of the economic impact assessment are provided below pursuant to **GOV § 11346.5(a)(10)** and prepared pursuant to **GOV § 11346.3(b)(1)(A)–(D)**. The proposed action:

- Will not create jobs within California (GOV § 11346.3(b)(1)(A));
- Will not eliminate jobs within California (GOV § 11346.3(b)(1)(A));
- Will not create new businesses (GOV § 11346.3(b)(1)(B));
- Will not eliminate existing businesses within California (GOV § 11346.3(b)(1)(B));
- Will not affect the expansion or contraction of businesses currently doing business within California (GOV § 11346.3(b)(1)(C));
- Will yield nonmonetary benefits (GOV § 11346.3(b)(1)(D)). The proposed action will result in broader access to a landscape-level protection for an endangered species, coordinating the protection of habitat and minimizing disturbances from survey efforts. The proposed action will not affect the health and welfare of California residents or worker safety.

COST IMPACTS ON
REPRESENTATIVE PERSON OR BUSINESS
(pursuant to GOV § 11346.5(a)(9))

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. No adverse impacts are to be expected.

BUSINESS REPORT
(pursuant to GOV §§ 11346.5(a)(11)
and 11346.3(d))

The proposed action does not impose a business reporting requirement.

SMALL BUSINESS
(defined in GOV 11342.610)

The proposed regulation may affect small business, though small businesses, within the meaning of GOV § 11342.610, are not expected to be significantly affected by the proposed action.

Small business, pursuant to 1 CCR § 4(a):

- (1) Is legally required to comply with the regulation;
- (2) Is not legally required to enforce the regulation;
- (3) Does not derive a benefit from the enforcement of the regulation;
- (4) May incur a detriment from the enforcement of the regulation if they do not comply with the regulation.

ALTERNATIVES INFORMATION

In accordance with **GOV § 11346.5(a)(13)**, the Board must determine that no reasonable alternative it considers, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, 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 PERSON

Requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
Attention: Jane Van Susteren
Regulations Coordinator
P.O. Box 944246
Sacramento, CA 94244–2460
Telephone: (916) 619–9795

The designated backup person in the event Ms. Van Susteren is not available is Andrew Lawhorn, Forestry Assistant II for the Board of Forestry and

Fire Protection. Mr. Lawhorn may be contacted at the above address or phone number.

AVAILABILITY STATEMENTS
(pursuant to GOV § 11346.5(a) (16), (18))

All of the following are available from the contact person:

1. Express terms of the proposed action using *UNDERLINE* to indicate an addition to the California Code of Regulations and *STRIKETHROUGH* to indicate a deletion.
2. Initial Statement of Reasons, which includes a statement of the specific purpose of each adoption, amendment, or repeal, the problem the Board is addressing, and the rationale for the determination by the Board that each adoption, amendment, or repeal is reasonably necessary to carry out the purpose and address the problem for which it is proposed.
3. The information upon which the proposed action is based (pursuant to **GOV § 11346.5(b)**).
4. Changed or modified text. After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text—with the changes clearly indicated—available to the public for at least 15 days before the Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who testified at the hearings, submitted comments during the public comment period, including written and oral comments received at the public hearing, or requested notification of the availability of such changes from the Board of Forestry and Fire Protection. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

FINAL STATEMENT OF REASONS

When the Final Statement of Reasons (FSOR) has been prepared, the FSOR will be available from the contact person on request.

INTERNET ACCESS

All of the material referenced in the Availability Statements is also available on the Board web site at: <https://bof.fire.ca.gov/regulations/proposed-rule-packages/>

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 713, 1050, and 1054 of the Fish and Game Code and to implement, interpret, or make specific sections 713, 1050, and 1054 of said Code, proposes to amend Section 700.4 of Title 14, California Code of Regulations related to the display of licenses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations. Current regulations (existing Section 700) state every person, while engaged in taking any fish, amphibian, reptile, bird, or mammal shall have on their person or immediate possession a valid sport fishing or hunting license. The California Department of Fish and Wildlife (Department) Automated License Data System (ALDS) allows license items to be printed instantly using point of sale terminals at Department license agents and Department license sales offices (existing Section 700.4). ALDS also allows applicants to apply for licensing via the Internet, print out a temporary license, and receive a permanent license via mail. These options will remain available.

This Department proposal adds subsection (f) to Section 700.4 to allow the Department to accept electronic display of licenses on an official Department application. Several non-substantive changes to the section are also proposed to provide consistency among Title 14 sections. 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 700.4. Automated License Data System

Benefit of the Regulations:

These regulations will allow the Department to accept proof of valid licenses using a mobile application as an alternative to carrying a paper license.

Technology has changed significantly and there has been an increased demand for electronic license display. Licensees may forget a paper copy of a license but are likely to have a mobile device. The regulatory action proposed herein will provide flexibility in the method licensees may use to verify license validity.

Consistency and Compatibility with Existing Regulations:

The Commission has reviewed its own regulations and finds that the proposed regulatory action is 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 the acceptable physical presentations of sport fishing and hunting licenses.

