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

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PROPOSED ACTION ON REGULATIONS

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TITLE 4. HORSE RACING BOARD

FIREARMS

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

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1875, Firearms, to expand the scope of the rule to reduce the risk of injury, promote, and foster safety of all individuals and participants in horse racing. Currently, Board Rule 1875, Firearms states, “No licensee, employee of the association or its concessionaires, shall possess a firearm while on the grounds of a facility within the purview or control of the Board unless such possession has been authorized by state or federal law, and unless the documentation of such authorization is on his or her person.” The proposed amendment to Board Rule 1875 would amend the title of the rule from “Firearms” to “Weapons and Ammunition.”

Additionally, the proposed amendment to Board Rule 1875 would modify the main text of the rule and expand the rule by adding three new subsections. On the main text the language “a firearm” would be removed and placed in new subsection (1). In addition, proposed subsection one (1) would also add original language from the main text to clarify that firearms and ammunition are allowed on a Board grounds only if they have been authorized by state or federal law and if the documentation of such authorization is on their person. Proposed subsection two (2) would include projectile devices, such as BB guns, as weapons, and are therefore not authorized on Board grounds. Proposed subsection three (3) would include non-power guns devices, such as airsoft guns, as weapons, and are therefore not authorized on Board grounds.

PUBLIC HEARING

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

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

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **May 13, 2024**. The Board must receive all comments by that time. Submit comments to:

Yannet G De Garcia, Associate Management Auditor
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone: (916) 263–6023
 Email: ygdegarcia@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 19420, 19440, and 19460, Business and Professions Code (BPC). Reference: Section 19420, 19440, and 19460 BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19420 provides that jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the Board. BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. BPC section 19460 provides that all licenses granted under this chapter: (a) Shall be in writing. (b) Are subject to all rules, regulations, and conditions prescribed by the board. (c) Shall contain such conditions as are deemed necessary or desirable by the Board for the best interests of horse racing and the purposes of this chapter

Currently, Board Rule 1875, Firearms prohibits a licensee, employee of the association or its concessionaires, from the possession of a firearm while on the grounds of a facility within the purview or control of the Board unless such possession has been authorized by state or federal law, and unless the documentation of such authorization is on his or her person.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendment to Board Rule 1875 will increase, promote, and foster safety of all individuals and participants of horse racing on the grounds of a facility within the purview or control of the Board. Implementing the proposed amendment to Board Rule 1875 would reduce the risk of injury to humans and racehorses, provide the Board's Law Enforcement Division the ability to initiate investigations and confiscate such weapons, and prohibit the use and possession of projectile and non-powder guns on Board grounds. The Board values and promotes safety for all individuals and participants of horse racing in California by fostering the safety, health, and welfare for all its participants.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the amendments, the Board conducted a search for any similar regulation on this topic and has concluded that Board Rule 1875 is the only regulation that address firearms, weapons, and ammunition in horse racing. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment to Board Rule 1875 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed amendment will support and expand the safety and welfare of all participants of horse racing in California. By expanding the scope of authority of the rule to prohibit firearms; weapons; ammunition; any device or instrument that expels a projectile, such as a BB or pellet; and any non-powder gun (NPG) device, such as an airsoft gun, not limited to: BB gun, pellet gun, spot marker, paint ball gun, taser gun, or stun gun.

The following studies/relevant data were relied upon in making the above determination: California Senate of Office Research (SOR) "Pellet Guns and BB Guns: Dangerous Playthings in the Open Market," Don Moulds, Director, Senate of the State of California, 2005

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

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Board Rule 1875 will not (1) create or eliminate jobs within the state; (2) create new businesses or eliminate existing businesses within the state; (3) result in the expansion of businesses currently doing business with the state; and (4) as described under ANTICIPATED BENEFIT OF THE PROPOSED REGULATION above, will benefit the health and welfare of California residents and worker safety by promoting and fostering safety of individuals and participants of horse racing on the grounds of a facility within the purview or control of the Board. The proposed regulations are not expected to affect the state's environment.

Effect on small business: none. The proposal to amend Board Rule 1875 does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

Yannet G De Garcia, Associate Management Auditor
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 260-6023
Email: ygdegarcia@chrb.ca.gov

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

Cynthia Alameda, Deputy Executive Director
California Horse Racing Board
Telephone: (916) 642-0779
Email: clalameda@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF FINAL STATEMENT OF REASONS

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

BOARD WEB ACCESS

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

TITLE 10. HEALTH BENEFIT EXCHANGE/COVERED CALIFORNIA

ADOPT SECTIONS 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538, 6542, 6544, 6548, AND 6550

The California Health Benefit Exchange/Covered California (the Exchange) Board proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Exchange has not scheduled a public hearing on this proposed action. However, the Exchange will hold a hearing if it receives a written request for a public hearing, pursuant to Government Code section 11346.8(a), from any interested person, or such person's duly authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or such person's duly authorized representative, may submit written statements, arguments or contentions (hereafter referred to as comments) relevant to the proposed regulatory action to the Exchange. The written comment period closes at **5:00 p.m. on May 14, 2024**. The Exchange will consider only comments received at the Exchange's office by that time. Submit written comments to:

Faviola Adams
Regulations Coordinator
California Health Benefit Exchange
1601 Exposition Boulevard
Sacramento, CA 95815

Comments may also be submitted by email to regulations@covered.ca.gov.

AUTHORITY AND REFERENCE

Government Code Section 100504(a)(6) authorizes the California Health Benefit Exchange/Covered California (the Exchange) Board to adopt rules and regulations, as necessary. The proposed regulations implement, interpret, and make specific sections 100503, 100504 and 100506. They also implement, interpret, and make specific the policies and requirements of the federal Patient Protection and Affordable Care Act of 2010 (Pub. Law 111–148), as amended by the federal Health Care and Education Reconciliation Act (Pub. Law 111–152) and Title 45, Code of Federal Regulations (CFR) section 155.700 and following.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

Under the federal Patient and Protection and Affordable Care Act (PPACA), each state is required, by January 1, 2014, to establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. Existing state law, the California Patient Protection and Affordable Care Act (Gov. Code, § 100500 et seq.), established the California Health Benefit Exchange within state government, and it specifies the powers and duties of the executive board of the Exchange, also referred to as Covered California. Within the Exchange, California established its own Small Business Health Options Program (SHOP) or “CCSB.”

The proposed regulations implement, interpret, and make specific the requirements in state and federal law. Government Code section 100504(a) authorizes the Exchange to adopt rules and regulations, as necessary to execute the requirements under the PPACA. The Exchange implemented regulations in the California Code of Regulations, title 10, section 6400 and following. These regulations include the policies and procedures related to eligibility and enrollment of individuals and small business employees. Additionally, Title 45, Section 155.700 et seq. of the Code of Federal Regulations requires states establishing a SHOP to provide policies and procedures for eligibility determination and redetermination, enrollment in qualified health plans, and termination of coverage processes for the SHOP.

On November 7, 2019, the Exchange adopted emergency regulations to amend California Code of Regulations, title 10, section 6532, subdivision (e). On September 7, 2021, the Exchange adopted emergency regulations to revise California Code of Regulations, title 10, sections 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538, 6542, and 6550. These emergency regulations are in effect.

The Exchange is now proposing to make permanent those emergency regulations at California Code of Regulations, title 10, sections 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538, 6542, and 6550 with amendments. The Exchange also proposes to amend the regulations in California Code of Regulations, title 10, sections 6536, 6544, and 6548 to implement and clarify the eligibility and enrollment process related to small business employees and their dependents.

Objectives and Anticipated Benefits of the Proposed Regulations

The broad objectives of this proposed regulatory action are to:

- Provide clarity to small employers of what is required to apply to provide health and dental coverage through CCSB to their employees and their dependents;
- Ensure that qualified employees who are offered coverage through CCSB are provided an appropriate open enrollment period;
- Provide clarity to participating small employers of the premium payment requirements;
- Ensure consistency with state law; and
- Complete Certificate of Compliance requirements for sections 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6538, 6542, and 6550.

Anticipated benefits of the proposed action include nonmonetary benefits to the protection of public health and safety, worker safety, the environment, the prevention of discrimination, or the promotion of fairness or social equity. This includes:

- Providing structure for the Exchange to give predictable and clear standards to the public and qualified health plan issuers now and into the future.
- Establishing clear guidelines for the public regarding eligibility, enrollment, and termination of SHOP coverage.
- Establishing an appeal process for prospective and current enrollees of the SHOP and thereby providing due process to employers and employees denied insurance or with other appealable rights. More specifically, this action includes clear guidelines for the public to request and receive a fair hearing.

- Aligning California’s regulations with the federal act and complying with state law.
- Reducing health care costs for Californians.
- Providing increased health care access to the public in California; and
- Ultimately, helping to save lives and increase the health of the public in California.

Evaluation of Consistency and Compatibility with Existing State Regulations

After an evaluation of current regulations, the Exchange has determined that these proposed regulations are not inconsistent or incompatible with any existing state regulations. This evaluation included a review of the laws that regulate the Exchange and specifically those statutes and regulations related to health insurance. Exchange staff also conducted an internet search of other state agency regulations.

Several California statutes and regulations govern health insurance and notably include provisions affecting the Exchange in the Government Code, the Health and Safety Code, and the Insurance Code. The Exchange has made its best effort to conform its regulations to State law and does not know of any State statutes or regulations conflicting with these proposed regulations.

DOCUMENTS TO BE INCORPORATED BY REFERENCE

CCSB New Business Late Submission Acknowledgement Form (Rev. 1/24)

DISCLOSURES REGARDING THE PROPOSED ACTION

The Executive Director of the California Health Benefit Exchange has made the following initial determinations:

Matters Prescribed by Statute Applicable to the Agency or to Any Specific Regulation or Class of Regulations

None.

Mandate on Local Agencies or School Districts

None. The Executive Director of the California Health Benefit Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

Costs or Savings to State Agencies

The proposal results in additional costs to the California Health Benefit Exchange, which is currently financially self-sustaining. The proposal does not result in any costs or savings to any other state agency.

Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500 through 17630

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

Costs or Savings in Federal Funding to the State

The proposal results in additional costs to the California Health Benefit Exchange, which is currently financially self-sustaining and is not funded by federal grant money. There is no other impact on federal funding to the state as a result of these regulations.

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

None.

Significant Effect on Housing Costs

None.

Effect on Small Business

The proposal results in an effect on participating small businesses with 1–100 employees statewide by clarifying the policies and procedures for applying for coverage, enrolling employees and their dependents in qualified health plans, and termination of coverage in the small business marketplace for health insurance through the Exchange. The proposed regulations do not create or expand small businesses within the State of California. There are no jobs created or eliminated from this proposal. The proposed regulations do not create or expand the operations of any small businesses.

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete With Businesses in Other States

None.

