



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 3. DEPARTMENT OF FOOD
AND AGRICULTURE**

SECTION 3423 ORIENTAL FRUIT FLY
INTERIOR QUARANTINE
SECTION 3591.2 ORIENTAL FRUIT FLY
ERADICATION AREA

The Department of Food and Agriculture (Department) proposes to amend Title 3 of the California Code of Regulations (CCR) Section 3591.2 Oriental Fruit Fly (OFF) Eradication Area.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or their 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 their 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, 2023. The Department will consider only comments received at the Department offices by that date or postmarked no later than on December 19, 2023. Submit comments to:

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

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 amendment, the Department 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 amend Section 3591.2 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5761, 5762, 5763, and 5764 of the FAC.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This amendment will establish Kern County as an eradication area for OFF. The effect of the regulation is to provide authority for the State to perform control and eradication activities against OFF in Kern County to prevent spread of the fly to non-infested areas and to protect California’s agricultural industry.

EXISTING LAWS AND 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 which the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5301, provides that the Secretary may establish, maintain, and

Existing law, FAC section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

Existing law, FAC Section 5764, provides that if an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

This regulation will benefit the nuts, dates, and berries (nursery, fruit for domestic use and exports, packing facilities) and the environment (urban landscapes) by expanding the geographic scope of an eradication program to prevent the artificial spread of the OFF over short and long distances.

This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

There is no existing, comparable federal regulations or statute.

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 OFF, and it found that these are the proposed amendments are the only regulations dealing with this subject, and the Department is the only State agency which can designate these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3591.2 and has determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

There is no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts and no nondiscretionary costs or savings to local agencies or school districts, will result from the amendment of 3423 and 3591.2.

Cost or savings to any state agency: None.

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

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

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing staff throughout quarantine areas within the state without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that the Section 3423 and 3591.2 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) is expected to benefit the health and welfare of California

residents, (5) is expected to benefit the state's environment, and (6) is not expected to harm or benefit workers' safety.

The health and welfare of California residents: The proposed action will benefit the health and welfare of California residents by preventing increased costs to the consumers of host materials and increased pesticide usage.

The state's environment: The amendment of this regulation benefits the environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the OFF over short and long distances.

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

SECTION 3591.30 QUEENSLAND FRUIT FLY ERADICATION AREA SECTION 3445 QUEENSLAND FRUIT FLY INTERIOR QUARANTINE

The California Department of Food and Agriculture (Department) proposes to make permanent the emergency adoption to Title 3, California Code of Regulations (CCR) Section 3591.30 Queensland Fruit Fly Eradication Area and Title 3 CCR Section 3445 Queensland Fruit Fly Interior Quarantine which creates an eradication area and an interior quarantine for Queensland Fruit Fly (QFF).

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, 2023. The Department will consider only comments received at the Department offices by that date or postmarked no later than December 19, 2023. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor California
Department of Food and Agriculture
1220 N St.
Sacramento, CA 95814
Permits@cdfa.ca.gov
916.403.6650
916.651.2900 (FAX)

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Dean Kelch at (916) 261–9252 or dean.kelch@cdfa.ca.gov, FAX number (916) 651–2900.

Unless there are substantial changes to the proposed regulations prior to adoption, the Department 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 adopt Section 3445 and Section 3591.30 pursuant to the authority vested by Sections 407, 5301, 5302, and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5301, 5302, 5322, 5761, 5762, 5763, and 5764 of the Food and Agricultural Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The specific purpose of adopting CCR Section 3445 Queensland Fruit Fly Interior Quarantine and Section 3591.30 Queensland Fruit Fly Eradication Area is to make permanent the eradication area and interior quarantine for QFF approved on September 12, 2023.

EXISTING LAWS AND 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, FAC Section 5301, provides that the Secretary may establish, maintain, and enforce such quarantine regulations as they deem necessary to pro-

tect the agricultural industry of this state from pests. The regulations may establish a quarantine at the boundaries of this state or elsewhere within the state.

Existing law, FAC Section 5302, provides that the Secretary may make and enforce such regulations as they deem necessary to prevent any plant or thing which is, or is liable to be, infested or infected by, or which might act as a carrier of, any pest, from passing over any quarantine line which is established and proclaimed pursuant to this division.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

Existing law, FAC Section 5764, provides that if an eradication area has been proclaimed with respect to a species of fruit flies and the removal of host plants of such species is involved, the director may enter into an agreement with the owner of such host plants to remove and replace them with suitable nursery stock in lieu of treatment.

Expenditures, if any, allocated for the replacement nursery stock shall not exceed an amount which is budgeted for the purpose or approved by the Director of Finance.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

This regulation is necessary to prevent the spread of QFF to uninfested areas of the State. The regulation benefits industries (nursery, fruit for domestic use and

exports, packing facilities), the environment (urban landscapes), and the overall California economy by preventing the spread of QFF.

The adoption of this regulation benefits the citrus, stone fruits, and tomato (nursery, fruit for domestic use and exports, packing facilities) and the environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the QFF over short and long distances.

The California, national and international consumers of California citrus, stone fruits, and tomato benefit by having high quality produce available at lower cost. It is assumed that any increases in production costs will ultimately be passed on the consumer.

The adoption of this regulation benefits homeowners who grow their own host fruits for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

The adoption of this regulation may benefit homeowners who grow host material for consumption and/or ornamentals in various rural and urban landscapes. By providing a basis to prevent infestation with QFF and thereby preventing damage to hosts, the regulation eliminates any future need for hosts to be treated to mitigate infestations of QFF.

There is no existing, comparable federal regulations or statute regulating the intrastate movement of QFF.

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 QFF, and it found that these are the proposed amendments are the only regulations dealing with this subject, and the Department is the only State agency which can designate these eradication areas for plant pests. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Sections 3445 and 3591.30 and has determined that it is not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

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: Compliance activities are currently being performed by existing state staff throughout quarantine areas within the State. The Department is currently monitoring for pests, and thus there is no change to the cost due to these regulations. The Department has determined that no savings or increased costs to any state agency and no costs or savings in federal funding to the State will result from the adoption of 3445 and of Section 3591.30. The amendment of this regulation would have no fiscal impact on 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 adoption of 3445 and Section 3591.30. will provide authority for the Department to conduct eradication and quarantine activities against QFF and there are no known private sector cost impacts.

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

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because compliance activities are currently being performed by existing state staff throughout quarantine areas within the State without any impact on small business.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Department has concluded that the adoption of Section 3445 and Section 3591.30 (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) is expected to benefit the health and welfare of California residents, (5) is expected to benefit the state's environment, and (6) is not expected to benefit workers' safety.

The health and welfare of California residents: The proposed action will benefit the health and welfare of California residents by preventing increased costs to the consumers of host materials and increased pesticide usage.

The state's environment: The proposed action will benefit the environment (urban landscapes) by providing the Department an eradication program to prevent the artificial spread of the QFF over short and long distances.

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.cdfa.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 PESTICIDE REGULATION

STATEWIDE NOTIFICATION OF AGRICULTURAL USE OF RESTRICTED MATERIALS DPR REGULATION NUMBER 23–003

The Department of Pesticide Regulation (DPR) proposes to amend sections 6000, 6424, 6428, 6432, and 6434 of title 3, California Code of Regulations (3 CCR). This proposal will affect pesticide regulatory program activities pertaining to the submission of notices of intent (NOIs) for the agricultural use of restricted materials. In summary, this proposed action will require all agricultural use NOIs to be electronically submitted to the County Agricultural Commissioner (CAC) via www.CalAgPermits.org, unless the CAC grants an exemption from the electronic submission requirement upon a finding of undue hardship. Additionally, it will require all NOIs for soil fumigations to be electronically submitted to the local CAC via www.CalAgPermits.org a minimum of 48 hours before the intended start of the application. It will also require specific information from NOIs for the use of restricted materials requiring a permit for the production of an agricultural commodity to be electronically submitted to DPR via www.CalAgPermits.org at least 24 hours in advance of the intended start of a non-soil fumigant application and at least 48 hours in advance of the intended start of a soil fumigation. The proposed action additionally requires DPR to make the specific NOI information it receives publicly available upon receipt or as soon as practicable. Finally, it will require DPR to evaluate its system and process for

making this information publicly available and issue a report three years after the system’s implementation.

WRITTEN COMMENT PERIOD

Any interested person may submit comments in writing about the proposed action to the agency contact person named below. DPR will accept written comments that are submitted via U.S. mail and postmarked no later than January 12, 2024. Comments regarding this proposed action that are transmitted via Email to dpr23003@cdpr.ca.gov or by facsimile at 916–324–1491 must be received no later than January 12, 2024.

