



California Regulatory Notice Register

REGISTER 2024, NUMBER 1-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

JANUARY 5, 2024

PROPOSED ACTION ON REGULATIONS

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

Driver Safety Hearings — Notice File Number Z2023-1221-02 1

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Hiring of Ex-Offenders — Notice File Number Z2023-1222-02 3

TITLE 15. PRISON INDUSTRY AUTHORITY

Work and Rehab — Notice File Number Z2023-1222-03 5

TITLE 15. PRISON INDUSTRY AUTHORITY

Job Required Training — Notice File Number Z2023-1222-04 8

TITLE 16. ARCHITECTS BOARD

Filing of Applications — Notice File Number Z2023-1222-01 11

TITLE 17. AIR RESOURCES BOARD

Low Carbon Fuel Standard Amendments — Notice File Number Z2023-1219-01 14

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

Multipurpose Senior Services Program — Renewal Application 25

FISH AND GAME COMMISSION

Petition to List White Sturgeon 26

DECISION NOT TO PROCEED

DEPARTMENT OF EDUCATION

Independent Study Regulations 26

(Continued on next page)

Time-Dated Material

ACCEPTANCE OF PETITION TO REVIEW ALLEGED UNDERGROUND REGULATIONS

OFFICE OF ADMINISTRATIVE LAW

Petition Challenging Department of State Hospitals' Administrative Directive 738, dated July 31, 2023, Regarding Patient Visiting Guidelines 27

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State 27

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

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814–4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$338.00 (annual price). To order or make changes to current subscriptions, please call (800) 328–4880. The Register can also be accessed at <https://oal.ca.gov>.

**PROPOSED ACTION ON
REGULATIONS**

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

**TITLE 13. DEPARTMENT OF MOTOR
VEHICLES**

DRIVER SAFETY

The Department of Motor Vehicles (department) proposes to adopt Sections 115.00, 115.11, 115.12, 115.13, 115.14, and 115.15 and to amend Sections 115.01, 115.05, 115.06, 115.07, 115.08, 115.09, 115.10, in Article 2.4, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to Driver Safety Hearings.

PUBLIC HEARING

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

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **February 20, 2024**, the final day of the written comment period, for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt the proposed action under the authority granted by Vehicle Code sections 1651 and 1801.2, and Government Code sections 11400.20, in order to implement, interpret, or make specific Vehicle Code sections 13558, 16070, and 16075, and Government Code sections 11440.20, 11440.30, 11440.60, 11450.05, 11450.30, 11455.30, and 11524.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Vehicle Code section 13558 allows a person who receives a notice of an order of suspension or revocation of the person's privilege to operate a motor vehicle for violation of specified Vehicle Code sections, to request a hearing on the matter. Upon receipt of a hearing request, the department is required to conduct a hearing at a place designated by the department as close as practicable to the place of the revocation. Government Code section 11425.20 requires departmental hearings to be open to public observation yet allows a presiding officer to order the closure of a hearing under certain circumstances.

Government Code section 11440.20 establishes provisions related to the transfer of documents related to hearing and Government Code (Gov. Code) section 11440.30 allows a presiding officer to conduct all or part of a hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits.

Assembly Bill 1578 (Chapter 401; Statutes of 2022) amended Government Code section 11440.20 to allow for the service of hearing documents to be transmitted electronically and amended Government Code section 11440.30 to allow a hearing officer, in circumstances where a party objects to a hearing being conducted electronically, to structure the hearing in a manner that addresses the party's specific objections.

As more driver safety hearings are being conducted electronically, the department determined it necessary to amend Article 2.4 to ensure its regulations related to administrative hearings are consistent with recent changes made to various statutes.

**BENEFITS OF THE
PROPOSED REGULATION**

The department anticipates the changes made to the regulations through passage of AB 1578 will allow departmental driver safety hearings to be conducted more efficiently which will benefit the department but will also benefit the driver by removing barriers that cause hearings to be unnecessarily delayed.

**CONSISTENCY AND COMPATIBILITY
WITH STATE REGULATIONS**

The department conducted a review of other state regulations and found there are no other regulations related to driver safety hearings conducted by the department, therefore, the department has determined

this action is neither inconsistent nor incompatible with other state regulations.

**COMPARABLE FEDERAL STATUTES OR
STATE REGULATIONS**

There are no comparable federal statutes or state regulations.

**DOCUMENTS INCORPORATED
BY REFERENCE**

There are no documents incorporated by reference.

**ECONOMIC AND FISCAL
IMPACT DETERMINATIONS**

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

- *Cost or Savings to Any State Agency:* None.
- *Other Non–Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department does not anticipate this action will impact representative private persons or businesses as there are no costs to the driver to have a driver safety hearing.
- *Small Business Impact:* This action may impact small businesses.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department does not anticipate this action will have a significant statewide adverse economic impact directly affecting businesses, including the ability of California to compete with businesses in other states. This action streamlines the process in which driver hearings are conducting allowing the hearings to progress more efficiently. The changes will not likely have an adverse economic impact.

**RESULTS OF THE ECONOMIC
IMPACT STATEMENT**

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

This proposed action is unlikely to impact 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state’s environment.

This action may benefit the welfare of California residents by ensuring driver safety hearings progress efficiently.

**PUBLIC DISCUSSIONS OF
PROPOSED REGULATIONS**

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

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

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

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

Telephone: (916) 282–7294
Facsimile: (916) 657–6243
Email: LADRegulations@dmv.ca.gov

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

Peggy Gibson, Attorney IV
Department of Motor Vehicles
Telephone: (916) 657–6469

AVAILABILITY OF STATEMENT
OF REASONS AND TEXT OF
PROPOSED REGULATIONS

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

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

AVAILABILITY OF MODIFIED TEXT

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

TITLE 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 section 3404 of Title 15, Division 3, Chapter 1, regarding the Hiring of Ex-Offenders.

PUBLIC COMMENT PERIOD

The public comment period begins **January 5, 2024** and closes on **February 22, 2024**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@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

Renee Rodriguez
Telephone: 916–445–2220
Regulation and Policy
Management Branch
P.O. Box 94283–0001
Sacramento, CA 94283–0001

Back-Up

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

Program Contact

Matthew Freeland
Telephone: 916–324–7001
Division of Adult Institutions
P.O. Box 942883
Sacramento, CA 94283–0001

PUBLIC HEARING

Date and Time:

February 22, 2024 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
Room 150
1515 S Street — 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

The proposed regulations will eliminate the requirement of written approval by the Secretary for consecutive or promotional appointments of ex-offenders. Existing regulations require approval of the Secretary for all appointments of ex-offenders, whether for initial appointment or subsequent appointment by lateral transfer or promotion. The proposed regulations will still require the Secretary’s written approval for initial appointment of an ex-offender, but will not require Secretary’s approval for consecutive (lateral transfer) or promotional appointment, unless the position will require an ex-offender to be assigned to an area which enables access to employee records or inmate personal or medical information.

This action will:

- Remove the need for signed authorization by the Secretary for consecutive or promotional

appointments of ex-offenders, except as identified in subsection 3404(b).

- Streamline the hiring process for ex-offenders by reducing redundant processes and improving administrative efficiency.

DOCUMENTS INCORPORATED BY REFERENCE

None.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The department anticipates the proposed regulations will benefit existing employees with ex-offender status seeking to promote or transfer within the department, by eliminating unnecessary steps from the hiring process, consequently removing a potential barrier to success for ex-offenders.

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 the hiring of ex-offenders.

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. The benefits to the health and welfare of California residents are specifically to employees who are ex-offenders who will potentially gain from the removal of administrative approval requirements that could otherwise be barriers to their success. The department has determined that the proposed regulation will have no effect on worker safety or the state's environment.

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 15. PRISON INDUSTRY AUTHORITY

Notice is hereby given that the California Prison Industry Authority (CALPIA) and the Prison Industry Board (PIB) propose the regulation amendment described below. This notice of proposed rulemaking (Notice) commences a rulemaking to make the regulations permanent after considering all comments, objections, contentions, and recommendations regarding the regulation.

PUBLIC HEARING

CALPIA is conducting a 45–day written public proceeding during which time any interested person may present statements or arguments (also referred to as ‘comments’) relevant to the action described in the Informative Digest portion of this Notice.

Please direct any inquiries regarding this regulatory proposal, or for copies of the proposed text 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 below–referenced persons:

Primary Contact

Kelly Mortenson, Regulations Manager
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
PIAregs@CALPIA.ca.gov
(916) 413–1140

Secondary Contact

Christine Pesce, Executive Assistant
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
Christine.pesce@CALPIA.ca.gov
(916) 358–1711

PUBLIC COMMENT PERIOD

Written comments pertaining to this regulatory proposal, regardless of the method of transmittal, must be received by the Legal Services Unit at CALPIA by **5:00pm on February 20, 2024** which is designated as the close of the written comment period. Comments received after this date will not be considered timely. To submit comments regarding the proposed regulation, any interested person may use one of the following methods:

MAIL/HAND DELIVER

CALPIA/Legal Services Unit
Regulatory Manager
560 East Natoma Street
Folsom, CA 95630

EMAIL

PIAregs@CALPIA.ca.gov

Due to technological limitations, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CALPIA. Emails larger than 15 MB should be submitted in separate emails or another form of delivery should be used.

CALPIA requests, but does not require, that reports or articles in excess of 25 pages submitted with comments include a summary of the report or article.

This summary should include a concise overview of the report or article, describe the reason for submitting the report or article and describe the relevance of the report or article to the proposed regulation. Please note that under the California Public Records Act (Gov. Code Section 6250, *et seq.*) your written and oral comments, attachments, and associated contact information (*e.g.*, your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed regulatory action. Any interested person may request a public hearing by contacting the Regulations Manager at PIAregs@CALPIA.ca.gov. Requests for public hearings must be made no later than **February 5, 2024**.