Known Cost Impacts on a Representative Private Person or Business

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

Business Reporting Requirement

None.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Results of the Economic Impact Assessment/Analysis

The Exchange concludes regarding the proposed regulations:

- (1) They are **unlikely** to create or eliminate jobs in the State;

- (2) They are **unlikely** to create or eliminate businesses in the State;
- (3) They are **unlikely** to impact the expansion of businesses currently doing business in California;
- (4) They are **likely** to provide benefits to the health and welfare of California residents; and
- (5) They are **unlikely** to provide benefits to worker safety and the state's environment.

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 regulations will benefit California employees and their dependents who apply for health benefits through the Exchange. It will benefit the public by clarifying the criteria and process for eligibility determinations, enrollment and disenrollment, and an appeal process through the SHOP. It will make quality health care available to all Californians and provide the public with clear standards and eligibility requirements to apply for and enroll in qualified health plans through the Exchange. It will increase access to affordable health coverage which will help save lives and increase the health of the public in California. This proposed regulatory action will not affect worker safety and the state's environment.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Faviola Adams
Regulations Coordinator
California Health Benefit Exchange
1601 Exposition Boulevard
Sacramento, CA 95815
Telephone: (916) 228-8668

The backup contact person for inquiries is:

Crystal Hirst
Attorney III
California Health Benefit Exchange
1601 Exposition Boulevard
Sacramento, CA 95815
Telephone: (916) 228-8313

Please direct questions regarding 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 Faviola Adams at the above contact information.

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

The Exchange will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons. Copies may be obtained by contacting Faviola Adams at the address or phone number listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the hearing, if one is held, and after considering all timely and relevant comments received, the Exchange may adopt the proposed regulations substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text to the public at least 15 days before the Exchange adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Faviola Adams at the address indicated above. The Exchange will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Faviola Adams at the above address.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulations in underline and strikeout can be accessed through our website at <http://hbex.coveredca.com/regulations/>

TITLE 13. AIR RESOURCES BOARD

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider proposed amendments to the Advanced Clean Trucks (ACT) regulation and the Zero-Emission Powertrain Certification (ZEP Cert) test procedure.

Date: May 23, 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 May 24, 2024. Please consult the public agenda, which will be posted ten days before the May 23, 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 electronic submittal before the hearing. The public comment period for this regulatory action will begin on March 29, 2024. To be considered by the Board, written comments must be submitted by May 13, 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. Comments submitted 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://www.arb.ca.gov/lispub/comm/bclist.php>

Please note that under the California Public Records Act (Government Code (Gov. Code), § 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 38501, 38505, 38510, 38560, 38566, 38580, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 40000, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, and 43806; and California Vehicle Code section 28114.

This action is proposed to implement, interpret, and make specific California Health and Safety Code, sections 38501, 38505, 38510, 38560, 38580, 39000, 39002, 39003, 39010, 39017, 39003, 39500, 39600, 39601, 39610, 39650, 39655, 39657, 39667, 39701, 40000, 43000, 43000.5, 43009, 43009.5, 43013, 43016, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43202, 43204, 43205, 43205.5, 43206, 43210, 43211, 43212, 43213, and 43806; and California Vehicle Code section 28114.

**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 13, sections 1956.8, 1963, 1963.1, 1963.2, 1963.3, 1963.4, and 1963.5, and proposed adoption of new section 1963.6.

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

The following would be incorporated in the regulation by reference as specified by the following sections:

- Title 40, Code of Federal Regulations section 1037.801, last amended by the United States Environmental Protection Agency (U.S. EPA) on January 24, 2023.

Background and Effect of the Proposed Regulatory Action:

In January 2021, CARB adopted the ACT regulation as part of California’s comprehensive strategy to reduce harmful emissions from medium- and heavy-duty vehicles to the greatest degree feasible. Achieving California’s long-term air quality, climate, and public health goals will require a transition from the conventional combustion technologies to zero-emission everywhere feasible and near-zero-emission powered by clean, low-carbon renewable fuels everywhere else. Promoting the development and use of zero-emission trucks will contribute to the goals set by the Governor’s Executive Order N-79-20 and the Sustainable Freight Action Plan, and will help achieve emission reductions as outlined in the State Implementation Plan, Senate Bill (SB) 350 (de León, Chapter 547, Statutes of 2015), Assembly Bill (AB) 32 (Nuñez, Chapter 488, Statutes of 2006), and SB 32 (Pavley, Chapter 249, Statutes of 2016), and AB 1279 (Muratsuchi, Chapter 337, Statutes of 2022). This effort is part of a broader strategy to increase clean, affordable transportation options such as zero-emission technologies, innovative methods to improve freight activity, and efficiency of transportation systems in California.

In July 2019, CARB adopted the ZEP Cert test procedure which established new, alternative certification procedures for heavy-duty battery-electric and fuel-cell vehicles and the zero-emission powertrains they use. ZEP Cert establishes a process that can be used to provide additional transparency, consistency, and stability in heavy-duty zero-emission market segments targeted by CARB’s technology-forcing regulatory measures or incentives geared to deploying more-commercialized zero-emission vehicles. The ACT regulation requires manufacturers to utilize ZEP Cert starting with the 2024 model year for heavy-duty and incomplete medium-duty Zero-Emission Vehicles (ZEVs) in order to earn ZEV credits. With the proposed amendment, ZEP Cert would become an optional certification pathway for complete medium-duty ZEVs.

Objectives and Benefits of the Proposed Regulatory Action:

The proposed amendments to the ACT regulation include items that can be adopted in 2024 to honor commitments made by CARB staff in the Clean Truck Partnership. The changes include increasing the deficit makeup period and clarifying that compliance determination and sales reporting requirements are both defined when vehicles are produced and delivered for sale in California. Additionally, the proposed amendments would make minor adjustments to address issues that have arisen through implementation and will ensure closer alignment with the regulation’s original

intent. These amendments are generally minor administrative changes that have minimal cost impacts and no significant emissions impact. Additionally, the proposed amendment to ZEP Cert aims to provide greater flexibility for manufacturers to certify complete medium-duty ZEVs.

Summary of the Proposed Amendments

The proposed amendments to the ACT regulation include: clarifying that compliance determination and sales reporting requirements are both defined when vehicles are produced and delivered for sale in California, increasing the deficit makeup period, aligning language with the 100% ZEV sales requirements for 2036 and subsequent model years, modifying the manufacturer definition as well as adding a definition for secondary vehicle manufacturer, establishing that certifications that meet the requirements of title 13, California Code of Regulations section 1962.2 satisfy the zero-emission powertrain certification requirement of the ACT regulation, aligning language with the proposed amendment to ZEP Cert to extend its applicability to complete medium-duty ZEVs, aligning language about preventing double counting of ZEV credits under both the Advanced Clean Cars (ACC) II regulations and ACT, identifying acceptable documentation for vehicle tracking, and adjustments to various reporting requirements with added coinciding definitions.

Comparable Federal Regulations:

There are no federal requirements for manufacturers to sell ZEVs with a gross vehicle weight rating greater than 8,500 lb.

AN EVALUATION OF INCONSISTENCY
OR INCOMPATIBILITY WITH EXISTING
STATE REGULATIONS

(Gov. Code, § 11346.5, subdivision (a)(3)(D))

There are no inconsistencies or incompatibilities with existing state regulations. Instead, the proposed amendments incorporate references to the ACC II regulations in section 1963.2(i) to protect against manufacturers double-counting credits from selling a medium-duty ZEV into California under both the ACT regulation and the ACC II regulations for the 2024 and 2025 model years. Additionally, language was added to section 1963.2(i) to establish that, beginning with the 2026 model year, medium-duty ZEVs produced and delivered for sale in California that are counted towards the ACC II regulations will not be counted towards the ZEV deficit generated under the ACT regulation.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

(Gov. Code, § 11346.5, subdivision (a)(10))

DISCLOSURES 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 not create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would not 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.

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

The Executive Officer has 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 the 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.

Non–Major Regulation: Statement of the Results of the Economic Impact Assessment (EIA):

(A) *The creation or elimination of jobs within the State of California.*

The proposed amendments are expected to result in minor increases and decreases in work performed which can be absorbed by the regulated manufacturers. As a result, no jobs are expected to be created or eliminated by these amendments.

(B) *The creation of new business or the elimination of existing businesses within the State of California.*

No new jobs will be created or eliminated as a result of these proposed amendments, therefore new businesses will not be created, nor eliminated.

(C) *The expansion of businesses currently doing business within the State of California.*

The proposed amendments are expected to have minimal impact on jobs in regulated businesses and work will likely be absorbed within existing resources.

(D) *The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.*

These proposed amendments are generally minor, administrative changes that have minimal cost impacts and no emissions impact and no impact to health and welfare of California residents, worker safety, and the state’s environment.

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the Initial Statement of Reasons (ISOR).

Benefits of the Proposed Regulation:

The primary objective of the proposed regulatory action is to honor commitments made by CARB staff in the Clean Truck Partnership in 2024, which includes proposing regulatory amendments that would increase the deficit makeup period and clarify that compliance determination and sales reporting requirements are both defined when vehicles are produced and delivered for sale in California.

A summary of these benefits is provided; please refer to “Objectives and Benefits”, under the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code section 11346.5, subdivision (a)(3) discussion on page 2.

BUSINESS REPORT

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

In accordance with Government Code sections 11346.5, subdivisions (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 regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. CARB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

The Executive Officer has determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses as none of the manufacturers subject to the ACT regulation meet the AB 1033 (Garcia, Chapter 346, Statutes of 2016) definition of a small business.

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. As explained in Chapter IX of the ISOR, Evaluation of Regulatory Alternatives, the proposed amendments are the most effective and least burdensome means of achieving the purposes of the regulation.

STATE IMPLEMENTATION
PLAN REVISION

If adopted by CARB, CARB plans to submit the proposed regulatory action to the United States Environmental Protection Agency (U.S. EPA) for approval if it is necessary to include it as a revision to the California State Implementation Plan (SIP) required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a SIP revision with no significant emissions impacts because it amends regulations intended to reduce emissions of air pollutants in order to attain and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

ENVIRONMENTAL ANALYSIS

When the original regulation was proposed in 2020, CARB prepared an environmental analysis (EA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code, section 21080.5). The EA, included in Appendix D of the ISOR entitled *Final Environmental Analysis for the Proposed Advanced Clean Trucks Regulation*, dated June 23, 2020, determined the ACT regulation could result in: beneficial impacts to energy demand, and greenhouse gases; less than significant impacts, or no impacts, to air quality, energy demand, greenhouse gases, land use planning, mineral resources, population and housing, public service, and recreation; and potentially significant adverse impacts to aesthetics, agricultural and forest resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use planning, mineral resources, noise, transportation and traffic, and utilities and service systems. Staff has determined that no additional environmental review is required for the current proposed amendments because there are no changes that involve new significant environmental effects or a substantial increase in severity of previously identified significant effects previously identified in the prior 2020 EA. The basis for reaching this conclusion is provided in section VI of the ISOR.