PUBLIC HEARINGS

Two in–person public hearings and one virtual public hearing have been scheduled for the times and places stated below to receive oral or written comments regarding the proposed changes.¹

DATE: Wednesday, December 13, 2023
 TIME: 4:30 p.m.
 PLACE: Clovis Veterans Memorial District
 Memorial Auditorium
 808 4th St.
 Clovis, CA 93612

DATE: Thursday, December 14, 2023
 TIME: 4:30 p.m.
 PLACE: Ventura County Fairgrounds
 Santa Rosa Hall
 10 West Harbor Boulevard
 Ventura, CA 93001

A DPR representative will preside at the in–person hearings. Persons who wish to speak will be asked to register before the hearing. The registration of speakers will be conducted at the location of the hearing from 3:30 p.m. to 4:30 p.m. Generally, registered persons will be heard in the order of their registration. Any other person who wishes to speak at the hearing will be afforded the opportunity to do so after registered persons have been heard. If the number of registered persons in attendance warrants, the hearing officer may limit the time for each presentation in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

¹ If you have special accommodation or language needs, please provide notice at least 10 business days before the public meeting by contacting the person named below. TTY/TDD speech–to–speech users may dial 7–1–1 for the California Relay Service.

DATE: Tuesday, December 19, 2023
 TIME: 4:30 p.m.
 PLACE: Zoom (Virtual)
 Webinar ID: 873 2837 5612
 Passcode: 221172

Direct link to join the meeting from a web browser or Zoom client:
<https://us02web.zoom.us/j/87328375612?pwd=TKo3TGJaa0ZWQWxiOWdteThneFcyUT09>
 One tap to join from a mobile phone: +1669900 9128,,87328375612#,,,,*221172# Or call from a landline: +1 669 900 9128 — and enter the Webinar ID and Passcode (above) when prompted

A DPR representative will preside at the virtual hearing. Persons who wish to make comments orally during the hearing may raise their hand using the Zoom functions and make oral comments when called upon. Persons calling into the Zoom meeting who wish to make a comment orally during the hearing may raise their hand by dialing *9 on their phone’s dial pad. This will indicate to DPR representatives that the person on the phone has raised their hand. Generally, persons will be heard in the order in which they raised their hand. Participants will also be given instructions on how to provide oral comment once they have accessed the hearing. If persons experience technical difficulties during the hearing, persons may Email written comments to dpr23003@cdpr.ca.gov. DPR will also accept written comments that are submitted via U.S. mail and postmarked on the day of the hearing. If the number of persons in attendance warrants, the hearing officer may limit the time for each oral comment in order to allow everyone wishing to speak the opportunity to be heard. Oral comments presented at a hearing carry no more weight than written comments.

EFFECT ON SMALL BUSINESS

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

There is increasing public interest in obtaining equitable and routine access to information about agricultural pesticide applications prior to the applications occurring. DPR is the lead state agency responsible for administering California’s pesticide regulatory program. DPR’s mission is to protect human health and the environment by regulating pesticide sales and use, and by fostering reduced–risk pest management. DPR encourages the use of environmentally sound pest management, including integrated pest management (IPM). DPR’s IPM Program promotes risk reduction

through information, encouragement, incentives, and community-based problem solving. DPR's statewide regulation of pesticides includes: evaluating pesticide products for human health and environmental risks and registering products prior to sale or use within the State; protecting worker health and safety; regulating and mitigating adverse human health and environmental effects of pesticide use; licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers; environmental monitoring; overseeing local enforcement of pesticide laws and regulations; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

Pesticides must be registered with DPR prior to sale and use in California. (FAC sections 12803; 12993; 12995.) Under FAC section 14004.5, registered pesticides that pose a higher degree of potential to cause harm to public health, farmworkers, domestic animals, honeybees, the environment, wildlife, or crops other than those being treated are designated as restricted materials in 3 CCR section 6400. Under the existing restricted material permitting process, a grower must obtain a restricted material permit from the CAC prior to possessing or using a restricted material. (3 CCR section 6412.) Prior to making an agricultural restricted material application, a property operator, authorized representative, or pest control business must submit an oral or written NOI, which provides site- and time-specific information, to the CAC a minimum of 24 hours prior to the start of the application. (3 CCR section 6434.) The CAC is then required to evaluate whether the proposed application may cause a substantial adverse environmental impact. (3 CCR section 6432.) While this information is submitted to the CAC, CACs are specifically exempt from the requirements to prepare written documentation and to provide public notice of a final decision. The proposed regulations will allow DPR to develop and implement a statewide system to provide information to the public in advance of intended restricted material agricultural commodity applications.

The amendments proposed in this regulatory action will require all agricultural use NOIs to be electronically submitted to the CAC via www.CalAgPermits.org unless the CAC grants an exemption from the electronic submission requirement upon a finding of undue hardship. Additionally, the proposed action will require all NOIs for soil fumigations to be electronically submitted to the local CAC a minimum of 48 hours before the intended start of the application. The amendments will also add specificity to the information required for an NOI and will require specific information from an NOI required for the use of a restricted material requiring a permit for the production of an agricultural commodity to be electron-

ically submitted to DPR via www.CalAgPermits.org, at least 48 hours in advance of the intended start of a soil fumigation and at least 24 hours in advance of the intended start of a non-soil fumigant application. The proposed action will also add a procedure for an NOI that is exempt from the electronic submission requirement upon a finding of undue hardship. The proposed action will also amend an existing exemption to the time requirements for the submission of an NOI to clarify that an exemption may be granted by the CAC when the CAC has determined that safe and effective pest control cannot be attained because of the nature of the commodity or pest problem. The CAC will also be required to electronically note that an exemption was granted via www.CalAgPermits.org. The proposed action will additionally require DPR to provide specific NOI information to the public upon receipt or as soon as practicable. Finally, the proposed action will require DPR to evaluate its system and process for providing this information and issue a report three years after the system's implementation.

Adoption of these proposed regulations will benefit the public, including California residents, by providing equitable and routine access to information about intended agricultural commodity restricted material applications around homes, places of work, schools, and other areas of interest. Certain stakeholder groups and members of the public have stated that advance information about intended agricultural commodity restricted material applications will afford them an opportunity to voluntarily take additional precautions to avoid potential exposure, such as closing windows and bringing in or cleaning children's outdoor toys, if they desire, which could indirectly lead to human health benefits. Additionally, requiring all agricultural use NOIs to be submitted electronically may have a net positive impact on the environment as it could increase CAC staff efficiency by allowing them to accept and process NOIs on CalAgPermits. Furthermore, CAC staff will only need to search CalAgPermits instead of both CalAgPermits and paper files. NOIs submitted electronically through CalAgPermits are available using CalPEATS, the electronic system CAC staff use to conduct inspections and investigations. This may allow more time for CAC staff to conduct investigations and inspections of pesticide applications, which could have an indirect positive impact on the environment. Additionally, the electronic submission requirement may reduce the use of paper. Approximately 89 percent of the 86,567 agricultural use NOIs received by CACs in fiscal year 2020–2021 were submitted electronically. This means over 9,500 NOIs were submitted to CACs via other means (e.g., DPR-provided paper forms, faxes, phone calls).

During the process of developing these regulations, DPR conducted a search of any similar regulations on

this topic and concluded that these proposed regulations are not inconsistent or incompatible with existing state regulations. DPR is the only state agency that has the authority to regulate the use of pesticides.

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.

OTHER NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES

DPR determined that the proposed regulations may result in nondiscretionary costs to local agencies, such as local water districts, city landscaping, or public works and road maintenance departments. Local agencies may need to spend time learning the electronic submission system. This is estimated to cost \$12.85 per local agency, and a total of \$719.60 for all local agencies.

CAC offices are local government agencies responsible for enforcing pesticide regulations in California, including any changes to pesticide regulations such as the proposed regulations. CACs may need to respond to community questions related to the statewide notification system. Initial funding for the CACs will be supported from the \$10 million allocation DPR received in the Budget Act of 2021 (Assembly Bill 128) to support initial development of the proposed statewide notification system through June 30, 2026. After FY 26/27, any future costs to CACs would be supported through the mill assessment. CACs may also have to process NOIs that they determine are exempt from electronic submission after making a finding of an undue hardship and document when an exemption to the NOI time requirement was granted. However, these determinations and any costs associated with these determinations are discretionary.

COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that the proposed regulations may result in costs to other state agencies. State agencies may need to spend time learning the electronic submission system. This is estimated to cost \$12.85 per state agency, and a total of \$89.95 for all state agencies impacted by the proposed regulations.

Additionally, the proposed regulations are anticipated to have a fiscal impact on DPR. Costs include, but are not limited to, redirection of existing staff; operat-

ing expenses and new equipment; interdepartmental and external consultation; data centers; software licenses; ongoing legal support of the system; DPR outreach and response to the public, industry, and Commissioners; and other potential DPR activities related to the administration and implementation of the statewide notification system. The expected cost to DPR is estimated at \$3,259,682 for FY 2024/25, \$4,127,225 for FY 2025/26, and \$4,166,208 for FY 2026/27.