ASSISTIVE SERVICES

For individuals with disabilities, CALPIA will provide assistive services which include an interpreter, documents made available in an alternate format, or another disability–related reasonable accommodation. To request assistive services, please contact the Reasonable Accommodation Coordinator at reasonableaccommodation@CALPIA.ca.gov as soon as possible, but no later than 10 business days before a scheduled hearing.

AUTHORITY AND REFERENCE

Penal Code section 2801 authorizes the California Prison Industry Authority (CALPIA) to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of CDCR.

Penal Code section 2808 authorizes the PIB, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do.

This regulatory proposal adds specificity to Penal Code section 2805, which authorizes CALPIA to assume jurisdiction over CALPIA operations, by broadening the scope with which incarcerated individuals are eligible to participate in CALPIA work programs.

CONSIDERATION OF ALTERNATIVES

CALPIA must determine that no reasonable alternative it considered or that have otherwise been identified and brought to the attention of CALPIA, with respect to being more effective in carrying out the purpose for which this action is proposed, would

be as effective and less burdensome to affected private persons than the action proposed, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

DISCLOSURES

Fiscal Impact

- Cost or savings to any state agency: None.
- Cost to any local agency or school district None.
- Other nondiscretionary cost or savings imposed on local agencies. None.
- Cost or savings in federal funding to the State: None.

Statement of Results of the Economic Impact Assessment

CALPIA has determined that this regulatory proposal will have no impact on the creation or elimination of existing jobs within the State of California. Businesses are not affected by the internal management of CalPIA and the employment of incarcerated individual workers within CDCR institutions and CalPIA operations.

CALPIA has determined that this regulatory proposal will have no impact on the creation, elimination, or expansion of businesses within the State of California as well as no significant adverse impact on business because businesses are not affected by the internal management of CALPIA and the employment of incarcerated individual workers within CDCR institutions and CALPIA operations.

The proposed regulations will increase the number of incarcerated workers recovering from a substance use disorder and increase the number of incarcerated workers participating in CALPIA work programs which will ultimately reduce recidivism and thereby improve the safety and welfare of the California public. CALPIA does not expect there to be an impact to the state’s environment.

Housing Costs

CALPIA has determined that the proposed action will not have a significant effect of housing costs.

Significant Statewide Adverse Economic Impact on Business

CALPIA has initially determined 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 because they are not affected by the internal management of CALPIA.

Mandated by Federal Law or Regulation

The proposed regulations are not federally mandated.

Local Mandate

CALPIA has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

Cost Impacts on Representative Person or Business

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

Effect on Small Business

CALPIA has initially determined that the proposed action will not have an effect on small businesses because they are not affected by the internal management of CALPIA.

Mandated Use of Specific Technologies, Equipment, Actions or Procedures

The proposed regulatory action does not mandate the use of specific technologies, equipment, actions, or procedures.

AVAILABILITY

Rulemaking Record

CALPIA will have the rulemaking record available for inspection and photocopying throughout the rulemaking process. The Proposed Text, Initial Statement of Reasons, and all information upon which this proposal is based have been placed in the rulemaking record, which is available to the public upon request directed to the CALPIA contact person referenced above or by visiting the [CALPIA regulations webpage](#). Following its preparation, the Final Statement of Reasons may be obtained by contacting the CALPIA contact persons referenced above or by visiting the [CALPIA regulations webpage](#).

Changes to Proposed Regulation Text:

After considering all timely and relevant comments received, the PIB may approve the proposed regulations as described in this Notice. If CALPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CALPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact persons indicated above or can be viewed by visiting the [CALPIA regulations webpage](#).

INFORMATIVE DIGEST

SUMMARY

California Correctional Health Care Services (CCHCS) implemented the Integrated Substance Use Disorder Treatment (ISUDT) in January 2020. This program allows incarcerated individuals to work and gain vocational skills while they are receiving treatment. However, CALPIA’s current regulations require individuals to graduate from a substance abuse program prior to being assigned a work position with CALPIA. In an effort to align CALPIA operations with CCHCS programs, CALPIA and the Prison Industry Board (PIB) propose to amend 15 CCR §8004 by expanding the eligibility criteria for participation in CALPIA work assignments. This proposal will allow more incarcerated individuals to participate in CALPIA work programs while concurrently engaged in other rehabilitative programs.

POLICY STATEMENT OVERVIEW

Problem Statement: Existing 8004(b)(3) requires incarcerated individuals to graduate from a substance abuse program before they are eligible to participate in a CALPIA work assignment. This requirement is exclusionary and does not align with one of ISUDTs core components of assigning incarcerated individuals concurrently to education programs, rehabilitative programs, and work assignments.

The department proposes to repeal the requirement for incarcerated individuals to graduate from a substance abuse program prior to participating in a CALPIA job and replace it with the requirement for the incarcerated individual to maintain enrollment and actively participate in a treatment program, rehabilitation program, or both once CCHCS has conducted a substance use disorder assessment. When CCHCS staff completes a substance use disorder assessment on an individual that has been found in violation of Title 15, Sections 3016, 3290, or both, the individual is automatically assigned to a mandatory treatment program, rehabilitation program, or both. Adopting a requirement for individuals to maintain enrollment and actively participate in their own rehabilitation while working and earning income is consistent with CCHCs treatment plan by providing the recovering individual with financial resources and vocational skills while simultaneously recovering from a substance use disorder.

Objectives

- Align CALPIA regulations with CCHCs ISUDT treatment plan by enabling incarcerated individuals to participate in work assignments while recovering from a substance use disorder.

- Expand the eligibility criteria to allow more incarcerated individuals to participate in CALPIA work programs.

Benefits

- Increase the likelihood of incarcerated individuals recovering from a substance use disorder.
- Improve the current and future quality of life for incarcerated individuals.
- Increase the number of incarcerated individuals participating in CALPIA work programs which will ultimately:
 - Improve recidivism rates.
 - Improve the safety and welfare of the California public.

EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE AND FEDERAL REGULATIONS

CALPIA evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of CDCR and CALPIA laws, as well as those statutes and regulations related to this subject. CALPIA has determined that no other state regulation addresses the same subject matter, and there are no existing state or federal regulations with which the proposed regulations conflict or with which they are incompatible.

FORMS INCORPORATED BY REFERENCE

None.

MANDATED BY FEDERAL LAW OR REGULATIONS

Not Applicable.

TITLE 15. PRISON INDUSTRY AUTHORITY

Notice is hereby given that the California Prison Industry Authority (CalPIA) and the Prison Industry Board (PIB) propose the regulation amendment described below. This notice of proposed rulemaking (Notice) commences a rulemaking to make the regulations permanent after considering all comments, objections, contentions, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

CalPIA is conducting a 45–day written public proceeding during which time any interested person

may represent statements or arguments (also referred to as ‘comments’) relevant to the action described in the Informative Digest portion of this Notice.

Please direct any inquiries regarding this action or questions of substance of the proposed regulatory action, or for copies of the proposed text 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 below-referenced persons:

Primary Contact

Kelly Mortenson, Regulations Manager
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
PIAregs@CALPIA.ca.gov

Secondary Contact

Christine Pesce, Executive Assistant
California Prison Industry Authority
560 East Natoma Street, Folsom, CA 95630
Christine.pesce@calpia.ca.gov

PUBLIC COMMENT PERIOD

Written comments pertaining to this regulatory proposal, regardless of the method of transmittal, must be received by the Legal Services Unit at CalPIA by **5:00 p.m. on February 20, 2024** which is designated as the close of the written comment period. Comments received after this date will not be considered timely. To submit comments regarding the proposed regulation, any interested person may use one of the following methods:

MAIL/HAND DELIVER

Regulatory Manager
CALPIA/Legal Services Unit
560 East Natoma Street
Folsom, CA 95630

EMAIL

PIAregs@calpia.ca.gov

Due to technological limitations, emails larger than 15 megabytes (MB) may be rejected and will not be delivered and received by CalPIA. Emails larger than 15 MB should be submitted in separate emails or another form of delivery should be used.

CalPIA requests, but does not require, that reports or articles in excess of 25 pages submitted with comments include a summary of the report or article. This summary should include a concise overview of the report or article, describe the reason for submitting the report or article and describe the relevance of the report or article to the proposed regulation. Please

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

PUBLIC HEARING

At this time, no public hearing has been scheduled concerning the proposed regulatory action. Any interested person may request a public hearing by contacting the Regulations Manager at PIAregs@CALPIA.ca.gov. Requests for public hearings must be made no later than **February 5, 2024**.

ASSISTIVE SERVICES

For individuals with disabilities, CalPIA will provide assistive services which include an interpreter, documents made available in an alternate format, or another disability-related reasonable accommodation. To request assistive services, please contact the Reasonable Accommodation Coordinator at reasonableaccommodation@calpia.ca.gov as soon as possible, but no later than 10 business days before a scheduled hearing.

AUTHORITY & REFERENCE

Penal Code section 2801 authorizes the California Prison Industry Authority (CalPIA) to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of CDCR.

Penal Code section 2808 authorizes the PIB, in the exercise of its duties, all of the powers of and to do all of the things that the board of directors of a private corporation would do.

This regulatory proposal adds specificity to Penal Code section 2801, which authorizes CalPIA to create and maintain working conditions within the enterprises as much like those which prevail in private industry as possible, to assure inmates employed therein the opportunity to work productively, to earn funds, and to acquire or improve effective work habits and occupational skills.

CONSIDERATION OF ALTERNATIVES

CalPIA must determine that no reasonable alternative it considered or that have otherwise been identified and brought to the attention of CalPIA, with respect to being more effective in carrying out the purpose for which this action is proposed, would be as effective and less burdensome to affected private persons than the action proposed, or would be more

cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Interested parties are invited to present statements or arguments with respect to any alternatives to the changes proposed during the written comment period.