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 alterno 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 Craig Duehring, Manager In–Use Control Measures Section, at (279) 208–7369 or (designated back–up contact) Paul Arneja, Air Resources Engineer, at (279) 208–7342.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report, or the ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposed amendments. The report is entitled: Proposed Amendments to the Advanced Clean Trucks Regulation.

Copies of the ISOR and the full text of the proposed regulatory language, may be accessed on CARB’s website listed below, on March 26, 2024. Please contact Bradley Bechtold, Regulations Coordinator, at Bradley.Bechtold@arb.ca.gov or (279) 208–7266 if you need physical copies of the documents. Because of current travel, facility, and staffing restrictions, the California Air Resources Board’s offices have limited public access. 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 nonsubstantive inquiries concerning the proposed administrative action may be directed is Bradley Bechtold, Regulations Coordinator, (279) 208–7266. The Board staff has compiled a record for this proposed regulatory action, which includes all the information upon which the proposed amendments are 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, if applicable, from CARB’s Public Information Office, California 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 the proposed amendments at <https://ww2.arb.ca.gov/rulemaking/2024/advancedcleantrucks>.

TITLE 16. CEMETERY AND FUNERAL BUREAU

§ 1230, TRAINING APPRENTICE

NOTICE IS HEREBY GIVEN that the Cemetery and Funeral Bureau (CFB or Bureau) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview. Any person interested may present statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Bureau

at its office no later than Tuesday, May 24, 2024, by 5:00 p.m.

PUBLIC HEARING AVAILABILITY

The Bureau has not scheduled a public hearing on this proposed action. The Bureau will, however, 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.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Bureau may, after considering all timely and relevant comments, adopt the proposed regulations substantially as described in this notice, or may modify the proposed regulations if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE:

Pursuant to the authority vested by Business and Professions Code (BPC) sections 7606, 7670, and to implement, interpret or make specific 7606, 7607, 7648, 7649, 7660 and 7670, Business and Professions Code, the Bureau is considering amending 1230 of Title 16 of the California Code of Regulations (CCR) as described in this Notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Cemetery and Funeral Bureau (Bureau) licenses, regulates, and investigates complaints against 14 different license categories in California, totaling approximately 11,315 licensees. These licensing categories include funeral establishments, funeral directors, embalmers, apprentice embalmers, cemetery brokers, cemetery broker branch, cemetery broker additional, cemetery salespersons, cremated remains disposers, crematories, crematory managers, hydrolysis facilities, cemetery managers, and private, nonreligious cemeteries. It is the Bureau's duty to enforce and administer the Cemetery and Funeral Act (Chapter 12 (commencing with section 7600) of Division 3 of Business and Professions Code (BPC) (collectively the Act). (BPC section 7602, subdivision (a)(2)). The Bureau is authorized to establish necessary rules and

regulations for the enforcement of the Act and the laws subject to its jurisdiction. (BPC section 7606.)

In 2017, the Legislature passed, and the Governor signed into law, Assembly Bill (AB) 1381 (Oberholte, Chapter 150, Statutes of 2017), amending BPC section 7670. This law authorizes a licensed funeral establishment who is seeking the Bureau's approval to train apprentice embalmers to show that they have either employed a full-time California embalmer, who has had not less than two years' practical experience as a California licensed embalmer immediately preceding the date of the application, or a trade embalmer who is hired by the establishment on a case-by-case basis and who has had not less than two years' practical experience as a California licensed embalmer immediately preceding the date of the application. Also pursuant to BPC 7670(a), the apprenticeship must be served in a licensed funeral establishment that has been previously approved for apprenticeship training by the Bureau, and the apprentice must submit an application, accompanied by the required fee, to the Bureau. With the increase in cremations, which has led to a sharp decrease in embalming in California, it has become more difficult for funeral homes to employ a full-time embalmer. By allowing a trade embalmer, who has met certain requirements, to train apprentices, more apprentices should be able to get the supervision and training they need.

Existing law, BPC 7660 defines an apprentice embalmer as a person engaged in the study of embalming under the instruction and supervision of a licensed embalmer who has had at least two years of practical experience as a licensed embalmer.

There is no existing regulation that specifies the process and procedures for how a licensed funeral establishment may apply to the Bureau to seek approval to train apprentices. Additionally, pursuant to CCR section 1230, to qualify to be treated in aggregate, the funeral establishment is required to submit to the Bureau, form 21 A-12 (12/96). The form requires the funeral establishment to certify, among other things, that the funeral establishment will continue to have a full-time employed qualified embalmer. The Bureau form 21 A-12 (12/96) is outdated, and it needs to be updated by repealing and adopting a new Bureau approved form.

The Bureau has consulted with stakeholders (licensees, consumer advocates, and members of the public) on two separate occasions regarding the proposed regulation. This proposal was first discussed at the Bureau's Advisory Committee meeting on May 24, 2018, after AB 1381 was signed into law and became effective on January 1, 2018. Staff drafted language for this regulation and on May 24, 2023, presented the language for apprentice embalmers training to the committee members during the regularly sched-

uled meeting. The proposed language was discussed and made available for public comment. The Bureau received no comments from stakeholders. However, since the release of the draft language, the Bureau has made minor technical modifications to the proposed text to make it easier for the regulated public to follow.

The current version of 16 CCR section 1230, titled “Training Apprentices,” includes these two subdivisions:

- Subdivision (a) authorizes funeral establishments to be treated in the aggregate for the purpose of training apprentices and lists the requirements. The licensed funeral establishment must be under common ownership. The common owners must designate one funeral establishment as the main office as defined in CCR 16 1204(c)(2), and the remaining establishments be located within 60 miles radius from the designated main office.
- Subdivision (b) specifies the Bureau approved form 21A–12 (12/96) shall be submitted when a licensed funeral establishment is requesting to be treated in aggregate, and an inspection shall be scheduled and completed to ensure compliance with BPC 7670.

It is necessary to amend CCR 1230 to provide, in addition to the option to be treated in the aggregate, the process and procedures a licensed funeral establishment shall meet when requesting Bureau approval to train apprentice embalmers. Further, an update to repeal and adopt a new bureau approved form is also needed.

The Bureau proposes to rename the section, reorder the subdivisions to match the order presented in the controlling statute, and amend the process for who may train apprentice embalmers. Here is what the Bureau proposes to do:

- Amend CCR section 1230 by changing the title from “Training Apprentices” to “Approval to Train Apprentice Embalmers.”
- Amend subdivision (a) to establish the process and procedures a licensed funeral establishment who is seeking Bureau’s approval to train apprentice embalmers must follow. Require that the funeral establishment must submit a request on a Bureau approved form, 12–TAE (New 1/24) “Approval to Train Apprentice Embalmers.” The form is incorporated by reference and specifies the fee to accompany the form.
- Amend CCR section 1230(b) by moving the regulatory text to a newly adopted subdivision (c). Subdivision (b) text is added to specify that each licensed funeral establishment who has received Bureau approval must submit to the Bureau, no later than January 15 of each year, a completed Bureau form 12–TAE (new 1/24) accompanied

with the required fee specified by subdivision (a) of this section.

- Adopt CCR section 1230(c) to specify the requirements for a licensed funeral establishment requesting to be treated in the aggregate, for the purpose of training apprentice embalmers, to submit the approved Bureau form specified in subdivision (a) of this section. The licensed funeral establishment must be under common ownership. The common owners must designate one funeral establishment as the main office as defined in CCR 16 1204(c)(2), and the remaining establishments must be located within 60 miles from the designated main office.
- In the reordering, subdivision 1230(a)(3) to now 1230(c)(3) the word “radius” is deleted from the distance requirement making it consistent with other regulations addressing distance requirements under this Act, as well as making it consistent with industry standards.

Further, in order to make CCR 16 section 1230 consistent with the underlying statute, this proposal reorders subdivision (a) with the newly renumbered subdivision (c). Rather than starting CCR 16 section 1230 with the requirements for being treated in the aggregate, subdivision (a) will reference the form required in order for a funeral establishment to apply to train apprentices. This change will make the regulation easier to follow and give immediate notice to the regulated community of the required form.

ANTICIPATED BENEFITS OF PROPOSED REGULATIONS

This proposal would establish a consistent and simple process for licensed funeral establishments to obtain Bureau approval to train apprentice embalmers, and to be treated in the aggregate.

DETERMINATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING REGULATIONS

During the process of developing these regulations and amendments, the Bureau has conducted a search of any similar regulations of these topics and has concluded that these regulations are neither inconsistent nor incompatible with existing state regulations.

INCORPORATION BY REFERENCE

The Application for Approval to Train Apprentice Embalmers, form “12–TAE (New 1/24)

DISCLOSURES REGARDING
PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies:

The Bureau has determined the proposed regulation will result in a minor and absorbable fiscal impact to the state.

Cost or Savings in Federal Funding to the State:

The regulations result in one-time (absorbable) workload and costs of approximately \$750 to update and post the (new) Application for Approval to Train Apprentice Embalmers form (New 1/24) to the Bureau's website.

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

Nondiscretionary Costs/Savings to Local Agencies:
None.

Local Mandate: None.

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

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would not have a state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because this proposal only affects licensed funeral establishments.

The Bureau currently is responsible for 1,089 licensed funeral establishments throughout California. Out of these funeral establishments, and as of July 1, 2023, there are 150 Bureau approved licensed funeral establishments that have requested and received Bureau approval to train apprentices and or to be treated in the aggregate.

Licenses are currently required to complete and submit the existing Application for Approval to Train Apprentice form and this proposal is not anticipated to increase workload or costs to businesses.

Business Reporting Requirement

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

Cost Impact on Representative Private Person or Business:

The Bureau does not anticipate additional costs to a representative private person or business with the proposed action. Licensees are currently required to complete and submit the existing Application for Approval to Train Apprentice form and this proposal is

not anticipated to increase workload or costs to individuals or businesses.

Effect on Housing Costs: None.

RESULTS OF ECONOMIC IMPACT
ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Bureau has determined that this regulatory proposal will not create or eliminate jobs, will not create new businesses, or eliminate existing businesses, and will not affect the expansion of businesses currently doing business within the State of California because this proposed regulation applies to licensed funeral establishments seeking the Bureau's approval to offer embalmer apprenticeship training.

Benefits of Regulation:

The regulations benefit licensees, stakeholders, and Californians by helping to reduce confusion and to provide clear guidance related to funeral establishments and apprenticeship by better aligning CFB's regulations with current law and existing business practice.

Effect on Small Business:

The proposed regulation may affect small business, specifically those funeral establishments that are seeking the Bureau's approval to offer apprenticeship training.

INITIAL STATEMENT OF
REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau at 1625 North Market Boulevard, Suite S-208, Sacramento, California 95834.

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 that 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.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Bureau must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory action or would be more cost-effective to the affected private persons and equally effective in implementing the statutory policy or other provision of the law. Interested persons are invited to present statements or arguments orally or in writing relevant to the above determinations at the above scheduled hearing or during the written comment period.