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 BUSINESS

DPR has made an initial determination that adoption of these proposed regulations 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. The proposed regulations will allow DPR to develop and implement a statewide system to provide information to the public in advance of intended restricted material agricultural commodity applications. The estimated cost of the proposed regulations over a lifetime of five years is \$7,290,487. DPR made this determination based on the memorandum titled, “Economic & Fiscal Analysis of Amending 3 CCR Sections 6000 (Definitions), 6424 (Forms), 6428 (Agricultural Permit Applications), 6432 (Permit Evaluation), and 6434 (Notice of Intent),” listed in the “Documents Relied Upon” section of the Initial Statement of Reasons for this proposed regulatory action, which is available from DPR.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

California’s current system of requiring an operator of the property to obtain an agricultural use restricted material permit and submit an NOI prior to applying a restricted material requiring a permit has been established for over 45 years. To meet the current needs of the proposed statewide notification system, DPR is proposing limited changes that build upon the es-

tablished practices and requirements of the restricted material permitting program; most of which are consistent with current industry practices.

In consultation with the California Department of Food and Agriculture's (CDFA's) Office of Pesticide Consultation and Analysis, DPR has determined that the proposed regulations will impact farms and other operations submitting agricultural use NOIs. In reasonable compliance with the proposed regulations, businesses may need to learn how to submit an NOI electronically and may need to purchase a laptop or computer as well as internet service. DPR estimates the initial cost for a small business to be \$1,052.85 and the initial cost for a typical business to be \$642.50. Additionally, the annual cost for a small business is estimated to be \$840 and the annual cost for a typical business is estimated to be \$0. Over the 5-year lifetime of these regulations, the total impact is estimated to be \$7,290,487. These are conservative estimates, the actual economic cost impact of the proposed regulations will likely be lower.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Creation or Elimination of Jobs within the State of California: DPR determined that the proposed action would not create or eliminate jobs in California because NOIs are already currently required to be submitted prior to applying a restricted material.

Creation of New Businesses or the Elimination of Existing Businesses within the State of California: DPR determined the proposed action is unlikely to create new businesses or eliminate existing businesses within the State of California because NOIs are already currently required to be submitted prior to applying a restricted material. Pest management will be necessary regardless of any decline in sales and use of pesticides subject to the proposed regulation, and thus businesses are not expected to be impacted.

The Expansion of Businesses Currently Doing Business within the State of California: DPR has determined that this proposal is unlikely to result in an expansion of businesses currently doing business within California. Impacted property operators may purchase laptops or computers and may also purchase a subscription to the internet through a service provider. These purchases and subscriptions would be spread out among existing providers and are unlikely to cause an expansion of businesses currently doing business within California. If property operators choose to use another pest control option instead of using a restricted material, any new demand for pest control services would be spread out among the existing pest control advisors, pest control businesses, and pest control

dealers in the state and would likely be handled with existing staff.

The Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The proposed regulations will benefit the public, including California residents, by providing equitable and routine access to information about intended agricultural commodity restricted material applications around homes, places of work, schools, and other areas of interest. Certain stakeholder groups and the public have stated that advance information about intended agricultural commodity restricted material applications will afford them an opportunity to voluntarily take additional precautions to avoid potential exposure, such as closing windows and bringing in or cleaning children's outdoor toys, if they desire, which could indirectly lead to human health benefits. Additionally, requiring all agricultural use NOIs to be submitted electronically may have a net positive impact on the environment as it could increase CAC staff efficiency by allowing them to accept and process NOIs on CalAgPermits. Furthermore, CAC staff will only need to search CalAgPermits instead of both CalAgPermits and paper files. NOIs submitted electronically through CalAgPermits are available using CalPEATS, the electronic system CAC staff use to conduct inspections and investigations. This may allow more time for CAC staff to conduct investigations and inspections of pesticide applications, which could have an indirect positive impact on the environment. Additionally, the electronic submission requirement may reduce the use of paper. Approximately 89 percent of the 86,567 agricultural use NOIs received by CACs in fiscal year 2020–2021 were submitted electronically. This means over 9,500 NOIs were submitted to CACs via other means (e.g., DPR-provided paper forms, faxes, phone calls).

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. DPR considered the following three alternatives to the proposed regulation:

1. No requirement to electronically submit written notices of intent.
2. Providing NOIs and public notice more than 24 hours before application of a non-soil fumigant

and more than 48 hours before application of a soil fumigant.

3. Providing public notice about intended soil fumigations only.

The Department deemed the alternatives to be infeasible, to be more economically burdensome, or to not achieve the proposed regulation's intended purpose. Interested members of the public are invited to submit written comments regarding alternatives during the written comment period.

AUTHORITY

This proposed regulatory action is taken pursuant to the authority vested by FAC sections 11456, 14005, and 14102.

REFERENCE

This proposed regulatory action is to implement, interpret, or make specific FAC sections 11501, 14001, and 14006.

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 regulations 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 St.
P.O. Box 4015
Sacramento, CA 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:

Jeannie Alloway
Department of Pesticide Regulation
Office of Legal Affairs
1001 I St.
P.O. Box 4015
Sacramento, CA 95812-4015
916-324-2666

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations 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 5. SCHOLARSHARE INVESTMENT BOARD

NOTICE IS HEREBY GIVEN that the ScholarShare Investment Board (SIB), organized and operating pursuant to Cal. Educ. Code tit. 3, D. 5, Pt. 42, Ch. 2, art. 19, proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action. Any person interested may present statement or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than December 18, 2023. SIB, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such

modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person(s) designated in this notice as Contact Person and will be mailed to those persons who submit statements related to this proposal or who have required notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

SIB proposes to amend Sections 31010, 31012, 31014, 31015, 31016, and 31017 of Title 5, Division 4.5, Chapter 3 of the California Code of Regulations (Regulations). The Regulations implement SIB's responsibilities and other details related to the California Kids Investment and Development Savings Program (CalKIDS or Program).

AUTHORITY AND REFERENCE

Authority: Sections 69996.4, Education Code. Sections 69996.4 provides SIB with the authority to carry out the duties and obligations of the Program pursuant to this article and have all other powers as may be necessary for the effectuation of the purposes, objectives, and provisions of this article. Subsection 69996.4(n) of the Education Code provides SIB the authority to adopt regulations for the implementation and administration of the Program.

Reference: Sections 69996–69996.9 of the Education Code. These Regulations implement the CalKIDS Program and include a number of the requirements of that program contained in the reference code provisions and their implementing Regulations.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

SIB was created in 1997 under the Golden State ScholarShare Trust Act with the passage of federal legislation allowing states to create and administer their own qualified tuition program as articulated in section 529 of the Internal Revenue Tax Code. SIB is responsible for the administration of the Golden State Scholarshare College Savings Trust (Education Code section 69980, et seq.).

In 2019, Governor Newsom signed into law Senate Bill 77, which initially created the CalKIDS Program. This bill, along with subsequent legislation, established the CalKIDS Program, with the intent of providing college savings account funds for each child born in California and eligible California public school students. SIB is responsible for maintaining designated beneficiary account deposits and information within the CalKIDS Account for the purpose of

funding qualified higher education expenses. These accounts shall be funded by any grants, gifts, appropriations, and other moneys from any unit of federal, state, or local government or any other person, firm, partnership, or corporation for deposit. In 2022, SIB formally launched the CalKIDS program by making accounts accessible to participants and performing all duties associated with the program.

This regulatory action is a first reading of proposed revisions to title 5 of the California Code of Regulations governing the California Kids Investment and Development Savings Program (CalKIDS). The ScholarShare Investment Board (SIB) has identified multiple regulatory barriers to the program that are addressed in this proposal and described below.

First, the proposed regulatory action will clarify how and when SIB may utilize its existing budget to provide financial incentives into CalKIDS accounts. Existing law currently lists specific financial incentives offered by the program. We understand that this regulatory change will eliminate a burden to participants if funds are no longer available. Similarly, this change will instruct SIB on how to communicate in the event it chooses to make changes.

Secondly, the proposed regulatory action will clarify who is eligible to receive an enhanced deposit based on information provided by the California Department of Education (CDE). Current law requires CDE to annually transmit data for eligible participants to automatically enroll and create CalKIDS accounts. Education Code Section 69996.9(a)(3) also requires a beneficiary to only have one enhanced deposit in their CalKIDS account. Existing law does not address situations where a student may be held back in their grade, and is therefore included in multiple data transfers year-over-year. The proposed regulation will clarify this situation to be compliant with Education Code Section 69996.9(a)(3).

Thirdly, the proposed regulatory action will require additional information for a beneficiary to complete when making a withdrawal request. As the program has evolved, additional requirements of the beneficiary in this process have become necessary to make sure withdrawals are processed correctly. Existing law does not include the needed requirements for the withdrawal process to be completed.

Lastly, the proposed regulatory action will incorporate optional forms into the program if a participant or beneficiary requires a change to their CalKIDS account. These forms are not currently incorporated into existing law.

The broad objective of the regulations is to provide details about the CalKIDS Program and to ensure CalKIDS beneficiaries and participants have opportunities to engage with the Program. The specific benefits anticipated from the regulations are increased

participation in the Program, more families saving for college by opening and contributing to a ScholarShare 529 account, and greater emphasis on saving for higher education.