DISCLOSURES

Fiscal Impact

- Cost or savings to any state agency: None.
- Cost to any local agency or school district None.
- Other nondiscretionary cost or savings imposed on local agencies. None.
- Cost or savings in federal funding to the State: None.

Statement of Results of the Economic Impact Assessment

CalPIA has determined that this regulatory proposal will have no impact on the creation or elimination of existing jobs within the State of California.

CalPIA has determined that this regulatory proposal will have no impact on the creation, elimination, or expansion of businesses within the State of California as well as no significant adverse impact on business because businesses are not affected by the internal management of CalPIA and the employment of inmate workers within CDCR institutions and CalPIA operations.

The proposed regulations will benefit the health and welfare of California residents and worker safety, specifically for incarcerated workers, by ensuring that incarcerated workers receive proper training to carry out the duties of their work assignments while maintaining safety and efficiency of the service enterprises offered by CDCR. The proposed regulations are not expected to affect the state’s environment.

Housing Costs

CALPIA has determined that the proposed action will not have a significant effect of housing costs.

Significant Statewide Adverse Economic Impact on Business

CalPIA has initially determined 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 because they are not affected by the internal management of CalPIA.

Mandated by Federal Law or Regulation

The proposed regulations are not federally mandated.

Local Mandate

CalPIA has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

Cost Impacts on Representative Person or Business

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

Effect on Small Business

CalPIA has initially determined that the proposed action will not have an effect on small businesses because they are not affected by the internal management of CalPIA.

Mandated Use of Specific Technologies, Equipment, Actions or Procedures

The proposed regulatory action does not mandate the use of specific technologies, equipment, actions, or procedures.

Other Statutory Requirements

Not Applicable.

AVAILABILITY

Rulemaking Record

CalPIA will have the rulemaking record available for inspection and photocopying throughout the rulemaking process. The Proposed Text, Initial Statement of Reasons, *and all information upon which this proposal is based* have been placed in the rulemaking record, which is available to the public upon request directed to the CalPIA contact person referenced above or by visiting the [CalPIA regulations webpage](#). Following its preparation, the Final Statement of Reasons may be obtained by contacting the CalPIA contact person referenced above or by visiting the [CalPIA regulations webpage](#).

Changes to Proposed Regulation Text:

After considering all timely and relevant comments received, the PIB may approve the proposed regulations as described in this Notice. If CalPIA makes modifications which are sufficiently related to the originally proposed text, it will make the modified text available to the public for at least 15 days before the PIB reviews and approves the regulations as revised. CalPIA will accept written comments on the modified regulations for 15 days after the date on which they are made available. Requests for copies of any modified regulation text should be directed to the contact person indicated above or can be viewed by visiting the [CalPIA regulations webpage](#).

INFORMATIVE DIGEST

SUMMARY

Penal Code section 2801 authorizes the California Prison Industry Authority (CALPIA) to develop and operate industrial, agricultural, and service enterprises employing incarcerated individuals in institutions under the jurisdiction of the California Department of Corrections and Rehabilitation (CDCR). It is the policy of CALPIA to ensure these enterprises operate in a safe and efficient manner. In an effort to align the recruitment and appointment process with this policy, CALPIA and the Prison Industry Board (PIB) propose to amend 15 CCR §8004.2 by requiring incarcerated individuals to complete all job–required training as a condition of continued program assignment. The proposed regulatory amendment will ensure incarcerated individuals are aware of this requirement and are properly trained to carry out the duties of their work assignment while maintaining safety and efficiency.

This regulatory proposal also updates two forms incorporated by reference, updates CALPIA staff titles, and makes other non–substantive grammatical and punctuation changes.

POLICY STATEMENT OVERVIEW

Problem Statement: During the course of operations, there have been occasions when incarcerated individuals have not completed or refused to complete all their job–required training. This is in direct conflict with CALPIA’s policy of operating safe and efficient enterprises. Incarcerated individuals must be trained to perform the work that will be required of them to avoid accidents as well as an inefficient use of time.

This regulatory proposal amends Title 15, 8004.2(i) and *CALPIA FORM IEP F029, Incarcerated Individual Acknowledgement of Policies, Procedures, Rules and Regulations* by requiring incarcerated individuals to complete all job–required training for continued program assignment. Job required training may include on–the–job training or training courses which are job specific in any of the job placement categories (i.e., food service operations, technical jobs such as roofing or computer coding, agriculture, etc.). The incarcerated individual is required to complete each job–required training course to continue in their job assignment. If the incarcerated individual does not complete, or refuses to complete the required training, they are removed and unassigned from the CALPIA job assignment.

Objectives

- Adopt a requirement for incarcerated individuals to complete all job–required training for continued program assignment.
- Update two CALPIA forms which are incorporated by reference.

Benefits

- Help ensure safe and efficient work environments within each CALPIA enterprise.
- Increase the quality of work performed by incarcerated individuals by ensuring they are properly trained.
- Improve the current and future quality of life for incarcerated individuals as they progress through the work assignment and gain skills for future use.

EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE AND FEDERAL REGULATIONS

CALPIA evaluated whether the proposed regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of CDCR and CALPIA laws, as well as those statutes and regulations related to this subject. CALPIA has determined that no other state regulation addresses the same subject matter, and there are no existing state or federal regulations with which the proposed regulations conflict or with which they are incompatible.

FORMS INCORPORATED BY REFERENCE

Form IEP–F029 (Revised 01/26/23), *Incarcerated Individual Acknowledgement of Policies, Procedures, Rules, and Regulations*

Form IEP–F002/F003 (Revised 01/26/23), *Worker Application and Intake*

MANDATED BY FEDERAL LAW OR REGULATIONS

Not Applicable.

TITLE 16. ARCHITECTS BOARD

FILING OF APPLICATIONS

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

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Person” in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than by 5:00 p.m. on February 21, 2024**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 115.4, 5526 and 5552.5 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 30, 115.4, 115.5, 115.6, 135.4, 144, 144.5, 5550, 5550.5, 5551, 5552, 5552.1, and 5552.5, the Board is considering amending section 109 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This regulatory proposal will amend 16 CCR section 109. The amendments to the regulations through this proposed rulemaking are as follows:

Amend 16 CCR section 109 title to more clearly reflect the contents of the section.

Amend 16 CCR section 109(a) to update the text to use gender neutral language, clarify readability and remove outdated language.

Amend 16 CCR section 109(b)(1) to remove obsolete references to the Intern Development Program (IDP), reflect the changes in the process of applying to the Board for Architect Registration Examination (ARE) eligibility, and clarify readability.

Amend 16 CCR section 109(b)(2) to remove outdated information related to the IDP, applying for eligibility evaluation, and update language to reflect the National Council of Architectural Registration Boards (NCARB) administered experience-based program, and remove the documents incorporated by reference.

Amend 16 CCR section 109(b)(3)(A), (B), and (C) to add submission of a nonrefundable fee, make structural

clarifications, and add clarifying language related to the information and documentation that applicants are required to submit for examination eligibility.

Add 16 CCR section 109(b)(3)(D) to clarify the requirements set forth in BPC section 115.4.

Add 16 CCR section 109(b)(3)(E) to clarify the requirements set forth in BPC section 135.4.

Amend 16 CCR section 109(b)(4) to update the text to use gender neutral language, clarify how a new or inactive candidate told they are ineligible can obtain eligibility, and improve readability.

Amend 16 CCR section 109(b)(5) to remove duplicate and obsolete language, clarify where to find ARE eligibility requirements, and improve readability.

Amend 16 CCR section 109(b)(7) to clarify where a licensed architect in a qualifying foreign country can find the requirements for licensure and remove extraneous language.

Amend 16 CCR section 109(b)(8) to clarify requirements and remove extraneous language.

Repeal 16 CCR section 109, subsections (c), (d), & (e) as they are obsolete.

Amend 16 CCR section 109(f) to be re-lettered, remove duplicate language, and clarify language.

Amend 16 CCR section 109(f) to renumber as subsection (d) and change the Board’s document retention policy from two years to seven years.

Add 16 CCR section 109(e) to provide clarifying language on how reciprocity applicants apply with the Board.

Add 16 CCR section 109(f) to provide language clarifying the California Supplemental Examination requirements.

Add 16 CCR section 109(g) to provide language clarifying the fingerprint requirement for licensure and what is required to be on the licensure application.

Add 16 CCR section 109(h) to provide clarifying language identifying the documentation required to administer BPC section 115.5.

Add 16 CCR section 109(i) to provide clarifying language to implement BPC section 135.4.

Anticipated Benefits of Proposal

This proposal would provide clarifying and simplified language specific to the filing for an architect license in California. The Board would make requirements for licensure consistent for all applicants and remove outdated language. The proposal would also increase the number of years that the Board retains forms and other supporting documents, thus providing candidates a longer period of time to complete all licensing requirements before needing to resubmit materials. Language would be included clarifying what documentation is needed to expedite an application for military applicants, and refugees, asylees, and persons who worked as Iraqi or Afghan interpreters for the US government.

This regulatory proposal does not affect worker safety, or the state’s environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations do not result in a fiscal impact to the state. This proposal clarifies the application process and documentation required for architectural licensure. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

The proposed regulations do not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

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

The rulemaking file includes the facts, evidence, documents, testimony, and/or other evidence that supports this determination. The Board has not considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit such proposals.

Cost Impact on Representative Private Person or Business

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Board has determined that this regulatory proposal will not impact the creation of jobs, new businesses, or existing businesses or the expansion of business in the State of California.

Benefits of Regulation:

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by aligning licensure requirements with the national standards.