CONTACT PERSON

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

Name: Carolina Sammons
Address: 1625 North Market Boulevard,
Suite S-208
Sacramento, CA 95834
Telephone Number: (916) 574-7876
Fax Number (916) 928-7988
Email Address: carolina.sammons@dca.ca.gov

The backup contact person is:

Name: Gina Sanchez
Address: 1625 North Market Boulevard,
Suite S-208
Sacramento, CA 95834
Telephone Number: (916) 574-7870
Fax Number (916) 928-7988
Email Address: gina.sanchez@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Carolina Sammons at (916) 574-7876.

Copies of the Notice of Proposed Actions the Initial Statement of Reasons, and the text of the regulations can be accessed through the Bureau's website at https://www.cfb.ca.gov/laws_regs/proposed_regs.shtml.

TITLE 16. STRUCTURAL PEST CONTROL BOARD

FUMIGATION AND PESTICIDE USE STANDARDS AND RECORD REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Structural Pest Control 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 Tuesday, May 14, 2024, by 5:00 p.m.**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 8525 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 8505.5, 8505.7, 8505.13, 8505.15, 8505.16, 8516, 8642, 8646, and 8652, the Board is considering amending section 1970 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, 16 CCR § 1970 details the reporting requirements for both fumigation jobs and pest control operations in order to ensure proper safety standards and establish responsibilities for handling dangerous gases. Additionally, 16 CCR § 1970(c) defines the term "fraudulent act" as used in BPC § 8642.

On March 6, 2017, the United States Environmental Protection Agency (U.S. EPA) revised the federal rule for certification and recertification of applicators of restricted use pesticides under the Code of Federal Regulations Part 171 (40 CFR 171). In California, the Board is the agency responsible for ensuring the regulatory requirements for licensed or certified structural pesticide applicators of restricted use pesticides meet or exceed Federal standards. California laws and regulations pertaining to the certification and recertification of structural pesticide applicators are contained within the Act and 16 CCR. The Board does not currently have regulations to fully implement aspects of the new federal requirements.

This regulatory proposal relocated required information from subsection (a) into a new Standard Structural Fumigation Log (Form number 43M-47, Rev. 6/2023); incorporates Form 43M-47 by reference and deleting subsection (a); adds time of application to the reporting requirements which is an existing industry standard; adds language to gather information about the pesticide used (product name and registration number) in order to identify whether the pesticide applied is restricted use, requires supervision; adds language necessary to ensure that a non-certified applicator (RA) was supervised by a commercial applicator (FR/OPR) during an application; replaces “pesticide control operation” with “structural pest control applications” to clarify that a report pursuant to proposed subsection (a) [former subsection (b)] must be completed for each structural pest control application; adds the word “structural” in front of pest control for consistency; replaces instances of the term “operation” with “application” which is a more widely used and understood term in the industry; replaces gendered language pursuant to Assembly Concurrent Resolution Number 260 of 2018 (ACR 260), which urged state agencies to use gender neutral pronouns and avoid the use of gendered pronouns in drafting regulations; and pluralizing instances of the terms area, pest, and pesticide.

On October 10, 2023, the Board reviewed and approved proposed language for this rulemaking, and authorized staff to proceed with the rulemaking process.

Anticipated Benefits of Proposal

The Structural Pest Control Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state’s environment:

- This regulatory proposal benefits the health and welfare of California residents because it advances consumer and public awareness by requiring disclosure of information such as pesticide product name and registration number when dangerous gases and pesticides are used.

- This regulatory proposal benefits worker safety because it reinforces existing supervision requirements by disclosing the license information of the certified commercial applicator(s) (Field Representative or Operator) who supervised the application of restricted use materials.
- This regulatory proposal does not affect the state’s environment because it does not involve the 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.

INCORPORATION BY REFERENCE

- Standard Structural Fumigation Log (Form number 43M-47, Rev. 6/2023)

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:

The regulations will result in one-time workload and costs of approximately \$500 to update and post the Standard Structural Fumigation Log (Form number 43M-47, Rev. 6/2023) on the Board’s website. Any costs will be absorbed within existing resources.

The 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.

This initial determination is based on the following facts/evidence/documents/testimony or other evidence:

This proposal does not require any significant new expense or reporting, recordkeeping, or compliance measures on the part of businesses.

Licensees are currently required to complete a Standard Structural Fumigation Log for each fumigation job, and a report for each structural pest control application. This proposal does not alter the frequency of reporting, it merely adds information already federally required to the list of items disclosed on the report(s). The new requirements in this proposal are not anticipated to incur additional workload or costs.

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 Structural Pest Control Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Benefits of Regulation:

The Structural Pest Control Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state’s environment:

This regulatory proposal benefits the health and welfare of California residents because it advances consumer and public awareness by requiring disclosure of information such as pesticide product name and registration number when dangerous gases and pesticides are used.

This regulatory proposal benefits worker safety because it reinforces existing supervision requirements by disclosing the license information of the certified commercial applicator(s) (Field Representative or Operator) who supervised the application of restricted use materials.

This regulatory proposal does not affect the state’s environment because it does not involve the environment.

Business Reporting Requirements

The regulatory action does not require businesses to file any additional reports with the Board. Licensees are currently required to complete a Standard Structural Fumigation Log for each fumigation job and gen-

erate a report for each structural pest control application. This proposal maintains the existing reporting schedule and includes federally mandated information to the list of details provided in the report(s).

Effect on Small Business

The proposed regulation may affect small businesses. However, the extent of the impact on small businesses cannot be predicted because the Board does not maintain data relating to the number or percentage of licensees who own a small business.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815, 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 Structural Pest Control Board, at 2005 Evergreen Street, Suite 1500, Sacramento, CA 95815.

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: Sophia Azar
Address: Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone Number: 279-236-2502
Fax Number: 916-263-2469
Email Address: Sophia.Azar@dca.ca.gov

The backup contact person is:

Name: Kathleen Boyle
Address: Structural Pest Control Board
2005 Evergreen Street, Suite 1500
Sacramento, CA 95815
Telephone Number: 279-236-2533
Fax Number: 916-263-2469
Email Address: Kathleen.Boyle@dca.ca.gov

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

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://pestboard.ca.gov/pestlaw/index.shtml>.

**TITLE 23. DELTA STEWARDSHIP
COUNCIL**

**DIVISION 6, ECOSYSTEM REGULATIONS:
AMENDMENT OF SECTIONS 5001, 5002,
5003, 5004, 5005, 5006, 5007, 5008, 5009, 5010,
5011, 5012, 5013, 5014, AND 5015;
ADDITION OF SECTION 5005.1 AND
APPENDIX 3A, APPENDIX 4A, AND
APPENDIX 8A**

NOTICE IS HEREBY GIVEN that the Delta Stewardship Council (Council) proposes to adopt changes to the California Code of Regulations, title 23, division 6, chapter 2, sections 5001 to 5015, inclusive, and appendices after considering all comments, objections, and recommendations regarding the proposed action. The proposed regulations implement provisions of the Sacramento-San Joaquin Delta Reform Act of 2009 (Water Code, § 85000 et seq.) relating to ecosystem protection and management.

I. PROPOSED REGULATORY ACTION

The Council proposes to amend California Code of Regulations, title 23 division 6, sections 5001 to 5015, inclusive, and appendices. By proposing these regulatory amendments, the Council intends to (1) make technical, conforming amendments to section 5001 to 5015, inclusive; (2) make substantive amendments to 5001, 5006, 5007, and 5008; and (3) add section 5005.1, Appendix 3A, Appendix 4A, and Appendix 8A.

II. WRITTEN COMMENT PERIOD
(Gov. Code, §§ 11340.85, subdivision (b); 11346.5,
subdivisions (a)(1), (a)(15))

No later than close of business on May 14, 2024, an interested person or authorized representative may submit written comments regarding this proposed regulation to the Council by postal or electronic mail, addressed as follows:

Electronic Mail

Comments may be submitted electronically to:

deltacouncil.ecosystemrulemaking@deltacouncil.ca.gov

U.S. Mail

Delta Stewardship Council
 Attention: Eva Bush
 715 P Street, 15–300
 Sacramento, CA 95814

III. PUBLIC HEARING

(Gov. Code, §§ 11346.5, subdivision (a)(1);
 11346.8 subdivision (a))

A public hearing is scheduled for May 14, 2024, 4 p.m. to 6 p.m. on the second floor of the California Natural Resources Building at 715 P Street, Sacramento.

The hearing room will be accessible to persons with mobility impairment, and the room can be made accessible to persons with hearing or visual impairments upon advance request to engage@deltacouncil.ca.gov.

IV. AUTHORITY AND REFERENCE

(Gov. Code, § 11346.5, subdivision (a)(2))

The scope of the proposed changes is in California Code of Regulations, title 23, division 6, chapter 2. Pursuant to Water Code sections 85020, 85021, 85210(i), 85211, 85300, 85302, 85308.

INFORMATIVE DIGEST

(Gov. Code, § 11346.5, subdivision (a)(3))

a. **Summary of Existing Laws and Effects of Proposed Action**

The Sacramento–San Joaquin Delta Reform Act of 2009 (Water Code, § 85000 et seq.; the Act) establishes the Delta Stewardship Council (Council), which is required to develop, adopt, and commence implementation of a comprehensive management plan, known as the Delta Plan, for the Sacramento–San Joaquin Delta (Delta). The Act declares it is the intent of the Legislature to provide for the sustainable management of the Delta ecosystem, to provide for a more reliable water supply for the state, to protect and enhance the quality of the water supply from the Delta, and to establish a governance structure that will direct efforts across state agencies to develop a legally enforceable Delta Plan.

The Act, among other things, requires a state or local public agency that proposes to undertake a covered action, and before initiating the implementation of that covered action, to prepare a written certification of consistency with detailed findings as to whether the

covered action is consistent with the Delta Plan and to submit that certification to the Council, as specified.

Current regulations implementing the Delta Plan (Cal. Code Regs., title 23, § 5001 et seq.) define various terms and detail habitat restoration requirements. Chapter 4 of the Delta Plan, Protect, Restore, and Enhance the Delta Ecosystem, and corresponding regulations were originally developed with the expectation that the Bay Delta Conservation Plan (BDCP) would be incorporated into the Delta Plan. In May 2015, State and federal agencies shifted from the BDCP to a portfolio of mitigation projects known as the EcoRestore initiative. This changed the focus of restoration to a single species mitigation approach. Following this shift, the Council amended Chapter 4 of the Delta Plan and adopted policies that form the basis for the proposed regulations amendments governing the ecosystem of the Delta and Suisun Marsh.