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

The Department has conducted an evaluation of this proposed regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

**OTHER MATTERS PRESCRIBED BY
STATUTES APPLICABLE TO THE
SPECIFIC STATE AGENCY OR TO
ANY SPECIFIC REGULATION OR
CLASS OF REGULATIONS**

No other matters prescribed by statute are applicable to SIB or to any specific Regulation or class of Regulations pursuant to Section 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or SIB.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

SIB has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

SIB has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

**INITIAL DETERMINATION REGARDING
ANY SIGNIFICANT STATEWIDE
ADVERSE ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

SIB has made an initial determination that the Regulations will not have any significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

SIB has determined that the adoption of the Regulations will not affect small businesses. Small businesses will not be enrolled in the program. As such, they will not be impacted by the proposed Regulations.

COST IMPACTS

SIB has determined that the regulations will have a negligible cost impact on a private person depending on the financial incentives offered. The regulations describe additional financial incentives presented to participants not listed in current law. Education Code 69996.3 authorizes the Board to provide additional financial incentives to this enrolled population.

The Board will provide participants the opportunity to receive the deposit amounts if funds are available. As part of a competitive process in SIB's selection for a ScholarShare 529 Plan Manager, the selected vendor committed \$450,000 annually to support CalKIDS with financial incentive offers. As such, SIB will primarily base its abilities to provide financial incentives on this amount, in addition to allowable funds in its General Fund resources. An assumption of the regulations impact on a private person is provided below.

Approximately 200,000 participants registered for the program in its first year. The Board assumes that twenty percent (5%) of the registered population will complete the actions required for all incentives which may be offered for an incentive. This means that 10,000 participants will be eligible for an incentive. If \$450,000 is offered annually for incentives, the potential impact on a participant could be \$45, equaling the budget divided by the potential number of participants. This amount is based on participant assumptions and available budget, which could change year-over-year. The regulations stipulate that the Executive Director of the Board may establish or modify the criteria based on participation levels, available funding, and other monies deposited to the fund.

SIB is not aware of any cost impacts a business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT OF EFFECT ON
JOBS AND BUSINESS EXPANSION,
ELIMINATION OR CREATION**

Adoption of these regulations will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California. Adoption of these regulations will have a limited effect on the expansion of businesses currently doing business within California.

ASSESSMENT OF BENEFITS ON HEALTH
AND WELFARE OF CALIFORNIA
RESIDENTS, WORKER SAFETY, AND THE
STATE’S ENVIRONMENT

Adoption of these regulations will not provide benefits or impact on the health and welfare of California residents, worker safety, or the state’s environment.

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

REASONABLE ALTERNATIVES

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

SIB invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON(S)

Written comments, inquiries, and any questions regarding the substance of the Regulations shall be submitted or directed to:

Noah Lightman, Manager, Children’s Savings
Account Initiatives
ScholarShare Investment Board
901 P St., Room 313–B
Sacramento, CA 95814
ScholarShare@treasurer.ca.gov
(916) 651–6380

The following person is designated as a back-up contact person for inquiries only regarding the Regulations:

Stanley Zeto, Deputy Director
ScholarShare Investment Board
901 P St., Room 313–B
Sacramento, CA 95814
Stanley.Zeto@treasurer.ca.gov
(916) 651–6380

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to SIB. The written comment period on the Regulations will end on December 18, 2023. All comments to be considered by SIB must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, SIB will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT
OF REASONS, FINAL STATEMENT
OF REASONS, RULEMAKING
FILE AND EXPRESS TERMS OF
PROPOSED REGULATIONS

Pursuant to the California Government Code, SIB has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at SIB’s office at 901 P Street, Room 313–B, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, the Final Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons, the Final Statement of Reasons, and the proposed text, may be viewed on SIB’s Website at www.treasurer.ca.gov/scholarshare.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to SIB at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should spec-

ify the Regulations for which the hearing is being requested.

15–DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, SIB may adopt the Regulations substantially as described in this Notice, without further notice. If SIB makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through SIB’s Website described above) for at least fifteen (15) calendar days before SIB adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

**AMEND COMMISSION REGULATIONS 1005
MINIMUM STANDARDS FOR
TRAINING — CORONER
TRAINING REQUIREMENTS**

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

Public Comments Due by December 18, 2023.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 404–5619, by email to [Jennifer Hardesty](mailto:Jennifer.Hardesty@post.ca.gov) at Jennifer.Hardesty@post.ca.gov or by letter to:

Commission on POST
Attention: Jennifer Hardesty
860 Stillwater Road, Suite 100
West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt reg-

ulations), and PC § 13510 (POST authority to adopt and amend rules establishing minimum standards). This proposal is intended to interpret, implement, and make specific PC § 13510(a)(2), which authorizes POST to adopt, and may from time to time amend, rules establishing minimum standards for training.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

PC § 832 states, in part:

- Every person described in this chapter as a peace officer shall satisfactorily complete an introductory training course prescribed by POST.
- Training in the carrying and use of firearms shall not be required of a peace officer whose employing agency prohibits the use of firearms.

Commission Regulation 1005(a)(4) currently requires Coroners or Deputy Coroners to complete both the PC § 832 Arrest and PC § 832 Firearms Courses. The implementation of the proposed changes will ensure Commission Regulation 1005(a)(4) is consistent with the requirements of PC § 832 and will only require the PC § 832 Firearms Course be completed when the carrying and use of firearms is authorized by the employing agency.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will allow employing agencies to provide the training that is necessary for their coroners or deputy coroners and not require training in the carrying and use of firearms when prohibited by the agency. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state’s environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

FORMS/DOCUMENTS INCORPORATED BY REFERENCE

There are no forms/documents incorporated by reference in this proposed action.

DISCLOSURES REGARDING THE
PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC §§ 17500 through 17630: None.

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations 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.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations specifically affect firearms training requirements for coroners and deputy coroners; not small businesses. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

RESULTS OF ECONOMIC IMPACT
ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by allowing employing agencies to provide necessary training and not requiring unnecessary training. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to *Jennifer Hardesty*, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at (916) 227-3917. General questions regarding the regulatory process may be directed to *Katelynn Poulos* at (916) 227-4894.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to, the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the *POST Website* at <https://post.ca.gov/Regulatory-Actions>.

ADOPTION OF PROPOSED REGULATIONS/
AVAILABILITY OF CHANGED OR
MODIFIED TEXT

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

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

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

TITLE 11. DEPARTMENT OF JUSTICE

The Department of Justice (Department) proposes to amend section 4025 and adopt section 4026 of title 11, division 5, chapter 2 of the California Code of Regulations concerning a dealer’s notice to the Department following a failed private party sale, transfer, or loan of a firearm.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on December 19, 2023 at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Quentin Farris
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2377
bofregulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Section 28060, Penal Code.

Reference: Section 28050, Penal Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

A private party sale, transfer or loan (private party transfer) of a firearm must be conducted through a licensed firearms dealer. (Pen. Code, § 27545.) Existing law requires a firearms dealer who is unable to process the private party transfer to return the firearm to the person making the sale, transfer, or loan (seller). However, the dealer is prohibited from returning the firearm to the seller if that person is prohibited from possessing a firearm. In those cases, the dealer must transfer the firearm to a law enforcement agency. (Pen. Code, § 28050, subd. (e).)

A dealer who delivers possession of a firearm to a law enforcement agency must notify the Department within 72 hours after the delivery in a manner and format prescribed by the Department. (Pen. Code, § 28050, subd. (g).) Currently, dealers give notification on the Report of Dealer Relinquishment, forms BOF 1401A and 1401B. Starting July 1, 2024, the dealer will report this information electronically via the Dealer Record of Sale (DROS) Entry System (DES).¹ (Cal. Code Regs., tit. 11, § 4025.)

Also starting July 1, 2024, dealers must follow a new procedure after a failed private party transfer when they cannot legally return the firearm to the seller:

- (1) The seller, transferor, or person loaning the firearm may request, and the dealer shall grant, that the dealer retain possession of the firearm for a period of up to 45 days so that the transferor or seller or the person loaning the firearm may designate a person to take possession of that firearm. This 45–day period shall be in addition to any time necessary to process a transaction;
- (2) If, before the end of the 45–day period, the seller, transferor, or person loaning the firearm designates a person to receive the firearm and that person completes an application to purchase, the dealer shall process the transaction as specified; and,
- (3) If the seller, transferor, or person loaning the firearm, does not request that the firearm be held by the dealer, or the firearm cannot be delivered to the designated person, the dealer, shall forthwith deliver the firearm to law enforcement. (Pen. Code, § 28050, subd. (f).)

¹ The Department maintains the DES, a web–based application used by firearms dealers to report the sale, loan, transfer, redemption, and acquisition of handguns and long guns to the Department, as required by state law. (Pen. Code, § 28205; Cal. Code Regs., tit. 11, § 4200 et seq.)