Business Reporting Requirements

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

Effect on Small Business

The Board has determined that the proposed regulations will not affect small businesses.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit written comments relevant to the above determinations at the Board’s office at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons,

and all of the information upon which the proposal is based, may be obtained upon request from the Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the person designated in this Notice as the Contact Person and will be mailed to those persons who submit written comments or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

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

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

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Person named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: 279.895.1246
Email Address: timothy.rodde@dca.ca.gov

The backup contact person is:

Name: Laura Zuniga
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: 916.471.0760
Email Address: laura.zuniga@dca.ca.gov

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Materials regarding this proposal can be found at https://www.cab.ca.gov/news/laws/proposed_regulation.shtml.

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at https://www.cab.ca.gov/news/laws/proposed_regulation.shtml.

TITLE 17. AIR RESOURCES BOARD

**LOW CARBON FUEL
STANDARD AMENDMENTS**

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the proposed Low Carbon Fuel Standard amendments.
Date:

March 21, 2024

Time:

9:00 a.m.

In-Person Location:

California Air Resources Board
Byron Sher Auditorium
1001 I Street, Sacramento, California 95814

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m., on March 22, 2024. Please consult the public agenda, which will be posted ten days before the March 21, 2024, Board Meeting, for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

**WRITTEN COMMENT PERIOD AND
SUBMITTAL OF COMMENTS**

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on January

5, 2024. Written comments not submitted during the hearing must be submitted on or after January 5, 2024, and received **no later than February 20, 2024**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following: Postal mail:

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

Electronic submittal:

<https://ww2.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone, email, etc.) become part of the public record and can be released to the public upon request.

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38510, 38530, 38560, 38560.5, 38562.2, 38571, 38580, 39600, 39601, 41510, 41511, and 43018; 42 U.S.C. section 7545; and *Western Oil and Gas Ass’n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). This action is proposed to implement, interpret, and make specific sections 38501, 38510, 39515, 39516, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511 and 43000 of the California Health and Safety Code; section 25000.5 of the Public Resources Code; and *Western Oil and Gas Ass’n v. Orange County Air Pollution Control District*, 14 Cal.3d 411, 121 Cal. Rptr. 249 (1975).

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

Sections Affected:

Proposed amendments to California Code of Regulations, title 17, division 3, chapter 1, subchapter

10, article 4, subarticle 7, sections 95481, 95482, 95483, 95483.2, 95483.3, 95484, 95485, 95486, 95487, 95486.1, 95486.2, 95488, 95488.1, 95488.2, 95488.3, 95488.5, 95488.6, 95488.7, 95488.8, 95488.9, 95488.10, 95489, 95490, 95491, 95491.1, 95495, 95500, 95501, 95502, and 95503. Proposed adoption of California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 4, subarticle 7, sections 95486.3 and 95491.2.

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

- Agro–Ecological Zone Emissions Factor (AEZ–EF) model, December 31, 2014, section 95481(a)
- Energy and Environmental Economics, Inc. Avoided Cost Calculator, May 2018, section 95481(a)
- Global Trade Analysis Project (GTAP) Model, December 2014, 95481(a)
- Hydrogen Station Capacity Evaluator (HySCapE), August 13, 2018, section 95481(a)N
- Oil Production Greenhouse gas Emissions Estimator Version 3.0b, May 14, 2022, section 95481(a)
- Lookup Table Pathways Technical Support Documentation, [Date of adoption], section 95488.1(b)
- California–modified Greenhouse Gases, Regulated Emissions, and Energy use in Transportation version 4.0 (CA–GREET4.0) model, [Date of adoption], 95488.3(b)
- Tier 1 Cl Calculator for Corn or Sorghum Ethanol, [Date of adoption], section 95488.3(b)(1)
- Tier 1 Cl Calculator for Sugarcane Ethanol, [Date of adoption], section 95488.3(b)(2)
- Tier 1 Cl Calculator for Biodiesel, [Date of adoption], section 95488.3(b)(3)
- Tier 1 Cl Calculator for Hydroprocessed Ester and Fatty Acid (HEFA) Fuels, [Date of adoption], section 95488.3(b)(4)
- Tier 1 Cl Calculator for Landfill Biomethane, [Date of adoption], section 95488.3(b)(5)
- Tier 1 Cl Calculator for Wastewater Sludge Biomethane, [Date of adoption], section 95488.3(b)(6)
- Tier 1 Cl Calculator for Dairy and Swine Manure Biomethane, [Date of adoption], section 95488.3(b)(7)
- Tier 1 Cl Calculator for Organic Waste Biomethane, [Date of adoption], section 95488.3(b)(8)
- Tier 1 Cl Calculator for Hydrogen, [Date of adoption], section 95488.3(b)(9)

- Tier 1 CI Calculator for Corn or Sorghum Ethanol — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(1)
- Tier 1 CI Calculator for Sugarcane Ethanol — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(2)
- Tier 1 CI Calculator for Biodiesel — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(3)
- Tier 1 CI Calculator for Hydroprocessed Ester and Fatty Acid Fuels — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(4)
- Tier 1 CI Calculator for Landfill Biomethane — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(5)
- Tier 1 CI Calculator for Wastewater Sludge Biomethane — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(6)
- Tier 1 CI Calculator for Dairy and Swine Manure Biomethane — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(7)
- Tier 1 CI Calculator for Organic Waste Biomethane — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(8)
- Tier 1 CI Calculator for Hydrogen — Instruction Manual, [Date of adoption], section 95488.6(a)(1)(B)(9)
- Carbon Capture and Sequestration Protocol under the Low Carbon Fuel Standard, August 13, 2018, section 95490(a)
- ASTM D1250–08 (2013) e1, Standard Guide for Use of the Petroleum Measurement Tables, ASTM D1250–08, reapproved 2013, sections 95491(d)(1)(B)2.b.
- American Petroleum Institute (API) Manual of Petroleum Measurement Standards Chapter 11 — Physical Properties Data, May 2004, section 95491 (d)(1)(B)3.
- API Technical Data Book — Petroleum Refining Chapter 6 — Density (Sixth Edition, April 1997), section 95491(d)(1)(B)3.
- SB 350 Low–Income Barriers Study, February 2018, section 95491(e)(5)(A)2.

The above listed documents with bracketed dates of adoption are also proposed to be adopted by this regulation and thus the adoption date would be the date that the regulation is adopted by CARB.

Background and Effect of the Proposed Regulatory Action:

California is in the midst of a rapid transition to cleaner fuels and carbon neutrality, with just over 20 years to transition from today’s significant fossil fuel usage to a future of clean fuels and technology. In 2022,

CARB approved the 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan Update), which charted a path to achieving carbon neutrality by 2045 and reducing greenhouse gas emissions 85% below 1990 levels by 2045. Meeting this goal will require the deployment of greenhouse gas emission reduction strategies at an unprecedented scale and pace. As transportation emissions, primarily from the use of fossil fuels, are California’s single biggest source of greenhouse gas emissions and contributor to poor air quality, the State is working to rapidly increase the numbers of zero–emission vehicles on the road and deploy cleaner fuels to power them.

The Low Carbon Fuel Standard (LCFS) is a key part of California’s transportation decarbonization strategy and a successful one thus far. The LCFS provides the economic incentives to produce cleaner fuels like electricity, hydrogen and biofuels that are needed to displace fossil fuels and reduce transportation sector emissions. The LCFS has supported the displacement of billions of gallons of petroleum fuels with lower carbon alternatives, and without these alternative fuels the State risks returning to higher levels of fossil fuel use and fewer climate and air quality benefits. With clear scientific consensus on the need to rapidly decarbonize and achieve carbon neutrality by mid–century, the significant health and economic benefits of phasing down fossil fuel use, and the introduction of federal funding for alternative fuels and clean energy, staff is proposing updates to the LCFS regulation.

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

Objectives and Benefits of the Proposed Regulatory Action:

The proposed amendments to the LCFS Regulation are focused on the following key concepts:

- Increasing the stringency of the program to more aggressively decarbonize fuels and thereby reduce our dependence on fossil fuels;
- Strengthening the program’s equity provisions to promote investment in disadvantaged, low–income and rural communities;
- Supporting electric and hydrogen truck refueling;
- Incentivizing more production of clean fuels needed in the future, such as low–carbon hydrogen;
- Supporting methane emissions reductions and deploying biomethane for best uses across transportation; and
- Strengthening guardrails on crop–based fuels to prevent deforestation or other potential adverse impacts.

These proposed changes, if adopted, would result in significant greenhouse gas (GHG) reductions as well as air quality, health, and economic benefits across the State. These benefits include:

GHG Reductions

- 90% reduction in carbon intensity of California’s transportation fuels by 2045.
- 558 million metric tons of life cycle CO₂e reductions from the amendments.

Health Benefits

- Almost \$5 billion in total avoided health costs resulting from nearly 4,300 tons of particulate matter (PM) 2.5 reduction and more than 25,000 tons of oxides of nitrogen (NOx) reductions.

Economic Benefits

- \$128 billion in revenue estimated accruing to California businesses from credit generation/sales.
- Job growth in the electricity and biofuel sectors as demand for these fuels grows.
- Increases the diversity and competitiveness of transportation fueling options for California consumers, transitioning supply from just ten fossil fuel refiners to hundreds of individual biofuel, electricity, and hydrogen producers.

The changes will also help support implementation of California’s world-leading zero-emission vehicle policies, align with the 2022 Scoping Plan Update, and will provide a model for other jurisdictions looking to deploy clean fuel and climate policies. And finally, as Californians transition away from fossil fuels and into more zero-emission vehicles (ZEVs) and lower-carbon fuel alternatives, the fuel costs Californians pay to travel will also decrease, providing Californians billions of dollars in savings. CARB staff estimates the amount of money Californians spend on fueling costs across all vehicle classes could be up to 42% lower in 2045 than compared to fuel costs in 2021. This translates into an annual savings of over \$20 billion in fuel expenditures in 2045 alone.