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 in San Diego, California which will commence at **8:30 a.m. on Wednesday, December 14, 2022**, and may continue at **8:30 a.m. on Thursday, December 15, 2022**. The exact location of this meeting has not yet been determined. As soon as this information is available but not less than ten 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 on the Commission’s website. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

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 at the **California Natural Resources Agency Headquarters 1st Floor Auditorium, 715 P Street, Sacramento, California, 95814** commencing at **8:30 a.m. on Wednesday, February 8, 2023**, and may continue at **8:30 a.m. on Thursday, February 8, 2023**. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

It is requested, but not required, that written comments be submitted by 5:00 p.m. on January 26, 2023 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 February 3, 2023.** All comments must be received no later than February 8, 2023, 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 Regulatory Analyst, Chelle Temple–King, Department of Fish and Wildlife, ([Chelle.Temple–King@wildlife.ca.gov](mailto:Chelle.Temple-King@wildlife.ca.gov) or (916)902–9223), 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/
RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT

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 regulation 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. This regulatory action will not impose cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulation.

- (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 impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the proposed regulations are unlikely to change the demand for goods or services related to sport fishing. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however, as stated above, the proposal would benefit California residents generally by expanding the options for proof of licensure to include electronic display.

- (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

The Department ALDS estimates a one-time implementation cost of \$448,975 to contract with Aspira for the development of the electronic license display application that is fundamental to the proposed regulation. These costs are within existing budgets and resources.

No impact to federal funding to the state should occur. No nondiscretionary costs, or savings are anticipated for State agencies other than the Department due to this regulation change.

- (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 19. OFFICE OF THE STATE
FIRE MARSHALL**

DIVISION 1. STATE FIRE MARSHAL

**CHAPTER 5. AUTOMATIC FIRE
EXTINGUISHING SYSTEMS**

ARTICLE 5. LICENSING

SECTION 905.3. FEES

AND

**CHAPTER 5.5. AUTOMATIC
FIRE EXTINGUISHING SYSTEMS
CERTIFICATION**

**ARTICLE 3. GENERAL PROVISIONS AND
FEE SCHEDULE**

SECTION 925.1. FEE SCHEDULE

**FEE STRUCTURE FOR
AUTOMATIC FIRE EXTINGUISHING
SYSTEMS CERTIFICATION**

NOTICE IS HEREBY GIVEN pursuant to Government Code Section 11346, that the California Department of Forestry and Fire Protection – Office of the State Fire Marshal (“OSFM”) or (“SFM”) proposes to take the regulatory action described below in the Informative Digest implementing Title 19, Division 1, Chapter 5, Article 5 and Chapter 5.5, Article 3 of the California Code of Regulations (CCR), related to the adoption of a new fee structure for automatic fire extinguishing systems certification after considering public comments, objections, or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person or his/her authorized representative may submit written comments relevant to the proposed regulatory action. Written comments will be accepted for 45 days beginning **November 4, 2022**, through **December 20, 2022**. All written comments received through the end of **December 20, 2022**, will be considered and responded to as part of the compilation of the rulemaking file and are subject to disclosure under the Public Records Act (Gov. Code Section 6250, et seq.). Written comments should be directed to:

- **Email:** Title19regulations@fire.ca.gov
- **U.S. Mail postmarked no later than December 20, 2022, to:**

CAL FIRE/Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244–2460
Attn: Eireann Flannery, Code Development &
Analysis

Pursuant to Government Code Section 11346.9, the OSFM shall respond to comments submitted during the comment period containing objections and/or recommendations specifically directed at the SFM’s proposed action or to the procedures followed by the agency in proposing or adopting the action.

PUBLIC HEARING

The OSFM has not scheduled a public hearing on this proposed action. However, the OSFM will hold a public hearing to accept comments if a written request is received from any interested person or his/her authorized representative, no later than 15 days before the close of the 45–day written comment period, pursuant to Government Code Section 11346.8. Submit requests to the contact person indicated below.

STATUTORY AUTHORITY

The proposed action will adopt regulations to reflect legislative requirements found in Government Code, Section 11346.6.

AUTHORITY

Health and Safety Code Section 13110, 13195 and Government Code Section 6157(b).

REFERENCE

Health and Safety Code Section 13137 and Government Code Section 11546.7.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Health and Safety Code Section 13137 governs the use of the State Fire Marshal Licensing and Certification Fund. This fund houses fees from the Automatic Fire Extinguishing Systems Program, and fees from the OSFM’s other Licensing and Certification programs. Section 13137 specifies that 1) fees may not exceed the actual cost of administrating the OSFM’s Licensing and Certification programs, and 2) fees must be used for the benefit of the same group they are collected from. The fund’s statute limits the use of monies to the group that the fees are collected from.

However, the current fee amounts are not sufficient to cover the actual costs to operate the Automatic Fire Extinguishing Systems Program. There is substantial

evidence that the program must obtain additional revenue in order to maintain compliance with the fund's statutory requirements, which effectuate the purpose of Health and Safety Code Section 13137.

SUMMARY OF EXISTING LAWS

Pursuant to Health and Safety Code Sections 13110, 13195, 1396, 13197, 13198, and 13199, the Office of the State Fire Marshal (OSFM) has statutory authority to operate the Automatic Fire Extinguishing Systems Program, and to collect fees which do not exceed the actual costs of operating the program.

In addition, Government Code Section 6157(b) authorizes a State agency to charge an appropriate fee to cover the cost of any returned or dishonored checks. This section is applicable to the Automatic Fire Extinguishing Systems Program because the program accepts checks for fees.