These proposed regulations amendments would more specifically do all of the following:

- Require State and local public agencies to disclose contributions for ecosystem function restoration and social benefits provided in the Delta.
- Require the disclosure of cultural, recreational, agricultural, and natural resources benefits anticipated from the completion of a covered action.
- Require State and local public agencies who are proposing a covered action in the Intertidal Elevation Bank and Sea Level Rise Accommodation Band to explain how the covered action will accommodate future marsh migration, anticipated sea level rise, and tidal inundation. If that accommodation is not possible, require an explanation for the exception provided.
- Require State and local public agencies, based on best available science, to explain how the covered action is designed to safeguard against levee failure should it take place in the Shallow Subtidal Elevation Band or the Deep Subtidal Elevation Band, focusing on accounting for future impacts with an added safeguard to reduce flood risk in the Delta.
- Redefine the range of levee projects that are required to be identified and if feasible implement alternatives that expand the floodplain to incorporate the Stanislaus River, Cosumnes River, Middle River, Old River, and Elk Slough while updating and clarifying the language for new flood control work permanent structural changes, or improvements in flood control functions, allowing for future adaptations depending on Delta needs and climate changes.
- Include new defined terms.
- Make technical, conforming changes.

b. Existing Federal Regulations or Statutes

These proposed regulations do not unnecessarily duplicate or conflict with any federal regulations contained in the Code of Federal Regulations.

c. Policy Statement and Anticipated Benefits

The Council proposes to add section 5005.1, Appendix 3A, Appendix 4A, and Appendix 8A and amend sections 5006, 5007 and 5008 based on updated best available restoration science, providing a more systematic approach to planning and adaptive management of activities and investments in the Delta. With these revisions and additions, the Council will be better positioned to fulfill the legislatively required objective of restoring the Delta ecosystem.

The added section 5005.1 would require certifying agencies to complete a new Appendix 3A, to disclose contributions for ecosystem function restoration and social benefits provided in the Delta and the disclosure of cultural, recreational, agricultural, and natural resource benefits anticipated from completion of the covered action. The benefits are greater transparency for the use of public funds while simultaneously allowing other agencies to make decisions regarding the greatest impact of restoration funding.

The revision to section 5006 would require agencies who are implementing a covered action in the Intertidal Elevation Band and Sea Level Rise Accommodation Band to complete a new Appendix 4A and to explain how they will accommodate future marsh migration, anticipated sea level rise and tidal inundation. If the accommodation is not possible, an explanation for the exception would be required. The revisions also would require agencies to explain how the covered action is designed to safeguard against levee failure should the project take place in the Shallow Subtidal Elevation Band or the Deep Subtidal Elevation Band. This revision focuses on regulating future impacts with an added safeguard to reduce flood risk in the Delta.

Section 5007 states that, within priority habitat restoration areas, significant adverse impacts to the opportunity to restore habitat would be required to be mitigated or avoided.

Section 5008 revisions would redefine the range of levees included in the regulation, depicted in a new Appendix 8A, while simultaneously updating and clarifying the language for new flood control work, permanent structural changes, or improvements in flood control functions, which would allow for future adaptations depending on Delta needs and climate changes.

d. Existing State Regulations

The Council has determined this proposed regulation is not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to the subject of this no-

tice, the Council has concluded that these are the only regulations that concerns the amendment and adoption of regulations relating to the ecosystem protection and management of the Sacramento–San Joaquin Delta Reform Act of 2009.

V. EFFECT ON SMALL BUSINESS

(Cal. Code Regs, title 1, § 4)

The proposed regulatory action does not affect small business because the proposed regulations would not affect the ability of businesses in the state to compete by making it more costly to produce goods or services. The proposed regulations do not require additional business reports or the use of specific technologies or equipment and may encourage the expansion of businesses in the state.

VI. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

(Gov. Code, §§ 11346.5, subdivisions (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), (a)(10), (a)(11), (a)(12); 11346.3 subdivisions (b), (d))

- a. **Mandate on Local Agencies and School Districts:** None.
- b. **Costs or Savings to Any State Agency:** None beyond those budgeted or expected to be budgeted by the Council.
- c. **Costs to Any Local Agency or School District:** None.
- d. **Nondiscretionary Costs or Savings Imposed on Local Agencies:** None.
- e. **Costs of Savings in Federal Funding to the State:** None.
- f. **Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:** None.
- g. **Cost Impact on Representative Private Persons or Businesses:** None. The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- h. **Results of the Economic Impact Analysis:**
 - i. **Creation or Elimination of Jobs Within the State:** The increase in State and local agency costs would result in an increase of 1.2 full-time equivalent (FTE) jobs in the state. The decrease in State and local agency costs would result in a decrease of 0.6 FTE jobs in the state. Therefore, the net employ-

ment impact would be an increase of 0.6 FTE jobs.

- ii. **Creations of New Businesses or the Elimination of Existing Businesses Within the State:** The economic impact of the proposed regulations would be an increase in spending on professional services for environmental consulting of \$8,000 per covered action per year, an increase in spending on professional services for engineering of \$200,000 for two covered actions per year, and a decrease in spending on professional services for engineering of \$200,000 for two covered actions per year. These impacts are not expected to be substantial enough to result in the creation or elimination of businesses.
- iii. **Expansion of Businesses Currently Doing Business Within the State:** The net direct impact on businesses providing environmental consulting services would be an increase in revenue of \$100,000 annually. The net direct impact on businesses providing professional services for engineering is \$0.
- iv. **Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:** The proposed regulations would benefit the health and welfare of California residents and protect the environment because they encourage actions that protect existing ecosystems, restore ecosystems and enhance working or urban landscapes that provide habitat resources to species. These approaches can reestablish ecological processes in natural communities to make them more resilient to land conversion and climate change. This proposed regulatory action will not affect worker safety.
- i. **Effect on Housing Costs:** None.
- j. **Costs to Any Local Agency or School District That Must be Reimbursed in Accordance with Government Code sections 17500 through 17630, inclusive:** None.
- k. **Business Report:** None.

VII. CONSIDERATION OF ALTERNATIVES

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

The Council is required to determine that no reasonable alternative it considered or has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the regulatory action is proposed, would be effective and less burdensome to affected private persons that the

regulatory action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

VIII. CONTACT PERSON

(Gov. Code, § 11346.5, subdivision (a)(14))

Inquiries concerning all aspects of the rulemaking process, including the substance of the proposed regulations or other information upon which the rulemaking is based, should be directed to:

Delta Stewardship Council
 Attention: Eva Bush
 715 P Street, 15–300
 Sacramento, CA 95814
ecosystemrulemaking@deltacouncil.ca.gov
 (916) 445–5511

Alternate contact:

Bree Montague
Bree.montague@deltacouncil.ca.gov

IX. AVAILABILITY OF THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS AND RULEMAKING FILE

(Gov. Code, § 11346.5, subdivision (a)(16))

The entire rulemaking file is available for public inspection on the Council’s website or by contacting the contact person listed above. To date, the rulemaking file consists of this notice, the initial statement of reasons, the economic and fiscal impact analysis, and the proposed text of the regulations. A copy of the proposed text and initial statement of reasons are available at no charge by written request to the contact person listed above. The final statement of reasons will be available once it has been prepared.

X. AVAILABILITY OF CHANGED OR MODIFIED TEXT

(Gov. Code, § 11346.5, subdivision (a)(18))

The Council, on its own motions or at the recommendation of any interested person, may amend the proposed text of the regulation after the public comment ends.

If the Council amends its regulatory action, a comparison of the original proposed text and the amendments will be prepared for an additional public comment period of not less than 15 days prior to the date on which the Council adopts, amends, or repeals the existing regulations. A copy of the comparison will be emailed to all persons who submitted written com-

ments or asked to be kept informed of the results of this regulatory action.

XI. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

(Gov. Code, § 11346.5, subdivision (a)(19))

Upon completion, copies of the final statement of reasons may be obtained by contacting the contact person listed above.

XII. INTERNET WEBSITE FOR ELECTRONIC PUBLICATION AND DISTRIBUTION

(Gov. Code, § 11346.5, subdivision (a)(20))

Copies of this notice, the initial statement of reasons, the text of the proposed regulations, and all materials published or distributed by the Council on this regulatory action made be found at the Council's website: www.deltacouncil.ca.gov.

TITLE 24. BUILDING STANDARDS COMMISSION/ENERGY COMMISSION

CALIFORNIA BUILDING ENERGY EFFICIENCY STANDARDS

2025 BUILDING ENERGY EFFICIENCY STANDARDS

CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 1, CHAPTER 10, AND PART 6 (2025 CALIFORNIA ENERGY CODE)

DOCKET NUMBER 24-BSTD-01

INTRODUCTION

Notice is hereby given that the California Energy Commission (CEC) proposes to adopt changes to the Building Energy Efficiency Standards contained in the California Code of Regulations (CCR), Title 24, Part 6 (also known as the California Energy Code) and associated administrative regulations in Title 24, Part 1, Chapter 10, after considering all recommendations, comments, and objections regarding the proposed action. A description of the proposed standards is provided in the Informative Digest below.

PUBLIC HEARING AND ADOPTION BY COMMISSION

The CEC will hold a public hearing for the purpose of hearing comments on the proposed standards at the

date and time listed below. Interested persons, or their authorized representative, may present oral and written statements, arguments, or contentions relevant to the proposed standards at the public hearing.

Public Hearing and Proposed Adoption Date

August 14, 2024

10:00 a.m. (Pacific Time)

REMOTE ATTENDANCE

The public hearing may be accessed by clicking the Zoom link below or visiting Zoom at <https://join.zoom.us> and entering the ID and password for the workshop listed below. If you experience difficulties joining, you may contact Zoom at (888) 799-9666 ext. 2, or the Office of the Public Advisor, Energy Equity, and Tribal Affairs at publicadvisor@energy.ca.gov or by phone at (916) 957-7910.

Link: <https://zoom.us/>

Meeting ID: 938 6923 0237

Passcode: mtg@10am

To participate by telephone dial (213) 338-8477 or 1-888-475-4499 (toll free). When prompted, enter the Webinar ID and password listed above. To comment or ask a question over the telephone, dial *9 to "raise your hand" and *6 to mute/unmute your phone line.

PUBLIC ADVISOR

The CEC's Office of the Public Advisor, Energy Equity, and Tribal Affairs provides the public assistance in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, reach out via email at publicadvisor@energy.ca.gov, by phone at (916) 957-7910. Requests for interpreting services and reasonable accommodations should be made at least five days in advance. The CEC will work diligently to accommodate all requests.

Zoom: If you experience difficulties with the Zoom platform, please contact the Public Advisor's office via email or phone.

MEDIA INQUIRIES

Direct media inquiries to the Media and Public Communications Office to (916) 654-4989 or mediaoffice@energy.ca.gov.

WRITTEN PUBLIC COMMENT PERIOD

The written public comment period for the 2025 Building Energy Efficiency Standards will be held from **March 29, 2024, through May 13, 2024**. Any

interested person, or their authorized representative, may submit written comments to the CEC for consideration on or prior to **May 13, 2024**. The CEC appreciates receiving written comments at the earliest possible date. Comments submitted outside this comment period are considered untimely. The CEC may, but is not required to, respond to untimely comments.