Summary of Proposed Amendments

The proposed amendments would increase both the pre- and post-2030 stringency of the LCFS carbon intensity (CI) benchmarks. The proposed amendments would require a 30% reduction in fuel CI by 2030 and a 90% reduction in fuel CI by 2045 from a 2010 baseline. To accommodate rapid advances in transportation fuel production and use, the proposed amendments also includes a near-term step-down and an Automatic Acceleration Mechanism (AAM). The step-down is a one-time 5% reduction in the CI benchmark in 2025 that increases the stringency of the CI target. The AAM is another tool to increase the stringency of the CI benchmark, but is activated only when specific

regulatory conditions are met. The objective is to send clear, long-term market signals to support investment in low-carbon fuel production and technologies that are needed to achieve deep emissions reductions in the transportation sector while supporting the broader portfolio of zero-emission vehicle regulations and climate statutes. Another goal is to align the crediting opportunities in the LCFS with the fuel and technology pathways identified in the 2022 Scoping Plan Update. To encourage additional GHG reductions in key areas where decarbonization will be important to meet long-term climate goals, staff proposes to eliminate the current exemption for intrastate fossil jet fuel starting in 2028 and expand ZEV infrastructure crediting to the medium- and heavy-duty vehicle sector under the program. Given the need to quickly scale low-carbon fuel production in this decade and staff’s experience implementing the program for over a decade, staff also proposes to update and streamline several quantification methods and analysis tools so that the program does not unnecessarily slow down the investment or availability of low-carbon fuels and so other jurisdictions can establish similar programs without significant administrative needs. See Table 2 in the Initial Statement of Reasons (ISOR) for a summary of proposed regulatory amendments to the LCFS regulation.

Comparable Federal Regulations:

The federal Renewable Fuel Standard (RFS) regulations, 40 CFR § 80.1400 et seq., require that nearly 21 billion gallons of biofuels be sold annually nationwide in 2023. But the RFS statutory volumetric mandates alone will not achieve the 30% reduction in CI by 2030 and the other objectives of the proposed LCFS regulation amendments. Further, the RFS targets only biofuels and not other alternative fuels incentivized by the LCFS (e.g., electricity and hydrogen). Therefore, while the RFS and the LCFS complement each other in promoting low-CI biofuels, the RFS does not spur the development of all the low-CI fuels that are included in the LCFS.

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

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

DISCLOSURE REGARDING THE
PROPOSED REGULATION

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

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

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

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

Pursuant to Government Code sections 11346.5, subdivision (a)(5) and 11346.5, this regulatory action will result in a mandate that would create costs and cost–savings to local agencies and school districts. However, these costs are not reimbursable pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code. These costs are not reimbursable because the proposed amendments neither compel local agencies to provide new governmental functions (i.e., do not require such agencies to provide additional services to the public), nor do they impose requirements that apply only to local agencies or school districts.¹ Fuel purchase costs and savings apply to all individuals and entities that own or operate vehicles. This proposed regulatory action also does not compel local agencies to increase the actual level or quality of services that they already provide the public.² For the foregoing reasons, any costs incurred by local agencies to comply with this regulatory action are not reimbursable.

Cost or Savings for State Agencies:

Three separate impacts related to the proposed amendments affect State government finances: revenue generated from the sale of credits from state fleets that use low–Cl fuels, change in state tax revenues due

¹ *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

² *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 877.

to the change in the fuel mix, and the change in the expenditure on fuels for government fleets.

The proposed Amendments are anticipated to have no current fiscal year, 2023–2024, impacts. Over the lifetime of the proposed amendments there would be \$17.5 million increase in fuel costs, \$379 million increase in revenue, and no decrease in revenue. Fiscal impacts, costs, revenue increases, and savings, are anticipated to begin occurring subsequent to the effective date of the proposed amendments.

Other Non–Discretionary Costs or Savings on Local Agencies:

Three separate impacts related to the proposed amendments affect local government finances: revenue generated from the sale of credits from transit fleets that use low–Cl fuels, change in local tax revenues due to the change in the fuel mix, and the change in the expenditure on fuels for government fleets.

The proposed amendments are anticipated to have no current fiscal year, 2023–2024, impacts. Over the lifetime of the proposed amendments there would be \$1.7 billion increase in LCFS credit revenue, \$29.2 million decrease in tax revenue, and \$52.5 million increase in fuel costs. Fiscal impacts, costs, revenue increases, and savings, are anticipated to begin occurring subsequent to the effective date of the proposed amendments.

Cost or Savings in Federal Funding to the State:

The proposed regulation is not expected to impose any costs or savings in federal funding to the State.

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

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

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

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

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

Major Regulation: Statement of the Results of the Standardized Regulatory Impact Analysis (SRIA) (Gov. Code, § 11346.3, subdivision (c)): (if applicable)

Under Government Code section 11346.3, subdivision(c)(1), each state agency proposing to adopt, amend, or repeal a major regulation on or after November 1, 2013, must prepare a standardized regulatory impact assessment (SRIA) in the manner prescribed by the Department of Finance under to Government Code section 11346.36. The standardized regulatory impact analysis must address *all* of the following:

The creation or elimination of jobs within the state.

The statewide employment impacts of the proposed amendments are estimated to have a positive impact on employment through 2027, followed by a mostly negative impact on employment through 2046. The positive impacts on employment primarily result from the credits generated by low–CI fuels. The demand for these credits leads to expansion in the industries producing these fuels. Increases in production costs and reductions in credit revenue in the long–term for low–CI fuel producers negatively affect employment projections. Overall, the changes in employment do not exceed 0.05% of baseline California employment in any one year during the regulatory horizon.

The services and manufacturing sectors are projected to have initial increases in employment as resources are invested in development of low–CI fuel technologies, and then experience a decrease in employment over the baseline after the first five years. Losses in jobs are largest in the petroleum and coal products manufacturing industry and are caused by reduced demand for these high–CI fuels as demand increases for low–CI fuels, and by increased production costs from the deficits generated by fossil gasoline and diesel fuels, with an average annual loss of 1,168 jobs when compared to the baseline. Basic chemical manufacturing employment increases by an average of 429 jobs annually, driven by credits generated by hydrogen, renewable diesel, ethanol, and alternative jet fuels and additional demand for these fuels. The electrical power generation, transmission, and distribution industry is expected to increase jobs by 741 positions annually associated with credit generation from electricity projects. Overall, between 2026 and 2046, California employment grows by 2.2 million jobs, increasing from 25.9 million jobs in 2026 to 28.1 million jobs in 2046. On average, across all industries the estimated job impacts are approximately 4,085 fewer jobs created when compared to the

baseline, with over a quarter of those job losses coming from the petroleum sector.

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

The Statewide jobs and output impacts of the proposed amendments are small relative to the total California economy suggesting the proposed amendments will have a minimal impact on overall business expansion or contraction. The proposed amendments are not expected to directly result in business creation or elimination; specifically, the proposed amendments do not require any new businesses to be created nor do they require closure of any existing businesses. The largest employment increase is estimated to be 0.02% for 2025 compared to the baseline. The largest employment decrease is estimated to be 0.05% for 2044 through 2046 compared to the baseline. Output is expected to decrease for the lifetime of the regulation compared to the baseline. The largest output decrease in the State is estimated to be 0.16% for 2040 through 2045.

Moreover, LCFS incentives may encourage California firms, as well as other firms doing business in California, to invest early in innovative, low–CI fuel technologies and develop mature businesses earlier than firms not participating in the California market. Early investment may result in competitive advantages to these businesses as other state, federal, or international jurisdictions adopt similar carbon intensity standards.³

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

The proposed amendments will increase the demand for low–carbon fuels, which provides an opportunity for businesses, both in–state and out–of–state, to increase revenue from the sale of low–carbon fuels in California. The sale of LCFS credits provides an additional revenue stream for these firms, enabling them to increase their market share and increase their competitiveness against high–CI fuels such as fossil gasoline or diesel.⁴

The increase or decrease of investment in the state.

Private domestic investment consists of purchases of residential and nonresidential structures and of equipment and software by private businesses and nonprofit institutions. It is used as a proxy for impacts on investments in California because it provides an indicator of the future productive capacity of the economy.

The proposed amendments require implementing processes that substitute low–carbon sources of energy,

³ Currently Oregon, Washington, British Columbia, Canada, Brazil, and the European Union have LCFS–like policies in place.

⁴ The LCFS incentive is incremental to incentives created by federal biofuel/low–carbon fuel policy, including the RFS.

such as waste oils and renewable electricity, in place of fossil fuel sources. The proposed amendments, and the LCFS more broadly, are structured to encourage ongoing innovation and improvement in reducing the carbon intensity of transportation fuels as well as investment in innovative direct air capture and carbon capture, utilization, and sequestration approaches. Over the past decade, the LCFS has resulted in approximately 650 Tier 2 fuel pathway certifications under the current CA–GREET3.0 model, which includes more complex and innovative production methods than are represented by more conventional pathways. The proposed amendments are expected to continue to incentivize investment in low-carbon fuel production. The proposed amendments will also lead to an overall higher price for LCFS credits relative to the baseline, which will send a signal for research, development, and deployment of innovative technologies and fuels that support California’s long-term GHG emissions reduction goals while simultaneously improving air quality in frontline communities.

The economic modeling utilized for the economic analysis is not structured to capture these types of innovation in the transportation fuel market and focuses on the direct impacts of the proposed amendments. Given the limitations of the model and the fact that some of the benefits of the proposed amendments likely have an unquantifiable impact on innovation in the transportation fuels sector, as modeled, the proposed amendments result in slight annual private investment decreases of \$11 million on average. The difference in private investment for the proposed amendments is modest and does not exceed 0.10% of baseline investment across the analytical time period for any one year and averages no percentage change over the regulatory horizon.