SUMMARY OF EXISTING REGULATIONS

CCR, Title 19, Division 1, Chapter 5, Article 5 and Chapter 5.5, Article 3 require a fee for automatic fire extinguishing certifications. Pursuant to Health and Safety Code Section 13137, the OSFM is proposing a fee increase. In 2018, the OSFM initiated the process of fully assessing the operating expenses of the Automatic Fire Extinguishing Systems Program, in order to determine if the existing program revenues meet statutory requirements to use program fees for the benefit of the group they are collected from. Through this evaluation, the OSFM determined that annual revenue under the current fee structure is insufficient to operate the program and therefore does not meet the requirements of Health and Safety Code 13137. Additional revenue is necessary in order for the program to implement the fund's statutory requirements, as detailed in Health and Safety Code Section 13137.

The current fee schedule was established in the 1980s and is insufficient to sustain the Automatic Fire Extinguishing Systems Program without incurring a deficit. Since that time, program costs have risen significantly due to inflation, rising personnel costs, amounts required to maintain the reserve recommended by the Department of Finance, and adoption of online application and payment systems.

This rulemaking action proposes amendments to CCR, Title 19, Chapter 5, Article 5, Section 905.3 (a), (b), (c), (d), (e) and Authority and Reference Note; and amendments to CCR, Title 19, Chapter 5.5, Article 3, Section 925.1 (1), (2), (3), (4), (6), (7), (9) and Authority and Reference Note.

SUMMARY OF EFFECT

The proposed regulations will impose cost impacts that a directly affected business would incur in reasonable compliance with the proposed action. The

impacts will affect new applicants and annual renewals as required by statute.

COMPARABLE FEDERAL REGULATIONS OR STATUTES

The proposed action does not duplicate or conflict with any federal regulations or statutes. No comparable federal regulations or statutes exist.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulations are necessary to provide sustainable and complete funding to implement the Program's statutory enforcement mandates in Health and Safety Code Sections 13110, 13195, 13196, 13197, 13198, and 13199. Sustainable and complete funding will allow the OSFM to remain compliant with the State Fire Marshal Licensing and Certification Fund requirements in Health and Safety Code Section 13137.

The OSFM has determined that this regulatory proposal will benefit public safety, and worker safety. This program specifically enhances worker safety by reducing the risk of catastrophic fire in assembly occupancy and workplace settings. This regulation enhances the use of preventative measures to reduce the risk of a fire ignition or spread in many public spaces, protecting workers and public visitors from the impacts of fire and panic.

EVALUATION OF INCONSISTENCY/INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The OSFM has evaluated the proposed regulations and found that they are not inconsistent or incompatible with existing state and federal regulations.

DOCUMENTS INCORPORATED BY REFERENCE

No documents are incorporated by reference as part of this proposal.

OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the SFM, or to any specific regulation. There are no other matters to identify.

DISCLOSURES REGARDING THE PROPOSED ACTION

The OSFM has made the following initial determinations concerning the adoption of the proposed regulations:

1. Mandates on local agencies and school districts: **None.**
2. Costs or savings to any state agency: **None.**
3. Cost to any local agency or school district that must be reimbursed in accordance with

Government Code Section 17500 through Section 17630: **None.**

4. Other non–discretionary cost or saving imposed on local agencies: **None.**
5. Costs or savings in federal funding to the State of California: **None.**
6. Significant effect on housing costs: **None.**
7. Significant Statewide Adverse Economic Impacts Directly Affecting Businesses and Individuals: Although the proposed action may have an impact on businesses statewide, the OSFM concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, **will not be significant.**

DECLARATION OF EVIDENCE

The OSFM has not relied on any other facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The proposed regulations will impose cost impacts that a directly affected business would necessarily incur in reasonable compliance with the proposed action. This includes companies and individuals within the automatic fire extinguishing systems industry. The impact will be consistent regardless of the size of any business. A Sprinkler Fitter license holder would pay an additional \$65 in fees for each new certification application. A Fire Pump certificate holder would pay an additional \$70 in fees for each new certification application, while a business would pay an additional \$100–265 in fees for each new company application. A Sprinkler Fitter license holder would pay an additional \$65 in fees each year for renewal. A Fire Pump certificate holder would pay an additional \$70 in fees each year for renewal, while a business would pay an additional \$100–250 in fees each year for renewal. However, it is not known how many of these businesses qualify as small businesses versus typical businesses. Fees will be paid by individuals and businesses submitting applications. Initial start–up represents new applications if submitted; annual ongoing costs represent renewal fees per service to clarify the economic analysis.

EFFECT ON SMALL BUSINESS

The proposed regulation may affect small business. The proposed regulations would incur some effect on all businesses who apply for registration through the Automatic Fire

Extinguishing Systems Program. The scope of information collected by this program is directly related to licensing requirements. That type of information is not collected as part of the licensing process. Since, the business details which would identify a “small business,” as it is defined by Government Code 11342.610, do not overlap with those requirements.

BUSINESS REPORT

The proposed regulations do not create any reporting requirements.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The OSFM concludes that the adoption of these regulations *will not*:

- a) create or eliminate jobs within California.
- b) create new businesses or eliminate existing businesses within California, or
- c) effect the expansion of businesses currently doing business within California.

BENEFITS TO HEALTH AND WELFARE, WORKER SAFETY, AND THE ENVIRONMENT

The OSFM has determined that this regulatory proposal will directly benefit worker safety. The OSFM has determined that this regulatory proposal will not directly affect the health and welfare of California residents or the state’s environment. This program specifically enhances worker safety by reducing the risk of catastrophic fire in assembly occupancy workplace settings. This regulation enhances the use of preventative measures to reduce the risk of a fire ignition or spread in many public spaces, protecting workers and public visitors from the impacts of fire and panic.