After a failed private party transfer, the new procedure allows the seller to request the dealer to hold the firearm for 45 days and to designate another person to receive the firearm. Dealers may charge a fee of up to \$10 for any firearm stored by the dealer. (Pen. Code, § 28055, subd. (b).)

A dealer who retains possession of a firearm for this purpose must notify the Department within 72 hours in a manner and format prescribed by the Department. (Pen. Code, § 28050, subd. (g).)

Effect of the Proposed Rulemaking:

The proposed regulation amends the procedure for a dealer to notify the Department that a firearm has been delivered to a law enforcement agency. Dealers will no longer be required to send a form to the Department once the information is reported via the DES.

The proposed regulation creates the procedure for a dealer to notify the Department that a firearm has been retained at the request of the seller, transferor, or person loaning the firearm. Starting July 1, 2024, the dealer will report this information electronically via the DES.

Anticipated Benefits of the Proposed Regulations:

The proposed regulations provide the procedure for a dealer to meet their obligation of notifying the Department that a firearm has been relinquished or retained after a failed private party transfer. This regulation protects public safety by implementing a statutory requirement that the Department be notified of the outcome of a failed private party transfer. This is particularly important when the original firearm possessor is prohibited from possessing a firearm.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to these proposed regulations.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that these proposed regulations are not inconsistent or incompatible with existing State regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the dealer’s notification that a firearm has been relinquished or retained after a failed private party transfer.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE
PROPOSED ACTION

The Department’s Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The cost to the Department to process the report will be approximately \$427 annually. When dealers start reporting the information electronically via the DES on July 1, 2024, there will be no cost to the Department.

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

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

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

Cost impacts on representative person or business: The Department estimates that a representative private person or business will necessarily incur \$2.58 to complete and submit the required report. The average firearms dealer will face the above scenario once every 58 years.

Significant effect on housing costs: None.

Significant, statewide adverse economic impact directly affecting businesses, including ability to compete: The Department has made an initial determination that the proposed action 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.

Results of the Economic Impact Assessment (EIA):

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

- (1) The proposal would benefit the health and welfare of California residents by creating a procedure for a dealer to report to the Department that a firearm has been relinquished or retained because the owner is not eligible to own a firearm. The regulation would protect public safety by implementing a requirement that keeps firearms out of the hands of persons who are prohibited from owning or possessing a firearm.
- (2) The proposal would not benefit worker safety because it does not regulate worker safety standards.
- (3) The proposal would not benefit the state’s environment because it does not change any applicable environmental standards.

Business report requirement: Effective July 1, 2024, the proposed regulations require the dealer to report the relinquishment or retention of a firearm to the Department via the DES. The Department finds it is necessary for the health, safety or welfare of the people of this state that proposed sections 4025 and 4026, which require a report, applies to businesses.

Small business determination: The Department has determined that this proposed action affects small businesses. Requiring the dealer to notify the Department electronically via the DES is the easiest way to make sure that the dealer provides all required information. Dealers are already familiar with using the DES to report transactions to the Department.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 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 has determined that the proposed regulation is the most effective way for a dealer to report the relinquishment or retention of a firearm after a failed private party transfer. Requiring the dealer to notify the Department electronically via the DES is the easiest way to make sure that the dealer provides all required information. Dealers are already familiar with using the DES to report transactions to the Department.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Quentin Farris
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2377
bofregulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Gilbert Mac
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210-2153
bofregulations@doj.ca.gov

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 upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the “express terms” of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45-day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally-proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department’s website at <https://oag.ca.gov/firearms/regs>. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking

is based are available on the Department's website at <https://oag.ca.gov/firearms/regs>.

**TITLE 15. DEPARTMENT
OF CORRECTIONS AND
REHABILITATION**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or department), proposes to amend Sections 3044 and 3090 in Title 15, Division 3, Chapter 1, regarding canteen privilege levels.

PUBLIC COMMENT PERIOD

The public comment period begins **November 3, 2023** and closes on **December 21, 2023**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpbm@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the program contact person listed below.

CONTACT PERSONS

Primary Contact

R. Orr
Telephone: (916) 445-2229
Regulation and Policy
Management Branch
P.O. Box 187018
Sacramento, CA 95827

Back-Up

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

Program Contact

M. Gomez-Essex
Telephone: (279) 300-5679
Accounting Services Branch
P.O. Box 942883
Sacramento, CA 94283-0001

PUBLIC HEARING

Date and Time:

December 21, 2023 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
Room 150N
1515 S St. — North Building
Sacramento, CA 95811

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

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

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

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Due to the rise in inflation since the canteen draw limit was last changed in January 2010, the inmate population has lost purchasing power as canteen prices have risen but the draw limit has not. The increase in the draw limit would enhance the purchasing opportunity for inmates. The canteen is one of the few places in an institution where offenders can make their own choices, allowing offenders to purchase snacks and sundries with their own money. While the department provides inmates with essentials, the canteen offers goods that allow inmates to enhance their en-

vironments via personal purchases. Since offenders are only allowed to receive food packages from family and friends on a quarterly basis, the canteen is vital to the inmate population in that it allows them access to non–state–issued amenities on a regular basis.

In January 2010, the canteen draw limit was changed from \$180 to \$220. Due to inflation, the purchasing power of the dollar has diminished since January 2010. To project an appropriate increase, the department used the Consumer Price Index (CPI) inflation calculator that is provided by the Bureau of Labor Statistics (see the “Materials Relied Upon” portion of this document). The calculator demonstrates a 37% increase in inflation between January 2010 and December 2022, which means it would take approximately \$300 now to have the same buying power as \$220 had in January 2010. Raising the draw limit will allow an inmate’s purchasing power to be comparable to what it was in the past.

As CDCR continues its rehabilitative programming and inmates are eligible for lower security levels, inmate access to canteens is increasing. The privilege level increase is necessary to meet the growing demand for canteen items and to expand purchasing ability for the inmate population.

This action will:

- Increase the canteen draw limit from \$220 to \$300.
- Make non–substantive changes to convert fractional language to percentages and to correct misspellings.

DOCUMENTS INCORPORATED
BY REFERENCE

None.

SPECIFIC BENEFITS ANTICIPATED BY
THE PROPOSED REGULATIONS

The increase in the canteen draw limit would make inmate purchasing power comparable to what it has been in the past, thereby enhancing inmate purchasing opportunities. The department anticipates that the enhancement of inmate purchasing opportunities may positively affect inmates’ mental well–being and behavior.

EVALUATION OF INCONSISTENCY/
INCOMPATIBILITY WITH
EXISTING REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations

that would relate to or affect this area, the department has concluded that these are the only regulations that concern an increase in the canteen draw limit.

LOCAL MANDATES

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

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

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

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

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

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

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

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

The department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or effect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will have no effect on worker safety or the state’s environment. The department has determined that the proposed regulations will have an impact on the health and welfare of California residents by allowing for an increase in the purchasing power for canteen items; this may affect inmates’ mental well-being, which may have a positive impact on their behavior.

CONSIDERATION OF ALTERNATIVES

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

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

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

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

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

**AVAILABILITY OF CHANGES TO
PROPOSED TEXT**

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before the department adopts, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**TITLE 19. DEPARTMENT
OF FORESTRY AND FIRE
PROTECTION/OFFICE OF THE STATE
FIRE MARSHAL**

Notice is hereby given, that the California Department of Forestry and Fire Protection — Office of the State Fire Marshal (“OSFM”) or (“SFM”) proposes to amend regulations in Title 19, Division 1, Chapter 15, Article 1, as described below in the Informative Digest. (Government Code Section 11346.6)

INTRODUCTION

CAL FIRE—Office of the State Fire Marshal (OSFM) is responsible for ensuring the implementation of the Aboveground Petroleum Storage Act (APSA) program element of the Unified Program. The APSA provides technical and enforcement guidance for aboveground petroleum storage to reduce the risk of leaks and spills. Common acronyms and abbreviations used in these documents:

- APSA or APSA Program, Aboveground Petroleum Storage Act or Aboveground Petroleum Storage Act Program
- UPA, Unified Program Agency
- Advisory Committee, the OSFM APSA Advisory Committee
- SPCC Plan; Spill Prevention, Control, and Countermeasure Plan; spill prevention, control, and countermeasure plan

WRITTEN COMMENT PERIOD

Written comments will be accepted for at least 45 days beginning November 3, 2023, through January 19, 2024. All written comments received through the

end of January 19, 2024, 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 (Government Code Section 6250, et seq.). Written comments should be directed to the OSFM.

Email: Title19Regulations@fire.ca.gov

US Mail postmarked no later than January 19, 2024, to:

CAL FIRE/Office of the State Fire Marshal
P.O. Box 944246
Sacramento, CA 94244–2460
Attn: Eireann Flannery, Pipeline Safety and CUPA

PUBLIC HEARING

The Office of the State Fire Marshal (OSFM) is providing notice of scheduled hearing to consider the adoption of proposed regulations related to regulations for the Aboveground Petroleum Storage Act program (APSA Program). Pursuant to Government Code Section 11346.8, the OSFM will hold a public hearing on the proposed action as follows:

January 19, 2024
9:00 a.m. to 12:00 p.m.
CAL FIRE
710 Riverpoint Court, Suite 150
Conference Room 101
West Sacramento, CA 95605

The public hearing facilities are accessible to persons with disabilities via building security and the elevator. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action. It is requested, but not required, that persons making oral comments also submit a written copy of their testimony at the hearing.