The CEC encourages use of its electronic commenting system. Visit the e-commenting page at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency>, which links to the comment page for this docket. Enter your contact information and a comment title describing the subject of your comment(s). Comments may be included in the “Comment Text” box or attached as a downloadable, searchable document consistent with California Code of Regulations, Title 20, Section, 1208.1. The maximum file size allowed is 10 MB.

Written comments may also be submitted by email. Include docket number 24–BSTD–01 and “2025 Energy Code” in the subject line and email to docket@energy.ca.gov.

A paper copy may be sent to:

California Energy Commission
Docket Unit
Docket Number 24–BSTD–01
715 P Street, MS–4
Sacramento, CA 95814

Written and oral comments, attachments, and associated contact information (including address, phone number, and email address) will become part of the public record of this proceeding with access available via any internet search engine.

To ensure you receive notice of any changes to the proposed regulatory changes in this proceeding, please follow the instructions provided at the end of this notice to join the proceeding email subscriber list or provide a valid email or mailing address with your comments.

POST–HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS

Pursuant to Government Code Section 11346.8, following the written public comment period and the public hearing, the CEC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which CEC adopts, amends, or repeals the regulation(s). The CEC will accept written com-

ments on the modified building standards during the 15–day period.

AUTHORITY AND REFERENCE

The CEC proposes to adopt the regulations under the authority granted by Public Resources Code Sections 25213, 25218, 25218.5, 25402, 25402.1, and 25605.

The CEC proposes to implement, interpret, or make specific Public Resources Code Sections 21080.4, 21153, 25007, 25008, 25218.5, 25310, 25402, 25402.1, 25402.4, 25402.5, 25402.8, 25605, 25910, 25942, and 25943, and Health and Safety Code Sections 18930, 18934, and 18935.

INFORMATIVE DIGEST

Summary of Existing Laws, Regulations and Effect

The Warren–Alquist Act (California Public Resources Code Sections 25001 *et seq.*) establishes the CEC as California’s primary energy policy and planning agency. Public Resource Code Sections 25213, 25402, 25402.1, 25402.4, 25402.5, 25402.8, 25910, 25942, and 25943 mandate and/or authorize that the CEC adopt rules and regulations, as necessary, to reduce the inefficient consumption of energy and water in newly constructed buildings and certain additions and alterations to existing buildings.

One of the ways the CEC satisfies this requirement is through the California Energy Code (California Code of Regulations, Title 24, Part 6) found in the California Building Standards Code, which are adopted pursuant to Health and Safety Code Sections 18930, 18934, and 18935 and, where applicable, the California Environmental Quality Act, California Public Resources Code Sections 21000 *et seq.* The Energy Code includes all the energy efficiency requirements applicable to newly constructed buildings and additions and alterations to existing buildings. As a portion of the California Building Code (Title 24), the Energy Code (Title 24, Part 6) follows the same three–year update cycle.

The CEC is initiating its next triennial rulemaking proceeding for updating the Energy Code, and the CEC proposes to adopt amendments for publication in 2024 with an effective date of January 1, 2026.

The proposed amendments to the 2025 Energy Code would:

- Introduce prescriptive heat pump requirements for select nonresidential existing building types.
- Update prescriptive heat pump requirements, and associated performance baselines, for newly constructed single–family, multifamily, and select nonresidential building types.
- Update solar photovoltaic system standards for residential, nonresidential and hotel and motel buildings.

- Update energy storage standards for high-rise residential, nonresidential, and hotel and motel buildings.
- Increase envelope efficiency standards for residential and nonresidential buildings.
- Increase space conditioning system efficiency and control standards for residential and nonresidential buildings.
- Improve indoor air quality requirements for multifamily buildings by requiring balanced or supply-only ventilation systems and compartmentalization leakage testing, as well as a prescriptive standard for energy/heat recovery ventilation systems with a fault indicatory display.
- Introduce prescriptive heat pump requirements for individual domestic water heating systems serving individual dwelling units in low rise multifamily buildings.
- Establish electric-ready requirements for multifamily domestic water heating systems.
- Simplify standards for multifamily buildings.
- Introduce options for improving efficiency of pool and spa water heating systems.
- Increase daylighting control requirements for nonresidential buildings.
- Increase efficiency standards for laboratories.
- Increase efficiency requirements for controlled environment horticulture buildings.
- Increase efficiency requirements for nonresidential refrigeration systems.
- Establish industrial pipe insulation requirements.
- Establish electric-ready requirements for commercial kitchens.
- Relocate portions of the Alternative Calculation Method Approval Manual pertaining to the application, approval, updates, expiration, and decertification of third-party compliance software to Title 24, Part 1.
- Relocate field verification and diagnostic testing requirements from Title 20 to Title 24, Part 1.
- Make general improvements to the clarity and consistency of existing provisions.

These amendments are significant to the State of California in that they support State clean energy goals, policies, and legislation. These amendments will increase the deployment and grid benefits of on-site renewable energy generation, increase flexibility of energy demand, reduce carbon emissions from new buildings (building decarbonization), reduce growth in energy demand, and ensure that California buildings are as energy efficient as possible while also being technically feasible and cost-effective.

Comparable Federal Statute or Regulations

The CEC has determined that there are no existing comparable federal regulations or statutes.

Policy Statement Overview

The Energy Code helps create long-term economic growth and stability by increasing the disposable income of Californians and California businesses in the longer term. The regulations will increase energy efficiency savings in the state by carrying out the CEC's statutory mandate to provide energy efficiency and conservation standards for newly constructed buildings and certain alterations and additions to existing buildings. By saving large amounts of energy, the standards will make a major contribution in meeting the state's goals for reductions in greenhouse gas emissions.

The CEC estimates that the implementation of the 2025 Energy Code will reduce anticipated statewide electricity demand. This will, in turn, result in a net reduction in the emissions of greenhouse gases, nitrous oxide, sulfur oxides, carbon monoxide, and particulate matter attributable to electricity generation and on-site combustion. Improved air quality as a result of reduced emissions will result in health benefits to Californians and help mitigate costs related to health and other issues associated with climate change. The reduction in statewide electricity demand will also marginally decrease water consumption in the electricity generation sector.

EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The CEC has conducted an evaluation for other state regulations in this area and has determined that the proposed standards are neither inconsistent nor incompatible with existing state regulations.

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

None.

MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The CEC has determined that the proposed regulatory action would not impose a new mandate on local agencies or school districts.

ESTIMATE OF COST OR SAVINGS

The CEC has prepared an estimate in accordance with instructions adopted by Department of Finance, of cost or savings to any state agency, local agency, or school district.

- A. **Cost or savings to any state agency:** Yes. Buildings owned and occupied by state agencies are required to comply with the standards.
- B. **Cost to any local agency required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4:** Buildings owned or operated by local agencies are required to comply with the standards. However, costs of complying with the standards are not required to be reimbursed.
- C. **Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4:** School buildings are covered by the standards, and the administrative regulations of the Division of State Architect require public school buildings to comply with the standards. However, costs of complying with the standards are not required to be reimbursed.
- D. **Other nondiscretionary cost or savings imposed on local agencies:** None.
- E. **Cost or savings in federal funding to the state:** While the CEC receives federal State Energy Program funding for the building standards program, the updates proposed to the standards do not alter or affect the state’s ongoing participation in federal State Energy Program.

INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES, INCLUDING ABILITY OF CALIFORNIA BUSINESSES TO COMPETE WITH BUSINESSES IN OTHER STATES

The CEC has made an initial determination that the proposed regulations are unlikely to have a statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Despite minor competitive impacts to California businesses in the short term, the long-term benefits of the proposed regulations will not disadvantage California businesses from competing with businesses in other states.

On the contrary, California’s Energy Code is part of the California Building Standards Code and therefore, impact nearly all newly constructed buildings, as well as to specific additions and alterations to nearly all existing buildings. Therefore, the Energy Code may eventually impact all business in the state that own

buildings. While there are initial up-front costs imposed by the Energy Code, there are significantly more lifetime savings to residents and businesses across the state who will experience lower energy costs and lower overall costs of ownership.

There are long-term savings that typically more than compensate for initial upfront costs by a significantly positive ratio. Past changes to the Energy Code continue to generate benefits. More simply, the Energy Code helps create long-term economic growth and stability by increasing the disposable income of Californians and California businesses in the longer term. These long-term benefits far outweigh the initial upfront costs and, therefore, California businesses are not disadvantaged in competing with businesses from other states by these regulations. Since the 1970s, California has maintained a deep history of progressive environmental and energy regulations that also save consumers money. Additional facts, data, and evidence supporting this initial determination are included in the CEC’s Economic and Fiscal Analysis (STD. 399) and in the rulemaking docket.

DECLARATION OF EVIDENCE

The basis for the CEC’s findings on economic impacts is that the standards are cost-effective, and therefore will have a beneficial economic impact on the owners and occupants of buildings built to comply with the standards. Evidence for the cost-effectiveness of the standards requirements is contained in the formal rulemaking docket.

DOCUMENTS INCORPORATED BY REFERENCE

The existing Energy Code incorporates a number of industry test standards by reference. The amendments proposed for the 2025 Energy Code include updates to these standards as needed to maintain currency. The following documents are being incorporated by reference into the Energy Code:

AIR-CONDITIONING, HEATING AND REFRIGERATION INSTITUTE

- AHRI Standard 210/240-2023 (2020) Performance Rating of Unitary Air-Conditioning & Air-Source Heat Pump Equipment 2023
- AHRI Standard 340/360-2022 (1-P) Performance Rating of Commercial and Industrial Unitary Air-Conditioning and Heat Pump Equipment 2022
- AHRI Standard 420-2023 (I-P) Performance Rating of Forced-circulation Free-delivery Unit Coolers 2023
- ANSI/AHRI Standard 550/590-2023 (I-P)

Performance Rating of Water–Chilling Packages and Heat Pump Water–heating Packages Using the Vapor Compression Cycle 2023

AHRI Standard 560–2023 (I–P) Performance Rating of Water–cooled Lithium Bromide Absorption Water–chilling and Water–heating Packages 2023

AHRI Standard 1060–2023 (I–P) Performance Rating of Air–to–Air Exchangers for Energy Recovery Ventilation Equipment 2023

AHRI Standard 1240–2017 (R2023) (I–P) Performance Rating of Active Chilled Beams 2017

AHRI Standard 1360–2022 (I–P) Performance Rating of Computer and Data Processing Room Air Conditioners 2022

AIR–CONDITIONING CONTRACTORS OF AMERICA

ANSI/ACCA 2 Manual S–2023 2023

Manual S — Residential Equipment Selection, Third Edition 2023

AAMA/WDMA/CSA

AAMA/WDMA/CSA 101/1.S.2/A440:22 North American Fenestration Standard/Specification for Windows, Doors, and Skylights 2023

AMERICAN CONFERENCE OF GOVERNMENTAL INDUSTRIAL HYGIENISTS

2023 TLVs and BEIs Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices 2023

AMERICAN NATIONAL STANDARDS INSTITUTE

ANSI/AMCA Standard 220–21 Laboratory Methods of Testing Air Curtain Units for Aerodynamic Performance Rating 2021