CONSIDERATION OF ALTERNATIVES

The OSFM must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency’s attention, would be more effective in carrying out the purpose for which the adoption of this regulation is proposed, or would be as effective as and less burdensome to affected private persons than the proposed action or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

The OSFM has reviewed the proposed regulatory action, including both the positive and negative impacts

it will place upon the industry. However, none of the alternatives would be more effective in carrying out the purpose of the legislation and proposed regulations or be less burdensome to the affected parties than the proposed regulations.

The OSFM considered the alternative of increasing fees by a lesser amount however, the alternative considered would not generate sufficient revenue to operate the program. The result of the reasonable alternative would be inconsistent with the requirements of Health and Safety Code Section 13137, the State Fire Marshal Licensing and Certification Fund.

The alternative of increasing the fees by a lesser amount would also not be in the best interest of the public because a funding deficit would impact the operational stability of the program, which would cause a negative impact to directly affected businesses and impair the public safety benefits of the program.

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

CONTACT PERSONS

Inquiries or specific questions regarding the proposed rulemaking action may be directed to:

General procedural & administrative questions:

Eireann Flannery
CAL FIRE/Office of the State Fire Marshal
715 P Street, Suite 900
Sacramento, CA 95814
Title19Regulations@fire.ca.gov
Phone: (916) 531-7650

For substantive or technical questions on the proposed changes:

Brice Bennett, Deputy State Fire Marshal
CAL FIRE/Office of the State Fire Marshal
715 P Street, Suite 900
Sacramento, CA 95814
brice.bennett@fire.ca.gov
Phone: 916-708-9851

AVAILABILITY OF RULEMAKING DOCUMENTS

The OSFM will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above Sacramento 715 "P" Street address. As of the date of this notice being published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and supporting information. Copies may be obtained

through the contact persons at the address and/or phone number listed above

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a public hearing, if requested, and considering all timely and relevant comments received, the OSFM may adopt the proposed regulations substantially as described in this notice. If the OSFM makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the OSFM adopts the regulations as revised. Requests for copies of any modified regulations should be directed to the contact person at the address listed above. The OSFM will accept written comments on the modified regulations for 15 days after the date on which the modifications are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Eireann Flannery at the above address and telephone number or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of the Proposed Rulemaking ("NOPA"), the initial statement of reasons ("ISOR"), the text of the proposed regulations ("TEXT") and any other materials or documents concerning this rulemaking can be accessed through the Office of the State Fire Marshal web address at: <http://osfm.fire.ca.gov/divisions/code-development-and-analysis/title-19-development/>.

PLAIN ENGLISH DETERMINATION

The proposed Regulations were prepared pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Section 11342.580 and Section 11346.2(a)(1). The proposed regulations were written to be easily understood by the parties that will use them.

**TITLE 19. OFFICE OF THE STATE
FIRE MARSHAL**

DIVISION 1. STATE FIRE MARSHAL
CHAPTER 6. FIREWORKS
ARTICLE 3. LICENSES
AND
CHAPTER 6.5 FLAMETHROWING
DEVICES
ARTICLE 3. PERMITS

FEE STRUCTURE FOR FIREWORKS AND
FLAMETHROWING DEVICES

NOTICE IS HEREBY GIVEN pursuant to Government Code, § 11346.6, that the California Department of Forestry and Fire Protection – Office of the State Fire Marshal (“OSFM”) or (“SFM”) proposes to take the regulatory action described below in the Informative Digest implementing Title 19, Division 1, Chapter 6, Article 3; and Title 19, Division 1, Chapter 6.5, Article 3 of the California Code of Regulations (CCR), related to the adoption of a new fee structure for fireworks licensing, fireworks/pyrotechnic device classification/registration and flamethrowing devices after considering public comments, objections, or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person or his/her authorized representative may submit written comments relevant to the proposed regulatory action. Written comments will be accepted for 45 days beginning November 4, 2022, through December 20, 2022. All written comments received through the end of December 20, 2022, will be considered and responded to as part of the compilation of the rulemaking file and are subject to disclosure under the Public Records Act (Gov. Code § 6250, et seq.). Written comments should be directed to:

- **Email:** Title19Regulations@fire.ca.gov (include in the subject line of the email “Comments: Firework & Flamethrowing Device Fees”).
- **U.S. Mail postmarked no later than December 20, 2022, to:**

CAL FIRE/Office of the State Fire Marshal
P.O. Box 944246
Sacramento, California 94244–2460
Attn: Eireann Flannery, Code Development &
Analysis

Pursuant to Government Code § 11346.9, the OSFM shall respond to comments submitted during

the comment period containing objections and/or recommendations specifically directed at the OSFM’s proposed action or to the procedures followed by the agency in proposing or adopting the action.

PUBLIC HEARING

The OSFM has not scheduled a public hearing on this proposed action. However, the OSFM will hold a public hearing to accept comments if a written request is received from any interested person or his/her authorized representative, no later than 15 days before the close of the 45–day written comment period, pursuant to Government Code Section 11346.8. Submit requests to the contact person indicated below.

STATUTORY AUTHORITY

The proposed action will adopt regulations to reflect legislative requirements found in Government Code, § 11346.6.

AUTHORITY

Health and Safety Code Sections 12550–12728 and 12750–12761 and Government Code Section 6157(b).

REFERENCE

Health and Safety Code Section 13137.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This action proposes a fee increase for fireworks which include granting of licenses for companies, pyrotechnic operators, classifications/registration for fireworks/pyrotechnic devices, and flamethrowing device permittees.