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

As mentioned above, the proposed amendments will incentivize research, development, and deployment of innovative technologies and fuels that support California’s long-term GHG emissions reduction goals and displace fossil fuels. All fuel producers will have an increased incentive to innovate and deploy new methods that reduce the CI of their fuels. The proposed amendments will additionally provide long term price stability for LCFS credits, which is essential for low-CI fuel producers to make investments in long-term capital projects and research and development.

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

The proposed amendments are designed to reduce toxic air contaminant, criteria pollutant, and GHG emissions by decreasing the carbon intensity of California’s transportation fuel pool and reducing dependence on petroleum fuel. As there is no Social Cost of CO₂e, there is not a straightforward metric to estimate the benefits of the proposed amendments. If all GHG reductions under the proposed amendments are assumed to be carbon dioxide reductions, the cumulative estimated benefits from the proposed amendments would range from approximately \$14 billion to \$61 billion (in 2021\$). Cumulatively, from 2024 to 2046, the proposed amendments are expected to reduce statewide transportation emissions by approximately 4,281 tons of PM_{2.5} and 25,586 tons of NO_x relative to the baseline. The total statewide valuation of avoided health outcomes from 2024 to 2046 is approximately \$5 billion. These reductions in toxic air contaminants and criteria pollutant emissions may improve safety for workers, particularly at freight hubs, where substitution of renewable diesel and other low-carbon fuels for fossil diesel will reduce exposure to harmful air pollution.

The proposed regulations provide credit generating revenue to California businesses of \$128.4 billion over the lifetime of the regulation. The total monetized benefit from credit revenue and avoided health outcomes of the proposed amendment is \$133.4 billion.

Additionally, as Californians transition away from fossil fuels and into more ZEVs and lower-carbon fuel alternatives, CARB staff estimates that the fuel costs Californians pay to travel will also decrease, resulting in billions of dollars in savings on fuel costs each year. The regulations CARB has adopted (e.g., ACC II, ACF/ACT) in combination with the LCFS will help to increase the deployment of vehicles with lower emissions (e.g., BEVs/FCEVs) and reduce the costs of the alternative fuels into the future.

Department of Finance Comments and Responses on the Standardized Regulatory Impact Assessment (SRIA).

1. DOF Comment: The SRIA assumes that the current blend of gasoline which is 90 percent regular gasoline (which generates deficits) and 10 percent ethanol (which generates credits) will persist through 2046. The SRIA should justify why this is a reasonable assumption and provide historical data or other evidence for why it does not expect this mix to change.

Response: Since the phase-out of methyl tert-butyl ether (MTBE), ethanol has been the primary gasoline oxygenate. While California gasoline does not require the use of ethanol at 10% blend levels, California does have gasoline regulations (separate from the LCFS) that limit the ethanol content of fuel to 10% by volume (E10). Because CARB is required to reflect the current regulatory environment in the SRIA, CARB's SRIA analysis assumed ethanol would be blended at up to 10% by volume in all scenarios (Baseline, Proposed, and Alternatives).

Given the existence of California's E10 limit, the federal Renewable Fuel Standard (RFS) (which has created volumetric requirements and incentives⁵ for the use of renewable fuel at a national level), as well as the compatibility of existing fuel infrastructure and vehicle compatibility requirements, CARB staff believes that it is reasonable to assume that E10 will continue to be used in California through 2046. CARB's assumption to use 10% ethanol use is also consistent with the current average national blend being about 10% ethanol by volume.⁶

Under California law, a regulatory change to update California's Reformulated Gasoline Regulation to allow the ethanol limit to be raised in California to E15 would require a Multimedia Evaluation (MME) and approval by the Environmental Policy Council (EPC).⁷ The MME process is conducted by the Multimedia Working Group (MMWG), which consists of staff from various state agencies with regulatory oversight over fuels. The MME process takes years to complete. If CARB releases proposed amendments, the MMWG will make recommendations to the EPC

whether allowing E15 use in California would have significant adverse impacts on public health or the environment. If the EPC determines there will not be significant impacts, CARB may then consider adoption of regulatory amendments allowing E15 use in California. At this time, CARB has not proposed to update the California Reformulated Gasoline Regulations to allow for E15 use, the MME process has not been finalized, and whether or not E15 use would pose significant adverse impacts to public health or the environment has not been established by the EPC.

Even if E15 is approved in California, there are still several market barriers that would limit its adoption and availability in the state including vehicle compatibility, fuel infrastructure readiness, and consumer acceptance. On the vehicle side, according to the U.S. Environmental Protection Agency (EPA), only vehicles model year 2001 and newer are approved for using E15.⁸ However, some automakers have warned that using E15 may void vehicle warranties or cause damage to engines and fuel systems.⁹ Therefore, some consumers may be reluctant or unable to use E15 in their vehicles, especially older models. On the fuel infrastructure side, the existing fuel infrastructure in California is not universally compatible with E15, as some tanks, pipes, pumps, and dispensers may need to be upgraded or replaced to handle higher ethanol blends. This would entail additional costs and time for fuel retailers, who may not have enough incentives or resources to make the necessary changes and may require public funding to support. For example, expansion of E85 and E15 pumps and terminals in Iowa has made use of significant state and federal grants.¹⁰ Similarly, expanded use of E85 in California has relied significantly on State and federal grants.¹¹ Moreover, some fuel retailers may face contractual or legal restrictions that prevent them from offering E15 at their stations.

Based on these reasons and at this time, CARB staff believe that as part of completing the required SRIA for the LCFS rulemaking, it is reasonable to assume that E10 will continue to be used in California through 2046. Different mixes may be allowed in the future,

⁸ United States Environmental Protection Agency, *E15 Fuel Registration*. (Accessed on October 10, 2023). <https://www.epa.gov/fuels-registration-reporting-and-compliance-help/e15-fuel-registration>.

⁹ United States Department of Agriculture, *Assessing Future Market Opportunities and Challenges for E15 and Higher Ethanol Blends*. May 2022. <https://www.usda.gov/sites/default/files/documents/e15-market-opportunities.pdf>.

¹⁰ Iowa Department of Agriculture & Land Stewardship, *Iowa Renewable Fuels Infrastructure Program*. (Accessed on October 10, 2023). <https://iowaagriculture.gov/IRFIP>.

¹¹ United States Department of Agriculture, *USDA Rural Development Higher Blends Infrastructure Incentive Program*. June 26, 2023. <https://www.rd.usda.gov/media/file/download/usda-rd-nr-hbiip-chart-06262023pdf>.

⁵ The RFS currently incentivizes up to 15 billion gallons of corn ethanol to be used annually in the United States to meet federal requirements. United States Environmental Protection Agency, *Renewable Fuel Annual Standards*. (Updated on June 21, 2023). <https://www.epa.gov/renewable-fuel-standard-program/renewable-fuel-annual-standards>.

⁶ United States Energy Information Administration, *Frequently Asked Questions*. (Accessed on October 10, 2023). <https://www.eia.gov/tools/faqs/faq.php?id=27&t=10>.

⁷ Health & Safety Code, § 43830.8. See also California Air Resources Board, *Fuels Multimedia Evaluation of E15*. (Accessed on October 10, 2023). <https://ww2.arb.ca.gov/resources/documents/fuels-multimedia-evaluation-e15>.

but the process to allow those is still underway with no certainty on outcomes.

2. DOF Comment: The SRIA does not back up its assumption that electric cars and light-duty trucks (electric vehicles or EVs) would no longer have a substantial range or charging-time disadvantage compared to gasoline-powered vehicles by 2031. It should justify this assumption, as the EVs’ annual mileage will affect total electricity demand over the regulation’s effective period.

Response: As part of completing the SRIA, CARB made a conservative assumption that light-duty electric vehicles would increase their range each year and that range increase would result in an average VMT increase by 2% per year from the initial mileage displacement, until achievable VMT matched conventional vehicles. The data used to inform the initial mileage displacement factor for electric vehicles (EV) came from a 2018 snapshot of California Department of Motor Vehicles (DMV) data. EV technology has substantially matured since that time, and new EV models being offered have significantly longer ranges and faster charging capabilities.^{12,13,14} More recent DMV data snapshots suggest that EVs have significantly closed the gap with the conventional fleet for vehicle miles traveled (VMT), which is currently about 95% of the fleet average VMT for the past several years. However, effects from COVID and the resulting reduction in VMT and changes in transportation trends may not be representative of VMT trends in the next several years. Given this uncertainty, CARB staff decided to be conservative for initial years, and make use of the 2018 DMV snapshot referenced in the SRIA. Research from UC Davis in 2020 suggests that longer-range battery electric vehicles have already closed the gap in terms of VMT.¹⁵ Research by Doshi and Metcalf similarly suggests that longer-range EVs may not have a mileage discrepancy compared to conventional

¹² IEA, *Evolution of average range of electric vehicles by powertrain, 2010–2021*. (Updated on May 19, 2022). <https://www.iea.org/data-and-statistics/charts/evolution-of-average-range-of-electric-vehicles-by-powertrain-2010-2021>.

¹³ Bloomberg New Energy Finance, *Electric Vehicle Outlook 2023*. 2023. https://assets.bbhub.io/professional/sites/24/2431510_BNEFElectricVehicleOutlook2023_ExecSummary.pdf.

¹⁴ Brown, A., Cappellucci, J., White, E., Heinrich, A., & Cost, E., *Electric Vehicle Charging Infrastructure Trends from the Alternative Fueling Station Locator: Fourth Quarter 2022*. National Renewable Energy Laboratory. May 2022. <https://www.nrel.gov/docs/fy23osti/85801.pdf>.