ANSI/ASSP Z9.5–2022 Laboratory Ventilation 2022

ANSI/NEMA WD 6–2021 Wiring Devices — Dimensional Specifications 2021

AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR–CONDITIONING ENGINEERS (NATIONAL PUBLICATIONS)

ASHRAE GUIDELINE 36–2021 High–Performance Sequences of Operation for HVAC Systems 2021

ANSI/ASHRAE Standard 55–2023 Thermal Environment Conditions for Human Occupancy 2023

ANSI/ASHRAE Standard 62.1–2022 Ventilation and Acceptable Indoor Air Quality 2022

ANSI/ASHRAE Standard 62.2–2022 Ventilation and Acceptable Indoor Air Quality in Residential Buildings 2022

ANSI/ASHRAE 84–2020 Method of Testing Air–to–Air Heat/Energy Exchanger 2020

ANSI–ASHRAE 90.1–2022 Energy Standard for Buildings Except Low–Rise Residential Buildings 2022

ANSI/ASHRAE Standard 154–2022 Ventilation for Commercial Cooking Operations 2022

ASHRAE Handbooks

2023 ASHRAE Handbook — HVAC Applications (I–P) 2023

2020 ASHRAE Handbook — HVAC Systems and Equipment (I–P) 2020

2021 ASHRAE Handbook — Fundamentals (I–P) Fundamentals (I–P) 2021

AMERICAN SOCIETY OF MECHANICAL ENGINEERS

ASME A17.1–2019/CSA B44:22 Safety Code for Elevators and Escalators 2022

AMERICAN SOCIETY FOR TESTING AND MATERIALS/ASTM INTERNATIONAL

ASTM C55–22 Standard Specifications for Concrete Building Brick 2022

ASTM C335/C335M–23 Standard Test Method for Steady–State Heat Transfer Properties of Horizontal Pipe Insulation 2023

ASTM C518–21 Standard Test Method for Steady–State Thermal Transmission Properties by Means of the Heat Flow Meter Apparatus 2021

ASTM C731–15(2022) Standard Test Method for Extrudability, After Package Aging, of Latex Sealants 2022

ASTM C732–22 Standard Test Method for Aging Effects of Artificial Weathering on Latex Sealants 2022

ASTM C836/C836M–18(2022) Standard Specification for High Solids Content, Cold Liquid–Applied Elastomeric Waterproofing Membrane for Use with Separate Wearing Course 2022

ASTM C1167–22 Standard Specification for Clay Roof Tiles 2022

ASTM C1492–22 Standard Specification for Concrete Roof Tile 2022

ASTM C1549–16(2022) Standard Test Method for Determination of Solar Reflectance Near Ambient Temperature Using a Portable Solar Reflectometer 2022

ASTM C1583/C1583M–20 Standard Test Method for Tensile Strength of Concrete Surfaces and the Bond Strength or Tensile Strength of Concrete Repair and Overlay Materials by Direct Tension (Pull–off Method)

ASTM D448–12(2022) Standard Classification for Sizes of Aggregate for Road and Bridge Construction 2022

- ASTM D522/D522M–17(2022) Standard Test Methods for Mandrel Bend Test of Attached Organic Coatings 2022
- ASTM D822/D822M–13(2018) Standard Practice for Filtered Open–Flame Carbon–Arc Exposures of Paint and Related Coatings
- ASTM D2202–00(2023) Standard Test Method for Slump of Sealants 2023
- ASTM D3805/D3805M–16(2023) Standard Guide for Application of Aluminum–Pigmented Asphalt Roof Coatings 2023
- ASTM D5870–22 Standard Practice for Calculating Property Retention Index of Plastics (2016) 2022
- ASTM D6694/D6694M–15(2023) Standard Specification for Liquid– Applied Silicone Coating Used in Spray Polyurethane Foam Roofing 2023
- ASTM E96/E96M–22ae1 Standard Test Methods for Water Vapor Transmission of Materials 2022
- ASTM E1175–87(2022) Standard Test Method for Determining Solar or Photopic Reflectance, Transmittance, and Absorptance of Materials Using a Large Diameter Integrating Sphere 2022
- ASTM E1677–23 Standard Specification for Air Barrier (AB) Material or Assemblies for Low–Rise Framed Building Walls 2023
- ASTM E1680–16(2022) Standard Test Method for Rate of Air Leakage through Exterior Metal Roof Panel Systems 2022
- ASTM E1918–21 Standard Test Method for Measuring Solar Reflectance of Horizontal and Low–Sloped Surfaces in the Field 2021
- ASTM E2178–21a Standard Test Method for Determining Air Leakage Rate and Calculation of Air Permeance of Building Materials 2021
- ASTM E2357–23a Standard Test Method for Determining Air Leakage of Air Barrier Assemblies 2023

CALIFORNIA BUILDING CODE

- 2025 California Building Code 2025
- 2025 California Electrical Code 2025
- 2025 California Fire Code 2025
- 2025 California Historical Building Code 2025
- 2025 California Mechanical Code 2025
- 2025 California Plumbing Code 2025

CALIFORNIA ENERGY COMMISSION

- Appliance Efficiency Regulations 2025
- Alternative Calculation Method (ACM) Manual 2025

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS

- Standards for Insulating Material

COOL ROOF RATING COUNCIL

- CRRC–1 (2023) Product Rating Program Manual 2023

ILLUMINATING ENGINEERING SOCIETY

- IES LM–51–20 Approved Method: Electrical and Photometric Measurement of High Intensity Discharge Lamps 2020

INTERNATIONAL ORGANIZATION FOR STANDARDIZATION

- ISO 7574–4: 1985 Statistical methods for determining and verifying stated noise emission values of machinery and equipment 1985
- ANSI/ASA S12.55–2012/ISO 3745:2012 Acoustics — determination of sound power levels and sound energy levels of noise sources using sound pressure–precision methods for anechoic rooms and hemi–anechoic rooms 2012

INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS

- California Mechanical Code

INTERNATIONAL CODE COUNCIL

- California Building Code (2025) 2025

INTERNATIONAL WINDOW FILM ASSOCIATION

- Architectural Visual Inspection Standard Window Film (reindorsed 2018) 2018

NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION

- NEMA LSD 57–2023 Polyurethane Foam Application: Lighting Equipment 2023

NATIONAL FENESTRATION RATING COUNCIL

- ANSI/NFRC 100–2023 Procedure for Determining Fenestration Product U–factors 2023
- ANSI/NFRC 200–2023 Procedure for Determining Fenestration Product Solar Heat Gain Coefficients and Visible Transmittance at Normal Incidence 2023
- ANSI/NFRC 202–2023 Procedure for Determining Translucent Fenestration Product Visible Transmittance at Normal Incidence 2023
- ANSI/NFRC 203–2020 (R2023) Procedure for Determining Visible Transmittance of Tubular Daylighting Devices 2020
- ANSI/NFRC 400–2023 Procedure for Determining Fenestration Product Air Leakage 2023

NSF INTERNATIONAL (FORMERLY NATIONAL SANITATION FOUNDATION)

- NSF/ANSI/CAN 50–2023e Equipment and Chemicals for Swimming Pools, Spas, Hot Tubs, and Other Recreational Water Facilities 2023

SHEET METAL AND AIR-CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION
ANSI/SMACNA 006-2020 HVAC Duct Construction Standards — Metal and Flexible 2020

UNDERWRITERS LABORATORIES / UL

UL 1598-2021 Standard for Luminaires 2021

UL 1741-2021 Standard for Inverters, Converters, Controllers and Interconnection System Equipment for Use with Distributed Energy Resources 2021

UL 1973-2022 Standard for Batteries for Use in Stationary, Vehicle Auxiliary Power and Light Electric Rail (LER) Applications 2022

UL 2108-2015 (R2023) Low Voltage Lighting Systems 2015

UL 9540-2023 Standard for Energy Storage Systems and Equipment 2023

Upon request, all documents are available for review at the CEC located at 715 P Street, Sacramento, California 95814.

FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE BUSINESS REPORT

The proposed regulations of Part 1, Chapter 10, sections 10-103.3 would impose new reporting requirements on Energy Code Compliance (ECC) providers and ECC independent raters and rater companies.

ECC-Provider:

1. Reporting to the Commission Compliance Document Repository (CCDR)
The proposed regulations will require the ECC-Providers to transmit compliance documentation registered in its data registry no less than once per calendar year to the Commission Compliance Document Repository (CCDR). This reporting requirement will relieve existing annual reporting requirements concerning these registered compliance documents.
2. Quality Assurance Reporting:
 - a. Quarterly Reporting. The proposed regulations will require that the ECC-Provider report each quarter to the CEC a summary of all failed quality assurance audits.
 - b. Annual Reporting. The proposed regulations will require that the ECC-Provider report each year to the CEC.
3. Response to data requests from the CEC: At any time, the Executive Director may request access to or a digital copy of one or more registered compliance documents, associated Compliance Registration Packages, and quality assurance records that an ECC-Provider is required to maintain.

4. Immediate Reporting of Disciplinary Actions. The ECC-Provider will be required to provide written notification of any ECC-Rater or ECC-Rater Company decertification to the Commission within 24 hours of decertification.
5. Summary of ECC-Rater Company and Independent Rater annual reports (see below). This summary will include an aggregation of the total and average costs of services for each type of field verifications and diagnostic tests reported by all ECC-Rater Companies and independent ECC-Raters without any associated identification.

ECC-Rater Company and Independent Rater:

Under the proposed requirements, beginning in June of 2027, the ECC-Provider will submit to the CEC a summary of the annual reports from each ECC-Rater Companies and Independent Raters under its certification. The ECC-Rater Companies and Independent Raters must submit a detailed report annually to the ECC-Provider. These annual reports must include the ECC-Rater Company or independent Rater's continued licensure compliance, employed ECC-Rater certificate status, field verification and diagnostic testing activities, and average cost of services provided.

It is necessary for the health, safety, or welfare of the people of the state, that these regulations, which require a report, apply to businesses.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The CEC has determined that there may be additional incremental costs to an individual homeowner imposed by the Energy Code, however, there are long-term savings that typically repay those costs by a significantly positive ratio making the initial costs for a new single family home buyer to be statistically insignificant.

California's Energy Code is part of the California Building Standards Code and therefore impacts nearly all newly constructed buildings, as well as to certain additions and alterations to existing buildings. As a result, the Energy Code may eventually impact all businesses in the state that own buildings because California's Energy Code applies to buildings built in the state of California. While the increased energy efficiency measures in California's buildings may have short term initial costs, there are long-term benefits from reduced utility costs. For individuals this will result in increased disposable income and for businesses lower costs and potentially additional profit. The proposed standards are cost-effective over the life of the building.