Health and Safety Code Section 13137 governs the use of the State Fire Marshal Licensing and Certification Fund. This fund houses fees from the Fireworks and Pyrotechnics Devices, Flamethrowing Device programs, and fees from the OSFM’s other Licensing and Certification programs. Section 13137 specifies that 1) fees may not exceed the actual cost of administering the OSFM’s Licensing and Certification programs, and 2) fees must be used for the benefit of the same group they are collected from. The fund’s statute limits the use of monies to the group that the fees are collected from.

However, the current fee amounts are not sufficient to cover the actual costs to operate the Fireworks and Pyrotechnics Devices, Flamethrowing Device programs. There is substantial evidence that the program must obtain additional revenue in order to maintain compliance with the fund’s statutory

requirements, which effectuate the purpose of Health and Safety Code Section 13137.

SUMMARY OF EXISTING LAWS

Pursuant to Health and Safety Code Sections 12550–12728 and Health and Safety Code Sections 12750–12761, the Office of the State Fire Marshal (OSFM) has statutory authority to operate the Fireworks and Pyrotechnics Devices, Flamethrowing Device programs, and to collect fees which do not exceed the actual costs of operating these programs.

Health and Safety Code Section 13137 specifies detailed requirements for use of the State Fire Marshal Licensing and Certification Fund. This fund houses fees from the Fireworks and Pyrotechnics Devices, Flamethrowing Device programs, and fees from the OSFM’s other Licensing and Certification programs.

In addition, Government Code Section 6157(b) authorizes a State agency to charge an appropriate fee to cover the cost of any returned or dishonored checks. This section is applicable to the program accepts checks for fees.

SUMMARY OF EXISTING REGULATIONS

The California Code of Regulations (CCR), Title 19, Division 1, Chapter 6, Article 3 requires a fee for firework licenses and classification/registration of firework/pyrotechnic devices. In addition, Chapter 6.5 Article 3. Permits Flamethrowing Devices requires a fee for flamethrowing device operations.

In 2018, the OSFM initiated the process of fully assessing the operating expenses of the Fireworks and Pyrotechnics Devices, and Flamethrowing Device programs, in order to determine if the existing program revenues meet statutory requirements to use program fees for the benefit of the group they are collected from. Through this evaluation, the OSFM determined that annual revenue under the current fee structure is insufficient to operate the program and therefore does not meet the fund requirements in Health and Safety Code 13137. Additional revenue is necessary in order for the program to implement the fund’s statutory requirements.

The current fee schedules were established over 19 years and 10 years ago, respectively; and are insufficient to sustain the Fireworks and Pyrotechnics Devices, and Flamethrowing Device programs without incurring a deficit. Since that time, program costs have risen significantly due to increased quantities of illegal fireworks Statewide, inflation, rising personnel costs, amounts required to maintain the reserve recommended by the Department of Finance, and adoption of online application and payment systems.

This rulemaking action proposes amendments to Section 981 and Section 1066.

SUMMARY OF EFFECT

The proposed regulations will impose cost impacts that a directly affected business would incur in reasonable compliance with the proposed action. The impacts will affect new applicants and annual renewals as required by statute.

COMPARABLE FEDERAL REGULATIONS OR STATUTE

The proposed action does not duplicate or conflict with any federal regulations or statutes. No comparable federal regulations or statutes exist.

OBJECTIVE AND ANTICIPATED BENEFITS OF THE PROPOSED REGULATIONS

The proposed regulations are necessary to provide sustainable and complete funding to implement the Program’s statutory enforcement mandates in Health and Safety Code Sections 12550–12728 and 12750–12761. Sustainable and complete funding will allow the OSFM to remain compliant with the State Fire Marshal Licensing and Certification Fund requirements in Health and Safety Code Section 13137.

The OSFM has determined that this regulatory proposal will benefit public safety, and worker safety. This program specifically enhances worker safety by reducing the risk of catastrophic fire in in industries where these devices are used, such as retail firework operations, the entertainment industry, and associated industries such as hospitality. This regulation enhances the use of preventative measures to reduce the risk of a fire ignition or spread in many public spaces, protecting workers and public visitors from the impacts of fire and panic.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The OSFM has evaluated the proposed regulations and found that they are not inconsistent or incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

No documents are incorporated by reference as part of this proposal.

OTHER MATTERS PRESCRIBED BY
STATUTE APPLICABLE TO THE AGENCY
OR ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS

There are no other matters prescribed by statute applicable to the OSFM, or to any specific regulation. There are no other matters to identify.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The OSFM has made the following initial determinations concerning the adoption of the proposed regulations:

1. Mandates on local agencies and school districts: **None.**
2. Costs or savings to any state agency: **None.**
3. Cost to any local agency or school district that must be reimbursed in accordance with Government Code § 17500 through § 17630: **None.**
4. Other non-discretionary cost or saving imposed on local agencies: **None.**
5. Costs or savings in federal funding to the State of California: **None.**
6. Significant effect on housing costs: **None.**
7. Significant Statewide Adverse Economic Impacts Directly Affecting Businesses and Individuals: Although the proposed action may have an impact on businesses statewide that are licensed to manufacture, wholesale, import, export, sale, use fireworks/pyrotechnics and or possess/use a flamethrowing device, the OSFM concludes that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, will not be significant.

DECLARATION OF EVIDENCE

The OSFM has not relied on any other facts, evidence, documents, testimony, or other evidence to make its initial determination of no statewide adverse economic impact.