It is requested, but not required, that persons making oral comments also submit a written copy of their testimony at the hearing. Copies of the Notice of Proposed Action, Text of Proposed Regulations, Initial Statement of Reasons (ISOR), documents Incorporated by Reference in the text of proposed regulations, documents relied upon, and any other materials concerning this rulemaking can be accessed on the Office of the State Fire Marshal website at: <https://osfm.fire.ca.gov/divisions/codedevelopment-and-analysis/title-19-development/>.

Use this link to join the Public Hearing virtually

https://teams.microsoft.com/dl/launcher/launcher.html?url=%2F_%23%2F%2Fmeetup-join%2F19%3Ameeting_ZDcyZDk0MzktMmE0Ny00YmE0LWJiYTItZjg0YmQyMzZmYmE5%40thread.v2%2F0%3Fcontext%3D%257b

[%2522Tid%2522%253a%2522447a4ca0-5405-454d-ad68-c98a520261f8%2522%252c%2522Oid%2522%253a%252255dd5151-2626-4f47-82ff-87b7f7bc788f%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=c6675992-8f5a-48bd-b712-ceedba1ddc9e&directDI=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true](https://teams.microsoft.com/join/2522447a4ca0-5405-454d-ad68-c98a520261f8%2522%252c%2522Oid%2522%253a%252255dd5151-2626-4f47-82ff-87b7f7bc788f%2522%257d%26anon%3Dtrue&type=meetup-join&deeplinkId=c6675992-8f5a-48bd-b712-ceedba1ddc9e&directDI=true&msLaunch=true&enableMobilePage=true&suppressPrompt=true)

Meeting ID: 240 154 319 261 Passcode: y2dfQe

Teleconference number — audio only

+1 650–564–3271

Phone Conference ID: 712 737 262#

AUTHORITY AND REFERENCE

Authority

Health and Safety Code Section 25270.4.1.

Reference

Aboveground Petroleum Storage Act, Health and Safety Code Sections 25270.2, 25270.3, 25270.4, 25270.4.1, 25270.4.5, 25270.5, 25270.6, 25270.9, 25270.12.

Unified Hazardous Waste and Hazardous Materials Management Regulatory Program, Health and Safety Code Section 25404.

Water Code Section 13050.

California Code of Regulations Title 27 Section 15110.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of existing laws and regulations directly related to the proposed rulemaking

Pursuant to Health and Safety Code Section 25270.4.1, the CAL FIRE–Office of the State Fire Marshal (OSFM) is responsible for ensuring the implementation of the Aboveground Petroleum Storage Act (APSA) program element of the Unified Program.

The Aboveground Petroleum Storage Act Program is one program within the Unified Program, a multi agency state program which is overseen by the Secretary of Environmental Protection.

A description of the effect of the proposed rulemaking

Each proposed regulation supports the implementation of one or more of the OSFM’s statutory responsibilities, as related to APSA. The full text of these responsibilities is found in Health and Safety Code Section 25270.4.1 and summarized below.

1. Adopt regulations implementing APSA.
2. Provide interpretation of the APSA statutes to local Unified Program Agency (UPA) enforcement entities.

3. Oversee the implementation of the APSA requirements by local UPA enforcement entities.
4. Provide training for local UPA enforcement entities.
5. To the maximum extent feasible, ensure consistency with state law and federal enforcement guidance.
6. Support the local UPA enforcement entities in providing outreach to regulated persons in relation to regulations relevant to OSFM's responsibilities under the APSA program.
7. Develop more stringent requirements, as needed to implement the safety requirements of the APSA.

A policy statement overview explaining the broad objectives of the regulation

The purpose of these regulations is to provide a clear source of technical guidance and distinguish each stakeholder's responsibilities under APSA. UPA are responsible for enforcement activities, there is no state or federal approval of SPCC Plans.

An explanation of the specific benefits anticipated from the proposed action, including the benefit from the statute

These regulations coordinate and highlight the state and federal laws for the regulated community, industry stakeholders, and local UPA enforcement entities. This is to provide an efficient enforcement and compliance tool for the directly affected entities of the APSA program.

An explanation of the nonmonetary benefits such as the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, and the increase in openness and transparency in business and government.

These regulations are necessary to protect public safety and the environment. Aboveground petroleum storage tanks may leak and spill into the environment, causing contamination problems. Contamination poses a range of risks, which result in minor to very serious threats to the environment and public safety.

Preventive steps taken by the industry and regulated entities reduce the risk of leaks and spills, therefore providing a direct public safety and environmental benefit.

An evaluation of whether the proposed regulation's consistency with existing state regulations.

The proposed regulations are not inconsistent or incompatible with existing state regulations as they are aligned with applicable implementation and enforcement requirements of the Unified Program.

A description of any substantial differences from existing, comparable federal regulation or statute.

The proposed regulations are not inconsistent or incompatible with existing federal regulations or statute as they are aligned to the implementation and enforcement requirements of the Unified Program as authorized by federal regulations and state law.

Full Citation of Federal Regulations

Title 40, Part 112, Code of Federal Regulations

DOCUMENTS INCORPORATED BY REFERENCE

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

MANDATED BY FEDERAL LAW OR REGULATIONS

These regulations are not mandated by federal law or regulations.

Local Mandate Determination:

The OSFM has made a preliminary determination that adoption of these regulations 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.

FISCAL IMPACT ESTIMATES

Is there a Cost to any local agency or school district requiring reimbursement pursuant to section 17500 et seq.?

No.

Is there a direct costs or savings to any state agency?

No.

Is there other evidence based non-discretionary cost or savings imposed upon local agencies?

No.

Are there anticipated costs or savings in federal funding to the state?

No.

Housing Costs Determination

There is no anticipated effect on housing costs.

Initial Determination Regarding Significant Statewide Adverse Economic Impact Directly Affecting Business, including the Ability of California Businesses to Compete with Businesses in Other States

None.

**RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT**

Specify whether and to what extent the proposed regulation will affect the following:

Creation of jobs within California

No.

Elimination of jobs within California

No.

Creation of new businesses within California

No.

Elimination of existing businesses within California

No.

Expansion of businesses currently doing business within the state

No.

Benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment

Preventive steps taken by the industry and regulatory agencies can reduce the risk of leaks and spills, therefore providing a direct public safety and environmental benefit.

Cost Impacts on Representative Person or Business

17,852 is the total number of businesses regulated under the APSA program. However, it is anticipated that 2,613.1–3733.1 businesses may experience an enforcement or fiscal impact as a result of these regulations. The 2,613.1–3733.1 estimates reflect the approximate number of regulated businesses that are not currently in inspected on a 3 year cycle. These are facilities with less than 10,000 gallons of aggregate petroleum storage capacity and may experience an inspection within a 3 year timeframe as a result of these regulations.

Increased inspections do not necessarily lead to an increase in fees. Therefore, the additional staffing for an inspection may not have an impact to the UPA annual fees. Fees must be consolidated for all Unified Program activities. UPAs are required to maintain their fee structure at a level that ensures that the UPA has operating expenses while also ensuring that regulated businesses are not paying more than what is fiscally required. In addition, changes to the fee structure must be approved by the appropriate oversight entity that supervises the UPA.

If the UPA with jurisdiction currently inspects facilities with less than 10,000 gallons of aggregate petroleum storage capacity within the 3 year timeframe, those businesses will not experience a change in enforcement or fees as a result of these regulations.

The OSFM and the APSA Advisory Committee have determined that other impacts of these regulations would be minor and absorbable to both UPAs and regulated businesses.

Business Report

The proposed regulations do not require a business report.

Small Business Determination

Businesses may self-identify as part of their public participation in the regulatory process. However, the public safety requirements of this program do not require disclosure of business details which would identify a “small business,” as it is defined by Government Code 11342.610.

Due to the lack of information for analysis purposes, the OSFM has determined that the proposed regulations have no “substantial” effect to small business and therefore the OSFM has not identified any alternatives that would lessen any adverse impact on small business and still fulfill the public safety purpose of the program.

CONSIDERATION OF ALTERNATIVES

The OSFM must determine that no 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.