¹⁵ University of California, Davis, *Advanced Plug-in Electric Vehicle Travel and Charging Behavior Final Report* April 10, 2020. https://csiflabs.cs.ucdavis.edu/~cjinitta/pubs/2020_03.pdf.

gasoline vehicles, such as the longer-range Tesla vehicles represented in the dataset they used.¹⁶

The Bloomberg New Energy Finance EV Outlook report¹⁷ suggests that current average ranges for EV models are around 200 miles, with an average increase in range for EVs being sold going up by around 10 percent per year. If that range increase continues, the average EV could have a full-battery range of approximately 400 miles by 2030, a range that exceeds the Tesla vehicles that make up a significant portion of the long-range EV sample that Doshi and Metcalf suggest may not have a VMT penalty compared to conventional vehicles. Given these factors, CARB made a conservative assumption that light-duty electric vehicles would increase their average VMT by 2% per year due to range improvements, until achievable VMT matched conventional vehicles. Staff have not received comments suggesting changes to this assumption from industry nor the public during the public workshops CARB held on updates to the LCFS regulation.

3. DOF Comment: The Advanced Clean Fleets regulation requires that EVs comprise 50 percent of government purchased fleets by 2024 and 100 percent of government vehicle purchases by 2027 will be EV. It is unclear whether the SRIA’s estimated revenue from LCFS credit sales (\$239 million from 2024 to 2045) accounts for EVs’ increasing share of government fleets. The baseline for the SRIA’s impact estimate should be based on state and local LCFS credit revenue under the existing clean fleets requirements, as otherwise the impact of the proposed regulation would be overstated.

Response: Both the baseline and scenario transportation fuel demand pools assume full implementation of CARB’s zero emission vehicle regulations, including Advanced Clean Fleets (ACF), Advanced Clean Cars II, and Innovative Clean Transit, among others. Staff then applied the ratios for the local and state government fuel expenditures as compared to the total California fuel expenditures to the total deficits and credits generated according to the California Transportation Supply model outputs for each scenario. As such, the government fleets are assumed to convert to zero-emission vehicles at the same rate as the total California fleet, and results are not overstated because this transition is reflected in the

¹⁶ Doshi, S. S., & Metcalf, G. E., *How Much Are Electric Vehicles Driven? Depends on the EV*. MIT Center for Energy and Environmental Policy Research. January 2023. <https://ceepr.mit.edu/wp-content/uploads/2023/01/MIT-CEEPR-WP-2023-01.pdf>.

¹⁷ Bloomberg New Energy Finance, *Electric Vehicle Outlook 2023*. 2023. https://assets.bbhub.io/professional/sites/24/2431510_BNEFElectricVehicleOutlook2023_ExecSummary.pdf.

baseline and the proposed amendments do not claim credit for the transition to zero-emission fleets.

Staff used the following assumptions for this analysis:

The proportion of gasoline and its substitutes used among households, businesses, and government is based on their shares of light-duty vehicle ownership and rentals.¹⁸ The proportion of diesel and its substitutes used by household and business is estimated using fuel combustion volumes by sector from the 2022 edition of the CARB Greenhouse Gas Emission Inventory.¹⁹ The State and local government split for both gasoline and diesel use was based on State government’s share of government employment of 25% and local government’s share of government employment of 75% for 2020.²⁰

Additionally, to reflect the ACF’s requirements for government fleets in both the baseline and scenarios, staff used 2021 DMV data to estimate the ratio of transit buses owned by local governments compared to the State. This ratio was then applied to the total electricity and hydrogen demand associated with urban buses obtained from EMFAC 2021 v.1.02 and used to calculate credits associated with use of zero-emission buses for both local government and State government. As compared to the REMI model’s values for local and State government’s share of California’s fuel expenditures (0.75% and 0.25%, respectively), the transit bus calculation resulted in an average of 4% more credits going to local governments, and 1% fewer credits going to State government.

4. DOF Comment: The SRIA should include the most recent Finance economic and population projections. We acknowledge that we previously indicated that the projections from the 2023–24 Governor’s Budget were acceptable as the SRIA was expected to be submitted in May, but as updated projections have since been released, the latest population projections and inflation projections should be incorporated into the analysis.

Response: After the completion of the analysis for the SRIA, the Department of Finance released a population projection interim series informed by available 2020 Census data dated July 19, 2023.²¹

¹⁸ California Energy Commission, *Light Duty ZEV Uptake in Government and Rental Segments*. July 15, 2021. https://www.energy.ca.gov/sites/default/files/2021-07/Light-Duty%20ZEV%20Uptake%20in%20Government%20and%20Rental%20Segments_ADA.pptx.

¹⁹ California Air Resources Board, *2022 Edition of CARB’s GHG Emission Inventory, fuel combustion activity data*.

²⁰ REMI Policy Insight Plus (v 3.0), State and Local government share of Employment.

²¹ California Department of Finance, *Demographic Research Unit. Report P-3: Population Projections, California, 2020–2060* (Baseline 2019 Population Projections; Vintage 2023 Release). 2023. Zip File.

The interim projection released July 2023 has been incorporated into the macroeconomic results presented in the Initial Statement of Reasons.

5. DOF Comment: All of the amounts in the SRIA’s macroeconomic impact section are in 2021 dollars. These figures should be inflated to 2023 dollars using the latest monthly Consumer Price Index estimates.

Response: The macroeconomic results presented in the SRIA were presented in a 2021-dollar value. Per the direction of Department of Finance in their SRIA Comment Letter, the Initial Statement of Reasons presents the results of the macroeconomic analysis in 2023-dollar values.

BUSINESS REPORT

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

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

(Gov. Code, § 11346.5, subdivision (a)(9))

In developing this proposed regulation, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The proposed regulation would require a 30% reduction in fuel CI by 2030 and a 90% reduction in fuel CI by 2045 from a 2010 baseline. Providers of transportation fuels must cumulatively demonstrate that the mix of fuels they supply for use in California meets the LCFS carbon intensity standards, or benchmarks, for each annual compliance period. Regulated entities required to report fuels provided may demonstrate compliance through a system of credits and deficits. Credits are generated by supplying fuels with lower carbon intensity than the benchmark. Deficits result from supplying fuels with higher carbon intensity than the benchmark. A deficit generator meets its compliance obligation by retiring credits it earns or otherwise acquires from another party equal to the deficits it has incurred. Credits and deficits are generally determined based on the quantity of fuel sold, the carbon intensity of the fuel, and the efficiency by which a vehicle converts the fuel into useable energy.

The economic modeling staff conducted for the rulemaking indicates that the costs of complying with the proposed amendments would fall initially on crude oil refineries. The proposed amendments will

also increase the demand for low-carbon fuels, which provides an opportunity for businesses, both in-state and out-of-state, to increase revenue from the sale of low-carbon fuels in California. This is discussed in more detail in the Chapter VIII of the ISOR.

Individuals or private persons may be indirectly affected through changing fuel costs, though staff estimates that the fuel costs Californians pay to travel will decrease due to the regulations CARB has adopted (e.g., ACC II, ACF/ACT) in combination with the LCFS. For more information, refer to Chapter VIII of the ISOR. Individuals are also expected to see health benefits due to lower carbon fuels which would provide local, regional, and statewide emissions benefits and associated cost savings.

EFFECT ON SMALL BUSINESS

(Cal. Code Regs., title 1, § 4, subdivisions (a) and (b))

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. The methodology and full details for estimating the cost impact to small businesses is provided in Chapter VIII of the ISOR.

CONSIDERATION OF ALTERNATIVES

(Gov. Code, § 11346.5, subdivision (a)(13))

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

Staff considered two alternatives and two additional concepts to the proposed regulation. As explained in section IX of the ISOR, no alternative proposal was found to be less burdensome and equally effective in achieving the purposes of the proposed regulation in a manner that ensures full compliance with the authorizing law. Staff has not identified any reasonable alternatives that would lessen any adverse impact on small business.

ENVIRONMENTAL IMPACT ANALYSIS

CARB, as the lead agency for the proposed regulation, has prepared a draft environmental impact analysis (EIA) under its certified regulatory program

(Cal. Code Regs., title 17, §§ 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA) (Public Res. Code, § 21080.5). The EIA concluded implementation of the proposed regulation could result in: beneficial impacts to greenhouse gas; less than significant impacts, or no impacts, to energy, odors, mineral resources (short-term construction-related), population and housing, public services, recreation, and wildfire; and potentially significant [indirect/secondary] adverse impacts to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, mineral resources (long-term operational-related), noise, transportation, tribal cultural resources, and utilities and service systems. The Draft EIA, included as Appendix D to the ISOR, is entitled Draft Environmental Impact Analysis for the Proposed Low Carbon Fuel Standard Regulation. Written comments on the Draft EIA will be accepted during a 45-day public review period starting on January 5, 2024, and ending on February 20, 2024.

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

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

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

servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Dillon Miner, Air Pollution Specialist, Alternative Fuels Section, at (279) 208–7437 or (designated back–up contact) Jordan Ramalingam, Manager, Alternative Fuels Section, at (916) 277–0499.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Low Carbon Fuel Standard Regulation.

Copies of the ISOR and the full text of the proposed regulatory language, may be accessed on CARB’s website listed below, on December 19, 2023. Please contact Chris Hopkins, Regulations Coordinator, at Chris.Hopkins@arb.ca.gov or (279) 208–7347 if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom non–substantive inquiries concerning the proposed administrative action may be directed is Chris Hopkins, Regulations Coordinator, (279) 208–7347. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non–substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and

that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15–days before final adoption.

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB’s website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2024/lcfs2024>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

MULTIPURPOSE SENIOR SERVICES PROGRAM — RENEWAL APPLICATION

On January 8, 2024, the California Department of Aging (CDA), in partnership with the California Department of Health Care Services (DHCS), will post a draft of the 2024 Multipurpose Senior Services Program (MSSP) Renewal Application for a 30–day public comment period, prior to submitting the final version to the Centers for Medicare & Medicaid Services (CMS) for reauthorization. The MSSP Waiver expires on June 30, 2024; CDA intends to renew the Waiver for another 5–year waiver term beginning on July 1, 2024.

The MSSP Renewal Application will be posted to CDA’s website, along with an email address for submitting written feedback. All comments must be received by February 6, 2024. CDA invites all interested parties to review the amendments and comment instructions on the [CDA webpage](#).