COST IMPACTS ON REPRESENTATIVE
PERSON OR BUSINESS

The proposed regulations will impose cost impacts that a directly affected business would necessarily incur in reasonable compliance with the proposed action. This includes the regulated community. These include: pyrotechnic operators, fireworks manufacturers, importer-exporters, wholesalers, retailers, and public display companies.

The cost per licensees varies depending on their status and are commiserate with the original cost.

Fees will be paid by individuals and businesses submitting applications. Initial start-up represents new applications if submitted; annual ongoing costs represent renewal fees per service to clarify the economic analysis.

SMALL BUSINESS DETERMINATION

The OSFM has identified no alternative which would lessen the adverse impact, if any, on small business and believes there are no reasonable alternatives to the proposed regulations which would reduce any adverse impact on small business and still allow the OSFM to effectively enforce the regulations. The OSFM has not identified any alternatives that would lessen any adverse impact, if any, on small businesses.

BUSINESS REPORT

The proposed regulations do not create any reporting requirements.

RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

The OSFM concludes that the adoption of these regulations *will not*:

- a) create or eliminate jobs within California.
- b) effect the expansion of businesses currently doing business within California.

The OSFM concludes that the adoption of these regulations *may*:

- c) create new businesses or eliminate existing businesses within California.

BENEFITS TO HEALTH AND
WELFARE, WORKER SAFETY,
AND THE ENVIRONMENT

The OSFM has determined that this regulatory proposal will benefit health and welfare, and worker safety. This program would not have a direct benefit to the environment. This program specifically enhances health and welfare by reducing the risk of catastrophic fire during entertainment productions and other uses of the specified devices. This program also enhances worker safety in industries where these devices are used, such as retail firework operations, the entertainment industry, and associated industries such as hospitality. This regulation enhances the use of preventative measures to reduce the risk of a fire ignition or spread in many public spaces, protecting workers and public visitors from the impacts of fire and panic.

CONSIDERATION OF ALTERNATIVES

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

The OSFM has reviewed the proposed regulatory action, including both the positive and negative impacts it will place upon the industry. However, none of the alternatives would be more effective in carrying out the purpose of the legislation and proposed regulations or be less burdensome to the affected parties than the proposed regulations.

The OSFM considered the alternative of no regulatory action however, the alternative considered would not generate sufficient revenue to operate the program. The result of the reasonable alternative would be inconsistent with the requirements of Health and Safety Code Section 13137, the State Fire Marshal Licensing and Certification Fund.

The alternative of no regulatory action would also not be in the best interest of the public because a funding deficit would impact the operational stability of the program, which would cause a negative impact to directly affected businesses and impair the public safety benefits of the program.

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

CONTACT PERSONS

Inquiries or specific questions regarding the proposed rulemaking action may be directed to:

General procedural & administrative questions:

Eireann Flannery, Regulatory Analyst
CAL FIRE/Office of the State Fire Marshal
Code Development and Analysis
715 P Street, Suite 900
Sacramento, CA 95814
eireann.flannery@fire.ca.gov
Phone: (916) 531-7650

For substantive or technical questions on the proposed changes:

Caleb Phillips, Fireworks Program Coordinator
CAL FIRE/Office of the State Fire Marshal
Fire Engineering & Investigations
2280 Market Street, Suite #240
Riverside, CA 92501
Caleb.Phillips@fire.ca.gov
Phone: (626) 590-0448

AVAILABILITY OF RULEMAKING DOCUMENTS

The OSFM will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its 715 "P" Street location. As of the date of this notice being published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and supporting information. Copies may be obtained through the contact persons at the address and/or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding a public hearing, if requested, and considering all timely and relevant comments received, the OSFM may adopt the proposed regulations substantially as described in this notice. If the OSFM makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the OSFM adopts the regulations as revised. Requests for copies of any modified regulations should be directed to the contact person at the address listed above. The OSFM will accept written comments on the modified regulations for 15 days after the date on which the modifications are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Eireann Flannery at the above email or mailing addresses, or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of this Notice of the Proposed Rulemaking ("NOPA"), the initial statement of reasons ("ISOR"), the text of the proposed regulations ("TEXT") and any other materials or documents concerning this rulemaking can be accessed through the Office of the

State Fire Marshal web address at: <https://osfm.fire.ca.gov/divisions/code-development-and-analysis/>.

PLAIN ENGLISH DETERMINATION

The proposed Regulations were prepared pursuant to the standard of clarity provided in Government Code section 11349 and the plain English requirements of Government Code § 11342.580 and § 11346.2(a)(1). The proposed regulations were written to be easily understood by the parties that will use them.

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

PROPOSED PROJECT ON A FULLY
PROTECTED SPECIES
BUTANO CREEK BACKFIELD
FLOODPLAIN AND STREAMFLOW
ENHANCEMENT PROJECT
2081(A)-2022-0008-R3
COUNTY OF SAN MATEO

The Department of Fish and Wildlife (CDFW) received a project proposal on October 10, 2022 from San Mateo Resource Conservation District requesting authorization to take fully protected San Francisco garter snake (*Thamnophis sirtalis tetrataenia*), in an effort to recover fully protected, threatened, or endangered species.