AGENCY CONTACTS

Jennifer Lorenzo, Senior Environmental Scientist
(Supervisor)
CAL FIRE/Office of the State Fire Marshal
OSFM “CUPA” Programs
715 ‘P’ St., Suite 900
Sacramento, CA 95814
jennifer.lorenzo@fire.ca.gov
Phone: (916) 247–0159

Kathy Battles, Staff Services Analyst
CAL FIRE/Office of the State Fire Marshal
OSFM Pipeline Safety
715 ‘P’ St., Suite 900
Sacramento, CA 95814
kathy.battles@fire.ca.gov
Phone: (916) 263–6300

**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 Sacramen-

to 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 22/MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0523-05
ITEM # CALWORKS
PHOTO IDENTIFICATION

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the public comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be sent to:

California Department of Social Services
Office of Regulations Development
744 P St., MS 8-4-192
Sacramento, CA 95814
Tel: (916) 657-2856, Fax: (916) 653-7395
Email: ord@dss.ca.gov

Statements or arguments relating to the proposals may be submitted in writing, Email, or by facsimile to the address/number listed above. All comments must be received by December 19, 2023.

Following the public comment period, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at *CDSS Public Comment Period for Proposed Regulations* (<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/regulations-in-process>) Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the public comment period, copies of the Final Statement of Reasons will be available at the above address.

CHAPTERS

CDSS Manual of Policies and Procedures, Division 40, Section 40-105 (Applicant and Recipient Responsibility).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Work Opportunity and Responsibility to Kids (CalWORKs) is a public assistance program that provides cash aid and services to eligible families that have a child(ren) in the home.

Prior to the proposed regulatory amendments, the law required CalWORKs applicants to verify identity by presenting photo identification in person. AB 135 changed the law by allowing applicants and recipients to present photo identification either in person or virtually.

These proposed regulations make the following changes to the CalWORKs program:

- Allows CalWORKs applicants and recipients to present photo identification virtually if the virtual method used allows the county worker to view and identify the applicant or recipient presenting the photo identification.
- Allows CalWORKs applicants and recipients to choose the method to present photo identification provided the method is available to both parties and meets the above requirement.
- Prohibits county welfare departments from establishing only a limited number of virtual methods or attempting to restrict applicants from utilizing valid methods.

These changes are a result of Assembly Bill (AB) 135 (Chapter 85, Statutes of 2021), Section 24, effective July 1, 2021.

Benefits:

The benefits of the regulatory action to the health and welfare of California residents, worker safety, and the state’s environment are as follows: The proposed regulations will benefit the health and welfare of CalWORKs applicants and recipients by presenting a positive step toward flexibility and equity. These provisions of AB 135 offer increased flexibility for CalWORKs recipients and recipients to provide photo identification using available technology, thus reducing the dependency of in-person services. There are no additional benefits for worker safety or the state’s environment, as the regulations only affect applicants and recipients of the CalWORKs program.

Consistency:

CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. CDSS has found that these

are the only regulations concerning photo identification in CalWORKs. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations but do fulfill the intent of the legislature in enacting AB 135.

Incorporation by Reference:

This regulatory action does not incorporate documents by reference.

COST ESTIMATE

1. Costs or Savings to State Agencies: No Fiscal Impact.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance with Government Code Sections 17500-17630: N/A
3. Nondiscretionary Costs or Savings to Local Agencies: No Fiscal Impact.
4. Federal Funding to State Agencies: No Fiscal Impact.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies or on school districts. There are no “state-mandated local costs” in these regulations which require state reimbursement under Government Code section 17500 et seq.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the regulations affecting individuals applying for CalWORKs benefits.

STATEMENT OF POTENTIAL COST IMPACT ON 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 regulatory action is designed to impact only the CalWORKs population in order to aid and strengthen needy families and there are no known expected costs associated to the individuals.

SMALL BUSINESS IMPACT STATEMENT

The Department has determined that there is no impact on small businesses because these regulations are only applicable to state and county agencies. These regulations are mandated by AB 135 and are applicable to CalWORKs applicants and recipients; therefore, they do not have a cost impact on the private sector, including small businesses.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit CalWORKs applicants and recipients by allowing them to provide photo identification using available technology, thus reducing the dependency of in-person services. There are no additional benefits for worker safety or the state’s environment, as the regulations only affect individuals receiving CalWORKs aid.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, the Department did not consider any other alternatives as there were no other alternatives proposed. These regulations are mandated by WIC section 10831 amended by AB 135.

The Department must determine that no other reasonable alternative was identified and brought to the attention of the Department that would be more effective in carrying out the purpose for which the regulations are proposed or would be 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.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Section 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Section 10831, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Everardo Vaca (916) 657–2586
Backup: Oliver Chu (916) 657–2586

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR
CALFIRE CHAMBERLAIN CREEK
RESTORATION PROJECT
(TRACKING NUMBER:
1653–2023–130–001–R1)
MENDOCINO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on 10/23/2023, that the California Department of Forestry and Fire Protection (CalFire) proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves improving instream habitat for coho salmon by installing 7 large wood structures and stabilizing a slope that failed during high flow events using biotechnical methods. The proposed project will be carried out on Chamberlain Creek, tributary to the North Fork Big River, tributary to Big River and the Pacific Ocean, within the Mendocino Coast Hydrologic Unit 113.30. The Project site is located at latitude 39.365556 °N and longitude 123.5575 °W, Mendocino County, California.

On September 14, 2023, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the CalFire Chamberlain Creek Restoration Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1B23146WNME; ECM PIN Number CW–890474) for

coverage under the General 401 Order on October 9, 2023.

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

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

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

BERG METALS CORPORATION PROPOSED REASONABLE CERTAINTY DESIGNATION

The Department of Toxic Substances Control (DTSC) hereby provides public notice of its proposed designation of the area at the former *Berg Metals Corporation (Berg Metals) Site at 2652 Long Beach Avenue, Los Angeles, CA, 90058* and areas within the Berg Metals Reasonable Certainty Designation Area (see www.dtsc.ca.gov/BergRCDArea) as having been determined with reasonable certainty to have been contaminated by releases from the operation of the lead–acid battery recycling facility that formerly operated at that location from 1937–1958. DTSC provides this notice under California Health & Safety Code section 25215.51(c).

What does this mean? This public notice announces DTSC’s Berg Metals **Proposed Reasonable Certainty Designation** document is available for public review and public comment beginning on November 4, 2023. **The public comment period ends at 11:59 PM on December 19, 2023.** DTSC will consider all public comments and information provided during the comment period before deciding to provide a Final Reasonable Certainty Designation. If DTSC makes substantial changes to its Proposed Reasonable Certainty Designation, DTSC will provide notice and the changed designation will be available for review and public comment for 15 days before a Final Designation is issued.

How can I learn more? DTSC will be hosting an in–person information session with simultaneous interpretation in Spanish on **November 30, 2023, from**

5:30 p.m. to 7:30 p.m. The location is being determined and will be announced once finalized.

How do I submit a Public Comment? Written comments can be sent to: Gerry Dietrich, DTSC Public Participation Specialist, at 8800 Cal Center Drive, Sacramento, CA, 95826 or LABRF@dtsc.ca.gov. Additionally, DTSC will accept oral and written public comment during a virtual public meeting/hearing on **December 19, 2023, from 5:30 p.m. to 7:30 p.m.** DTSC will make no decision at the hearing.

How do I attend the Public Meeting/Hearing? The **December 19, 2023**, public meeting/hearing to take public comment will be held virtually on Zoom, with simultaneous interpretation in Spanish. Register online at www.shorturl.at/abJR7. You will receive a confirmation email with instructions on how to join online or by phone. To participate using Spanish only audio, dial (877) 779–6711, enter code 1847879#.

Where can I view the Designation Document and other Project Documents?

- **DTSC’s EnviroStor Database:** www.envirostor.dtsc.ca.gov — Search for Berg Metals by entering 60002774, *click on the facility name*, and navigate to the Site/Facility Docs tab. There you will find the draft designation document, the documents DTSC relied on in making its proposed reasonable certainty designation, and the associated administrative record. If there is a final designation document issued, it will be added to the list of documents available for public review.
- **By appointment between 8 a.m. and 5 p.m. at DTSC’s Cypress Regional Office:** 5796 Corporate Avenue, Cypress, CA 90630–4732, Contact Ms. Julie Chandler at 714–484–5337 for an appointment.
- **Vernon Branch Library:** 4504 South Central Avenue, Los Angeles, CA 90011. Call (323) 234–9106 for library hours.

Who to Contact for Questions: Gerry Dietrich, Public Participation Specialist, at (510) 402–8305 or Gerry.Dietrich@dtsc.ca.gov, or Peter MacNicholl, Project Manager for Berg Metals, at (916) 255–3713 or Peter.MacNicholl@dtsc.ca.gov.

DECISION NOT TO PROCEED

**COMMISSION ON PEACE OFFICER
STANDARDS AND TRAINING**

PURSUANT TO GOVERNMENT CODE
SECTION 11347
RE: NOTICE OF PROPOSED
REGULATORY ACTION CONCERNING
THE AMENDMENT OF COMMISSION
REGULATION 1005

Pursuant to Government Code section 11347, the Commission on Peace Officer Standards and Training (POST) hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on August 4, 2023, Register 2023, Number 31-Z. The proposed rulemaking concerned the amendment of Commission Regulations 1005. (OAL Notice Z-2023-0724-01)

Any interested person with questions concerning this rulemaking should contact Jennifer Hardesty at either (916) 227-3917 or by Email at jennifer.hardesty@post.ca.gov.