The MSSP provides both social and health care management services to assist individuals remain

in their own homes and communities. While most of the program participants also receive In-Home Supportive Services (IHSS), MSSP provides on-going care coordination, links participants to other needed community services and resources, coordinates with health care providers, and purchases some needed services that are not otherwise available to prevent or delay institutionalization. The total annual combined cost of care management and other services must be lower than the cost of receiving care in a skilled nursing facility.

A team of health and social service professionals provides each MSSP participant with a complete health and psychosocial assessment to determine needed services. The team then works with the MSSP participant, their physician, family, and others to develop an individualized care plan. Services include:

- Care management
- Adult day care
- Minor home repair/maintenance
- Supplemental in-home chore, personal care, and protective supervision services
- Respite services
- Transportation services
- Counseling and therapeutic services
- Meal services
- Communication services

FISH AND GAME COMMISSION

NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN pursuant to the provisions of California Fish and Game Code Section 2073.3, that on November 29, 2023 the California Fish and Game Commission (Commission) received a petition from Jonathan A. Rosenfield, Ph.D, Science Director of San Francisco Baykeeper, Gary Bobker, Program Director of the Bay Institute, Barbara Barrigan-Parrilla, Executive Director of Restore the Delta, and Chris Shutes, Executive Director of California Sportfishing Protection Alliance, to list White Sturgeon (*Acipenser transmontanus*) as a threatened species under the California Endangered Species Act.

White sturgeon is the largest freshwater fish species in North America. Males generally mature between the age of 10 to 12 years, with females maturing between the ages of 12 and 16 years. A small portion of adults spawn in any given year. Successful reproduction occurs episodically, when spring-summer river flows are high enough to support incubation and early rearing success. Reproducing populations have been documented along the West Coast in the Sacramento

and San Joaquin drainages of California, and the Columbia and Fraser River drainages, as well as land-locked populations in the Columbia River basin above major dams, in Washington and British Columbia.

White Sturgeon spawn exclusively in freshwater environments and spend most of their lives in saline habitats, returning to freshwater to spawn. Spawning requires deep water (greater than four meters deep) with swift currents and at temperatures from 8 to 19 degrees Celsius (44 to 66 degrees Fahrenheit). Data collected indicates a declining population productivity. Both abundance and population productivity are likely to have declined in response to massive fish kills caused by harmful algal blooms in 2022 and 2023, and range constriction caused by historic construction of impassable dams and their current operations.

On December 6, 2023, pursuant to Section 2073 of California Fish and Game Code, the Commission transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5. The Commission publicly received the petition at its December 13-14, 2023 meeting. The Department's evaluation and recommendation relating to the petition is expected to be received by the Commission at its April 17-18, 2024 meeting.

For information about the petition or to submit information to the Department relating to the petitioned species, interested parties may contact the Department Sturgeon Coordinator by mail at California Department of Fish and Wildlife, Fisheries Branch, P.O. Box 944209, Sacramento, California 94244-2090, or by email at Sturgeon@wildlife.ca.gov.

DECISION NOT TO PROCEED

DEPARTMENT OF EDUCATION

NOTICE OF DECISION NOT TO PROCEED PURSUANT TO GOVERNMENT CODE SECTION 11347

RE: NOTICE OF PROPOSED RULEMAKING CONCERNING INDEPENDENT STUDY REGULATIONS

Pursuant to Government Code section 11347, the California Department of Education hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register on June 16, 2023, Register 2023, Number 24-Z. The proposed rulemaking concerned Independent Study regulations. (OAL Notice Z2023-0523-04.)

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

**ACCEPTANCE OF
PETITION TO REVIEW
ALLEGED UNDERGROUND
REGULATIONS**

OFFICE OF ADMINISTRATIVE LAW

(PURSUANT TO TITLE 1,
SECTION 270, OF THE
CALIFORNIA CODE OF REGULATIONS)

The Office of Administrative Law has accepted for consideration a petition challenging the Department of State Hospitals’ Administrative Directive Number 738, dated July 31, 2023, regarding patient visiting guidelines.

Please send your comments to:

Lindsey McNeill, Attorney III
Office of Administrative Law
300 Capitol Mall, Suite 1250
Sacramento, CA 95814
staff@oal.ca.gov

You must send a copy of your comment to the petitioner and the agency contact concurrently.

Petitioner:

Christian Williams
24511 West Jayne Ave., #423–4
Coalinga, CA 93210

Agency contact:

Loretta Davila
Department of State Hospitals
1215 O Street
Sacramento, CA 95814

Please note the following timelines:

Publication of Petition in Notice Register: 1/5/2024
Deadline for Public Comments: 2/5/2024
Deadline for Agency Response: 2/20/2024
Deadline for Petitioner Rebuttal: 15 days after the agency provides a response to the petitioner
Deadline for OAL Determination: 5/6/2024

**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.

California Alternative Energy and Advanced
Transportation Financing Authority
File # 2023–1212–02
GoGreen Home Energy Financing Program

This emergency rulemaking action by the California Alternative Energy and Advanced Transportation Financing Authority makes changes to the GoGreen Home Energy Financing Program.

Title 04
Adopt: 10091.17
Amend: 10091.1, 10091.2, 10091.5, 10091.7,
10091.8
Filed 12/22/2023
Effective 12/22/2023
Agency Contact: Kelly Delaney (916) 651–5581

CalSavers Retirement Savings Board
File # 2023–1215–01
CalSavers Retirement Savings Program Amendments

This action by the CalSavers Retirement Savings Board (Board) adds provisions to the Board’s regulations defining “noncompliance” and specifying penalties and the process for assessment of penalties on eligible employers for noncompliance with the CalSavers Retirement Savings Program.

Title 10
Amend: 10000, 10008
Filed 12/26/2023
Effective 12/26/2023
Agency Contact: Jonathan Herrera (916) 653–1744

Office of Environmental Health Hazard Assessment
File # 2023–1219–06
Chemicals Known to the State to Cause Cancer or
Reproductive Toxicity

This action by the Office of Environmental Health Hazard Assessment amends the list of “Chemicals Known to the State to Cause Cancer or Reproductive Toxicity” (Cal. Code Regs., title 27, § 27001) by add-

ing three new chemicals known to cause cancer and one new chemical known to cause reproductive toxicity. This action is exempt from the APA pursuant to Health and Safety Code section 25249.8.

Title 27
Amend: 27001
Filed 12/26/2023
Effective 12/29/2023
Agency Contact: Kiana Vaghefi (279) 216–0002

Board of Optometry

File # 2023–1114–01

Fees

This action raises opticianry–related initial application and renewal fees. It raises certain optometry–related certificate fees and the fee for continuing education course approval. The action also adopts new opticianry–related initial registration fees and delinquency fees (for late renewals).

Title 16
Amend: 1399.260, 1399.261, 1399.263, 1524
Filed 12/26/2023
Effective 07/01/2024
Agency Contact: Gregory Pruden (916) 574–7808

California Film Commission

File # 2023–1107–01

Film and Television Tax Credit Program 3.0

This rulemaking action by the California Film Commission amends regulations and incorporated documents relating to the to the California Film and Television Tax Credit Program 3.0.

Title 10
Amend: 5520, 5521, 5523, 5525, 5526, 5527, 5528
Filed 12/22/2023
Effective 12/22/2023
Agency Contact: Hedvig Marx (323) 817–4115

Department of Alcoholic Beverage Control

File # 2023–1107–03

Licensing of Permanent Non–Contiguous Areas

In this resubmitted rulemaking action, the Department adopts a regulation to establish parameters for the permanent licensing of non–contiguous areas within which alcoholic beverages are served for consumption on the premises.

Title 04
Adopt: 70
Filed 12/22/2023
Effective 04/01/2024
Agency Contact:
Robert de Ruyter (916) 419–8958

Department of Health Care Access and Information

File # 2023–1113–01

Prescription Drug Cost Transparency

In this regular rulemaking, the Department of Health Care Access and Information is adopting and amending regulations regarding reporting prescription drug pricing data.

Title 22
Adopt: 96082.5
Amend: 96060, 96061, 96062, 96065, 96070, 96075, 96076, 96077, 96078, 96081, 96082, 96083, 96084, 96085, 96086, 96087
Filed 12/21/2023
Effective 04/01/2024
Agency Contact: Jacob Rivera (916) 326–3827

Department of Pesticide Regulation

File # 2023–1107–02

Health Risk Mitigation and Volatile Organic Compound

Emission Reduction for 1,3–Dichloropropene
This action restricts the use of 1,3–dichloropropene (1,3–D) to mitigate the potential 72–hour acute risk and 70–year lifetime cancer risk to non–occupational bystanders. The proposed mitigation measures will also further reduce the emissions of 1,3–D as a volatile organic compound (VOC). The proposed action (1) allows the use of 1,3–D only for the production of agricultural commodities, effectively prohibiting other uses that are not currently registered; (2) establishes mandatory setbacks (distances from occupied structures where 1,3–D cannot be applied); (3) sets limits on the application rate and acres treated for individual field soil fumigations; (4) places restrictions on multiple field soil fumigations that do not meet distance or time separation criteria; (5) limits the allowed methods to apply 1,3–D, including establishing criteria for acceptable types of tarpaulins that can be used; (6) requires an annual report from Department of Pesticide Regulation that includes evaluations of 1,3–D use and air monitoring results; and (7) requires the inclusion of certain information in existing pesticide use records and pesticide use reports.

Title 03

Adopt: 6448.1, 6448.3, 6448.4

Amend: 6448, 6448.1 (Renumbered 6448.2),
6449.1, 6452, 6452.2, 6624, 6626, 6881

Filed 12/22/2023

Effective 01/01/2024

Agency Contact: Lauren Otani (916) 445–5781

**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.