San Mateo Resources Conservation District proposes to complete a project to restore floodplain connectivity and enhance stream flows in Butano Creek to benefit native fish and wildlife, including San Francisco garter snake and coho salmon (*Oncorhynchus kisutch*). The project will create 4.2-acres of inset floodplain and increase the frequency of activation of more than 100 acres of historical floodplain in the Pescadero-Butano watershed, while also increasing in-channel and floodplain habitat complexity through the installation of wood structures. The project will also increase off-channel storage associated with an existing water right to reduce diversion rates during the summer low-flow season. Proposed activities will include, but are not limited to, excavating, grading, and construction of floodplain and connector channels in an existing farm field, installing wood structures, expanding an existing off-channel pond, and elevating an adjacent farm field by depositing excavated materials on site. The proposed project will occur along Butano Creek, a tributary to Pescadero Creek, at address 4350 Cloverdale Road, Pescadero, in the County of San

Mateo, State of California. CDFW intends to issue, under specified conditions, a Restoration Management Permit (RMP) to authorize applicant to carry out the proposed project.

Pursuant to California Fish and Game Code section 5050, CDFW may authorize take of fully protected San Francisco garter snake after 30 days' notice has been provided to affected and interested parties through publication of this notice. If CDFW determines that the proposed project is consistent with the requirements of Section 5050, for take of fully protected San Francisco garter snake, it may issue the authorization in the form of an RMP on or after November 20, 2022 for an initial and extendable term of 5 years.

DECISION NOT TO PROCEED

GAMBLING CONTROL COMMISSION

NOTICE OF DECISION NOT TO PROCEED
WITH RULEMAKING ACTION
REQUEST FOR REGULATIONS
CGCC-GCA-2022-01-R

NOTICE IS HEREBY GIVEN, pursuant to Government Code section 11347, that the California Gambling Control Commission will not proceed with the proposed action to amend Section 12008, Title 4, California Code of Regulations, concerning Requests for Regulations, as described in the Notice of Proposed Action published April 29, 2022, in the *California Regulatory Notice Register*, No. 17-Z, Notice File No. Z2022-0418-02. Publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on April 29, 2022.

**AVAILABILITY OF INDEX OF
PRECEDENTIAL DECISIONS**

**OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

Notice is hereby given, pursuant to subdivision (c) of Section 11425.60 of the Government Code, that the California Occupational Safety and Health Appeals Board ("Board") maintains an index of precedential decisions. The index is available to the public at: https://www.dir.ca.gov/OSHAB/Precedential_Decisions.html. The index is available to the public by annual e-mail subscription from the Board. The index and text

of the precedential decisions can also be viewed by appointment at the Board's office. For subscription or additional information, or to schedule an appointment to view precedential decisions, contact:

Aaron Jackson, Staff Counsel
California Occupational Safety and Health
Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
Phone: (916) 274-5751
Email: ajackson@dir.ca.gov

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Corrections and Rehabilitation
File # 2022-0909-01
Staff Misconduct Allegations

This action by the Department of Corrections and Rehabilitation (Department) makes permanent, with modifications, a regulatory process for addressing Department staff misconduct allegations involving incarcerated persons or parolees initially adopted in OAL Matter No. 2021-1208-01EON and readopted in OAL Matter No. 2022-0524-01.

Title 15
Adopt: 3486, 3486.1, 3486.2, 3486.3
Filed 10/20/2022
Effective 10/20/2022
Agency Contact: Josh Jugum (916) 445-2266

California Energy Commission
File # 2022-1013-02
Implementation of AB 205 Opt-in Jurisdiction

This action by the California Energy Commission adopts emergency regulations to further specify requirements of the optional certification program for non-fossil fueled power plants, energy storage facilities, and related facilities in accordance with Assembly Bill 205 (Ch. 61 of 2022). Pursuant to Public Resources Code section 25545.12, this is a deemed

emergency and shall remain in effect until amended by the commission.

Title 20
Adopt: 1875, 1876, 1876.5, 1877, 1877.5, 1878, 1878.5, 1879, 1880, 1880.5, 1881, 1882
Filed 10/24/2022
Effective 10/24/2022
Agency Contact: Jared Babula (916) 879-3028

California Energy Commission
File # 2022-1014-08
Permitting DWR Facilities

This emergency rulemaking action by the California Energy Commission establishes a process to expedite the review and issuance of certifications for strategic reliability reserve facilities specified in Water Code section 80710.

Title 20
Adopt: 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1898.5, 1899, 1899.1, Appendix SRR [following section 1899.1]
Filed 10/24/2022
Effective 10/24/2022
Agency Contact: Kari Anderson (916) 776-0796

Board of Education
File # 2022-1014-02
Physical Fitness Test

This action readopts, for a second time, emergency regulations which eliminate the Body Composition subtest and all Healthy Fitness Zone performance standards from the California Physical Fitness Test. The action also readopts the emergency definition of the term "results" as used in Education Code section 60800.

Title 05
Amend: 1040
Filed 10/24/2022
Effective 11/01/2022
Agency Contact: Lori Adame (916) 319-0860

Secretary of State
File # 2022-1018-02
Conditional Voter Registration

This emergency readopt without changes adds a method for military and overseas voters and voters with disabilities to complete conditional voter registration and cast a provisional or nonprovisional ballot.

Title 02
 Adopt: 20024.5
 Amend: 20021, 20022, 20023, 20024, 20025,
 20026, 20027
 Filed 10/24/2022
 Effective 10/24/2022
 Agency Contact:
 Rachelle Delucchi (916) 764-5934

State Council on Developmental Disabilities
 File # 2022-0927-03
 Conflict-of-Interest Code

This is a Conflict-of-Interest code that has been approved by the Fair Political Commission and is being submitted for filing with the Secretary of State and printing.