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

**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.

Education Audit Appeals Panel
File # 2023-0907-02
Supplement to Audits of K-12 LEAs — FY 2022-23

This certificate of compliance action makes permanent the regulatory changes made in emergency rulemaking action number 2023-0308-03E, which incorporated the March supplement to the “Guide for Annual Audits of K-12 Local Education Agencies and State Compliance Reporting” for the 2022-2023 fiscal year.

Title 05
Amend: 19810
Filed 10/19/2023
Effective 10/19/2023
Agency Contact:
Timothy E. Morgan (916) 445-7745

State Water Resources Control Board
File # 2023-1012-04
Emergency Regulation Amending ELAP Fee
Regulations

This emergency action by the State Water Resources Control Board (the “State Water Board”) amends the fee schedule for the Environmental Laboratory Accreditation Program by increasing fees 30 percent. Pursuant to Health and Safety Code section 100829(f)(3), this action is a deemed emergency, exempt from OAL review, and remains in effect until revised by the State Water Board.

Title 22
Amend: 64802.25
Filed 10/18/2023
Effective 10/18/2023
Agency Contact: Justin Davis (916) 449-5670

State Water Resources Control Board
File # 2023-1013-02
Emergency Regulation Amending Drinking Water
Fee Schedule

In this emergency action, the State Water Resources Control Board (SWRCB) increases drinking water fees that support drinking water activities to conform to the revenue levels set forth in the Budget Act for fiscal year 2023-24. The amended regulation will increase fees approximately 5.5% for community water systems, nontransient noncommunity water systems, transient noncommunity water systems, and wholesalers. Pursuant to Health and Safety Code section 116565(e), this action is deemed to be an emergency situation and is exempt from review by the Office of Administrative Law, and the fee increases remain in effect until revised by the SWRCB.

Title 22
Amend: 64305
Filed 10/19/2023
Effective 10/19/2023
Agency Contact: Justin Davis (916) 449-5670

State Water Resources Control Board
File # 2023-1016-01
FY 2023-24 Waste Discharge Requirement Fees

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge per-

mits. These fees are adjusted each fiscal year to conform to the revenue levels set forth in the Budget Act. Pursuant to Water Code section 13260(f)(2), this action is a statutorily deemed emergency, is not subject to review by the Office of Administrative Law, and shall remain in effect until revised by the state board.

Title 23
 Amend: 2200, 2200.1, 2200.6, 2200.7
 Filed 10/24/2023
 Effective 10/24/2023
 Agency Contact: Sarah Fong (916) 341-5129

Department of Corrections and Rehabilitation
 File # 2023-1004-01
 Restricted Housing Units

This action significantly revises existing regulations related to inmate housing. Changes include consolidating the Administrative Segregation, Security Housing, and Psychiatric Services Units (ASU, SHU, and PSU) into the Restricted Housing Unit (RHU), reducing RHU terms by 50%, eliminating consecutive RHU terms, establishing set RHU terms and eliminating subjective mitigating and aggravating factors previously used to calculate terms, eliminating the Step Down Program (SDP), and increasing out-of-cell time for inmates assigned to RHU, and increasing and expanding types and amounts of authorized privileges and personal property.

Title 15
 Adopt: 3335.2, 3335.3, 3335.4, 3337, 3339, 3341, 3343, 3345, 3346
 Amend: 3000, 3043, 3044, 3044.1, 3045.1, 3091, 3095, 3139, 3164, 3170.1, 3176, 3177, 3190, 3261.5, 3269, 3269.1, 3269.4, 3287, 3312, 3314, 3315, 3317, 3322, 3327, 3329.5, 3332, 3335, 3335.5 (renumbered to 3335.1), 3336, 3337 (renumbered to 3340), 3338 renumbered to 3342), 3340 (renumbered to 3344), 3341.5 (renumbered to 3338), 3342 (renumbered to 3347), 3343 (renumbered to 3348), 3344 (renumbered to 3349), 3375, 3375.1, 3375.2, 3375.3, 3375.4, 3375.5, 3376, 3376.1, 3377.1, 3377.2, 3378.2, 3378.4, 3378.5, 3378.7, 3378.9, 3378.10, 3379
 Repeal: 3339, 3341, 3341.1, 3341.2, 3341.3, 3341.4, 3341.6, 3341.7, 3341.8, 3341.9, 3345, 3378.3
 Filed 10/24/2023
 Effective 11/01/2023
 Agency Contact: Josh Jugum (916) 445-2266

Board of Registered Nursing
 File # 2023-0907-01
 Scope of Practice (SB 1237)

In this change without a regulatory effect, the Board amends its regulation to change the language to gender neutral pronouns.

Title 16
 Amend: 1463
 Filed 10/18/2023
 Agency Contact: Marissa Clark (916) 574-7438

Bureau of Real Estate Appraisers
 File # 2023-0912-01
 AMC Renewal Application Form

In this non-substantive action, the Bureau of Real Estate Appraisers within the Department of Consumer Affairs amends Form REA 5012 to bring the minimum number of required appraisers for a multi-state Appraisal Management Company into compliance with the statutorily mandated minimum.

Title 10
 Amend: 3681
 Filed 10/19/2023
 Agency Contact: Whitney Spatz (916) 610-9927

Department of Motor Vehicles
 File # 2023-0912-02
 AB 60 Driver's Licenses

This change without regulatory effect filing by the Department of Motor Vehicles adds the Colombian Identification Document (Cedula de Ciudadania rev. 2023) to the list of documents that have been deemed to provide satisfactory proof of an applicant's identity for purposes of subdivision (b) of section 16.04.

Title 13
 Amend: Article 2.0 — Appendix
 Filed 10/24/2023
 Agency Contact: Randi Calkins (916) 282-7294

Department of Pesticide Regulation
 File # 2023-0927-01
 Typographical Correction — Neonicotinoid Use on Herbs and Spices

This proposed change without regulatory effect filing by the Department of Pesticide Regulation corrects a typographical error related to neonicotinoid use of herbs and spices.

Title 03
 Amend: 6990.7
 Filed 10/19/2023
 Agency Contact: Lauren Otani (916) 445-5781

Fish and Game Commission
 File # 2023-0913-01
 Fish Names and Contact Information

This change without regulatory effect corrects various scientific fish names and updates agency contact information.

Title 14
Amend: 1.39, 1.49, 1.90, 4.20, 4.25, 28.45, 28.59,
28.75, 28.80, 28.85, 53.01, 106, 112, 119, 125, 126.1,
147, 150.16, 157, 159, 190, 197, 200.29, 231, 632
Filed 10/19/2023
Agency Contact: Maurene Trotter (916) 902–9281

Office of Energy Infrastructure Safety
File # 2023–0915–03
Technical Updates

This action without regulatory effect by the Office of Energy Infrastructure Safety (“OEIS”) makes technical amendments to regulations promulgated pursuant to the Dig Safe Act of 2016 (“the Act”), Senate Bill Number 661 (Stats. 2016, c. 809), including updating references to an outdated website address, references to an outdated physical address for which payments are to be received, and the insignia and regulation references in incorporated forms.

Title 19
Amend: 4000, 4002, 4100, 4252, 4253, 4256, 4351,
4361
Filed 10/25/2023
Agency Contact:
Robin Harrington (279) 336–1739

Department of Health Care Access and Information
File # 2023–0906–01
LTC Financial Reporting– Expanding Managed Care

In this rulemaking action, the Department amends its regulations to update two documents incorporated by reference: the Accounting and Reporting Manual for California Long–Term Care Facilities, Second Edition (LTC Manual), and the Instructions and Specifications for Developing Approved Software to Prepare the California Long–Term Care Facility Integrated Disclosure and Medi–Cal Cost Report (LTC Report). The amendments update the agency’s name in the documents, revises reporting procedures and software specifications, and expand the number of payer categories.

Title 22
Amend: 97019, 97041
Filed 10/18/2023
Effective 01/01/2024
Agency Contact: Lexie Bloyd (916) 326–3833

Department of Managed Health Care
File # 2023–0908–02
Average Contracted Rate; Inflation Adjustment

This rulemaking action by the Department of Managed Health Care amends regulations relating to the methodology for determining the average contracted rate for the reimbursement of specified health care services.

Title 28
Amend: 1300.71.31
Filed 10/19/2023
Effective 01/01/2024
Agency Contact: Fabiola Murillo (916) 255–2395

California Student Aid Commission
File # 2023–1002–02
Learning–Aligned Employment Program (LAEP)

This regular rulemaking action by the California Student Aid Commission adopts requirements for the Learning–Aligned Employment Program for eligible college and university students.

Title 05
Adopt: 30600, 30601, 30602, 30603, 30604
Filed 10/18/2023
Effective 01/01/2024
Agency Contact:
Synequeen Alasa–as (916) 464–6411

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

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