Title 02
 Amend: 41000
 Filed 10/19/2022
 Effective 11/18/2022
 Agency Contact: Brian Weisel (916) 263-8122

Fair Political Practices Commission
 File # 2022-0920-06
 Direct Personal Benefit

This action amends regulations related to campaign funding and disclosure of commission income and incentive compensation. The Commission amends the definition of “made at the behest” and revises the term “direct personal benefit.”

Title 02
 Amend: 18225.7, 18728.5, 18960
 Filed 10/20/2022
 Effective 11/19/2022
 Agency Contact: Daniel Vo (916) 322-5660

Board of Registered Nursing
 File # 2022-0908-01
 Processing Times (Repeal)

This non-substantive action by the Board of Registered Nursing repeals regulations related to application processing times that were adopted to meet the requirements of the Permit Reform Act of 1981. The Permit Reform Act was repealed in 2003 (A.B. 1757 (Stats.2003, ch. 229, section 1.8)).

Title 16
 Repeal: 1410.1, 1419.2
 Filed 10/20/2022
 Agency Contact: Marissa Clark (916) 574-7438

Board of Pharmacy
 File # 2022-0907-02
 Pharmacy Technician

This action amends regulations pertaining to pharmacy technicians to require a course work administrator or instructor to inform applicants of background check and drug screening standards and risks, limit instruction eligibility to applicants aged 18 and older, and require a final exam testing applicable knowledge. This action also approves two certification programs for pharmacy technician training and makes clarifying amendments to various application forms.

Title 16
 Adopt: 1793.65
 Amend: 1793.5, 1793.6
 Filed 10/19/2022
 Effective 01/01/2023
 Agency Contact: Lori Martinez (916) 518-3078

Commission on Peace Officer Standards and Training
 File # 2022-0914-01
 Update to Vehicle Pursuit Guidelines – Commission Regulation 1081

This regular rulemaking action by the Commission on Peace Officer Standards and Training updates the document incorporated by reference, California Law Enforcement Vehicle Pursuit Guidelines.

Title 11
 Amend: 1081
 Filed 10/26/2022
 Effective 01/01/2023
 Agency Contact: Larry Ellsworth (916) 202-3820

Department of Food and Agriculture
 File # 2022-0921-03
 Mexican Fruit Fly Interior Quarantine

This rulemaking action by the Department of Food and Agriculture revises regulations pertaining to the Mexican Fruit Fly Interior Quarantine and Eradication Area.

Title 03
 Amend: 3417, 3588
 Filed 10/26/2022
 Effective 01/01/2023
 Agency Contact: Rachel Avila (916) 403-6813

Office of Environmental Health Hazard Assessment
 File # 2022-0916-01
 Proposition 65 Clear and Reasonable Warnings Acrylamide

The Office of Environmental Health Hazard Assessment (“OEHHA”) is the lead agency that implements the Safe Drinking Water and Toxic

Enforcement Act of 1986 (Health and Safety Code section 25249.5 et seq.) (the “Act”). The Act requires that businesses provide a clear and reasonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity. (Health & Saf. Code §25249.6.) In this regular rulemaking, OEHHA is adopting safe harbor warnings to address the content of warnings for exposure to acrylamide.

Title 27
Amend: 25607.2
Filed 10/26/2022
Effective 01/01/2023
Agency Contact: Monet Vela 916) 323–2517

Department of Corrections and Rehabilitation
File # 2022–0914–02
Religious and Plant–Based Diets

This action by the Department of Corrections and Rehabilitation adopts and amends regulations to implement the religious and plant–based foods meal requirements in Penal Code section 2084.

Title 15
Adopt: 3054.2, 3054.3, 3054.7, 3054.8
Amend: 3000, 3054, 3054.1, 3054.2 (renumber to 3054.5), 3054.3 (renumber to 3054.4), 3054.4 (renumber to 3054.6), 3054.5 (renumber to 33054.9)
Repeal: 3054.6, 3054.7
Filed 10/25/2022
Effective 01/01/2023
Agency Contact: Josh Jugum (916) 445–2266

Fish and Game Commission
File # 2022–1014–07
Pink (Ocean) Shrimp Fishery Management Plan

In this regular rulemaking, the Fish and Game Commission is adopting and amending prawn and shrimp commercial trawling regulations to implement the Pink (Ocean) Shrimp, *Pandalus jordani*, Fishery Management Plan.

Title 14
Adopt: 56.00, 56.01
Amend: 120, 120.1, 705
Filed 10/26/2022
Effective 11/01/2022
Agency Contact: Maurene Trotter (916) 653–4899

Professional Fiduciaries Bureau
File # 2022–0914–03
Retired and Inactive License Status; Fees

In this resubmitted rulemaking action, the Bureau adopts and amends its regulations to put in place an inactive status and a retired status for its professional

fiduciary licensees. The regulatory changes also establish fees for these inactive and retired licensees.

Title 16
Adopt: 4563, 4564, 4565, 4566, 4567, 4568, 4569, 4570, 4571, 4572, 4573, 4574, 4575, 4576, 4581
Amend: 4560, 4562, 4580
Filed 10/25/2022
Effective 01/01/2023
Agency Contact: Angela Cuadra (916) 574–7341

<p>PRIOR REGULATORY DECISIONS AND CCR CHANGES FILED WITH THE SECRETARY OF STATE</p>
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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 oal.ca.gov.