In addition, the CEC estimates that the implementation of the proposed standards will reduce anticipated increases in statewide annual electricity demand and

natural gas consumption. This will, in turn, result in a net reduction in the emissions of greenhouse gases, nitrous oxide, sulfur oxides, carbon monoxide, and particulate matter attributable to electricity generation and on-site combustion (compared to the current Energy Code requirements). Reduced air pollution and reductions in greenhouse gases will result in health benefits to Californians and help mitigate health and other costs associated with climate change. The reduction in statewide electricity demand will also marginally decrease water consumption in the electricity generation sector.

SMALL BUSINESS

The proposed standards will affect small businesses. The Energy Code does not differentiate between a small business and a typical business but rather impact construction that may occur in nearly all public and private buildings in California.

ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION

The CEC has assessed whether and to what extent this proposal will affect the following:

A. The creation or elimination of jobs within the State of California

The CEC has made the initial determination that the proposed regulations for the 2025 Energy Code will result in an estimated 6,215 jobs created and 18 jobs eliminated. Jobs created and eliminated estimates were developed with support from Evergreen Economics using IMPLAN modeling software. The IMPLAN model provides a relatively simple representation of the California economy’ however, it is important to understand that the IMPLAN model simplifies the extremely complex actions and interactions of individual, businesses, and other organizations as they respond to changes in energy efficiency codes. The estimated jobs eliminated are the result of a proposed measure that will increase central water heating pipe efficiency requirements in newly constructed multifamily buildings, which will result in increased costs for builders. This measure results in incremental costs and thereby decreases discretionary income. Therefore, the CEC concludes that the proposal may result in both jobs created and eliminated in California.

B. The creation of new businesses or the elimination of existing businesses within the State of California.

California’s Energy Code is part of the California Building Standards Code and therefore impacts nearly all newly constructed buildings, as well as specific

additions and alterations to existing buildings. As a result, the 2025 Energy Code is expected to eventually impact all businesses in the state that own buildings. While there are initial up-front costs imposed by the Energy Code, there are significantly more lifetime savings to residents and businesses across the state who will experience lower energy costs and lower overall costs of ownership. The Energy Code helps create long-term economic growth and stability by increasing the disposable income of Californians and California businesses in the longer term making it possible that new businesses may be created to provide compliance services and to supply energy efficient products. Therefore, the CEC concludes that the proposal may create some additional business and is unlikely to eliminate existing businesses within the state of California. Given the uncertainty, and the many unknown variables in making these projections, the CEC is conservatively assuming there will be no additional businesses created.

C. The expansion of businesses currently doing business within the State of California.

California businesses producing energy efficient products and technology that meet or exceed the proposed Standards are likely to expand their sales of those products and technologies due to the implementation of these proposed Standards. Therefore, the CEC concludes that businesses currently doing business in California to provide energy-efficient products and services may be expanded.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state’s environment.

Beyond the monetary benefits, the CEC estimates that the implementation of the 2025 Energy Code updates will reduce anticipated increases in statewide annual electricity demand. This will, in turn, result in a net reduction in the emissions of greenhouse gases, nitrous oxide, sulfur oxides, carbon monoxide, and particulate matter attributable to electricity generation and on-site combustion. Improved air quality as a result of reduced emissions will result in health benefits to Californians and help mitigate costs related to health and other issues associated with climate change. The reduction in statewide electricity demand will also marginally decrease water consumption in the electricity generation sector.

The proposed regulations will not adversely affect the health and welfare of California residents, worker safety, or the state’s environment.

**ESTIMATED COST OF COMPLIANCE
OF STANDARDS THAT WOULD
IMPACT HOUSING**

The proposed regulations are required by statute (Public Resources Code § 25402(b)(3)) to be cost-effective when amortized over the economic life of the structure. Increasing energy efficiency in California's buildings through the Energy Code often incurs short term initial costs, largely imposed on California homebuilders and commercial building developers, but results in long-term benefits to large amounts of residents and businesses across the state. For residents and businesses alike, advancing the state's Energy Code results in reduced energy costs, lower overall expenses for renters, lower costs of ownership and thereby lower risks of default for borrowers.

There is significant evidence that the cost increases associated with complying with the Energy Code have no statistically significant impact on median single-family home sale prices.⁵ Initial costs imposed on homebuilders and developers are included as initial costs in B1, but not considered significant enough to impact housing costs in the state. Currently, two identical homes in California — one that complies with the Energy Code that is currently in effect, and another that would comply with this proposed set of regulations — would have the same market value. Notable factors that are known to impact housing costs are neighborhood comparable homes ("comps"), location, home size, age, interest rates, and other economic indicators; the Energy Code does not impact these factors.

CONSIDERATION OF ALTERNATIVES

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

The CEC invites interested persons to present statements, arguments, or data concerning alternatives to the proposed standards at the scheduled hearing or during the written comment period.

**AVAILABILITY OF
RULEMAKING DOCUMENTS**

The CEC maintains a website to facilitate public access to documents prepared and considered as part of this rulemaking proceeding. Documents prepared

by the CEC for this rulemaking have been posted at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency>.

The CEC will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the address below. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the Express Terms, the Initial Statement of Reasons (ISOR), the Economic and Fiscal Impact Statement (STD. 399), any documents relied upon, and any documents incorporated by reference. Copies may be obtained by contacting Corrine Fishman at the phone number below or accessed through the CEC website at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency>.

At the conclusion of the rulemaking, persons may obtain a copy of the Final Statement of Reasons (FSOR), once it has been prepared, by visiting the CEC's website at <https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2025-building-energy-efficiency>.

**CONTACT PERSON FOR PROCEDURAL
AND ADMINISTRATIVE QUESTIONS**

Please direct general inquiries concerning aspects of the rulemaking process including requests for copies of the proposed text (Express Terms), the Initial Statement of Reasons (ISOR), any modified version of the regulations, the substance of the proposed regulations, or any other information upon which the rulemaking is based to:

Corrine Fishman, MA
Regulations Manager
Efficiency Division
corrine.fishman@energy.ca.gov

**PROPOSING STATE AGENCY CONTACT
PERSON FOR SUBSTANTIVE AND/
OR TECHNICAL QUESTIONS ON
THE PROPOSED CHANGES TO
BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Payam Bozorgchami, PE
Senior Civil Engineer
Building Standards Branch
Payam.bozorgchami@energy.ca.gov

INSTRUCTIONS FOR RECEIVING NOTICES AND DOCUMENTS IN THIS PROCEEDING

To stay informed about this project and receive documents and notices of upcoming workshops and hearings as they are filed, please subscribe to the subscription list, which can be accessed at <https://www.energy.ca.gov/subscriptions>.

The subscription list sends out email notifications and direct links when documents and notices are filed in the proceeding docket. If you are unable or do not wish to sign up for the subscription list but still would like to receive documents and notices, please contact the contact person listed above in this notice.

GENERAL PUBLIC INTEREST

AIR RESOURCES BOARD

UPDATED NOTICE OF EFFECTIVE DATES FOR SECTION 2196.2 OF THE HEAVY-DUTY INSPECTION AND MAINTENANCE PROGRAM, TITLE 13, CHAPTER 3.7, SECTIONS 2195 THROUGH 2199.1

The California Air Resources Board (CARB) is revising the effective date California Code of Regulations, title 13, section 2196.2 within the Heavy-Duty Inspection and Maintenance Regulation. The effective date for section 2196.2 will now be October 1, 2024.

Background and Discussion

The Heavy-Duty Inspection and Maintenance (HD I/M) regulation¹ subjects nearly all non-gasoline vehicles with a gross vehicle weight rating over 14,000 pounds that operate in California to periodic emissions testing. These testing requirements help ensure that heavy-duty vehicles operating in California remain equipped with properly functioning emissions controls, and when malfunctioning, that these systems get repaired in a timely manner. Through the repair of malfunctioning emissions control systems, the HD I/M regulation will substantially reduce toxic particulate matter and emissions of oxides of nitrogen from the heavy-duty vehicle sector. This will help reduce air pollution and improve public health across the state, especially in communities disproportionately impacted by heavy-duty vehicle activity.

The HD I/M regulation is being implemented through a multi-phased approach with each phase building on the efforts of the previous one. In January 2023, the regulation began the first implementa-

tion phase with deployments of roadside emissions monitoring equipment to screen for vehicles operating with potentially high emissions. Vehicles identified as potential high emitters receive a Notice to Submit to Testing and are required to submit a passing compliance test to CARB within 30 days of receipt of the notice.

On September 22, 2023, CARB established an effective date of December 31, 2023 for sections 2196.1, subdivision (f), 2196.8, 2197, and 2197.2, subdivision (b), of the HD I/M regulation. This announcement meant that owners of vehicles subject to the HD I/M regulation must report their vehicles to CARB (§ 2197.2(b)) and pay the annual compliance fee (§ 2196.1(f)) by December 31, 2023. Further, the announcement established, through section 2197, that freight contractors, brokers, and applicable freight facilities must verify that vehicles they contract with for services or that enter their facilities are compliant with the HD I/M regulation as of December 31, 2023. Finally, this announcement established that the parts unavailability compliance time extension provisions of section 2196.8 are enacted as of December 31, 2023, to provide vehicle owners a compliance extension mechanism for situations when a repair component necessary to bring a vehicle back into compliance is unavailable.

Before beginning the implementation of the final phase of the program, the HD I/M regulation requires CARB to notify entities of the effective date through publication in the California Regulatory Notice Register at least 90 days prior to the effective date. On December 29, 2023, CARB announced an effective date of April 1, 2024, for section 2196.2 of the HD I/M regulation. Through the publication of this updated notice, CARB is establishing that the effective date for section 2196.2 of the HD I/M regulation will now take effect on October 1, 2024.

As of October 1, 2024, vehicles subject to the HD I/M regulation to pass an emissions compliance test twice per year, except motorhomes and agricultural vehicles, which must pass an emissions compliance test once per year. Following the initial three years of periodic testing requirements, the compliance testing frequency increases to four times per year on October 1, 2027, for vehicles equipped with onboard diagnostics systems.

For further details on these enacted regulatory requirements, refer to CARB’s HD I/M *regulation webpage*².

¹ Cal. Code Regs., title 13, §§ 2195–2199.1

² <https://ww2.arb.ca.gov/our-work/programs/heavy-duty-inspection-and-maintenance-program>.

DEPARTMENT OF FISH AND
WILDLIFE

CSSHAPA CONSISTENCY
DETERMINATION REQUEST FOR
FEDERAL SAFE HARBOR AGREEMENT
WITH BISHOP PAIUTE TRIBE FOR
OWENS PUPFISH
2089-2024-001-01
TRIBAL TRUST LAND SURROUNDED BY
INYO COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on March 18, 2024, that the Bishop Paiute Tribe proposes to rely on a federal safe harbor agreement to carry out a project that may provide a net conservation benefit for Owens pupfish (*Cyprinodon radiosus*), a species protected by the California Endangered Species Act. The proposed project involves the establishment and maintenance of a self-sustaining population of Owens pupfish on Tribal Trust Lands within its historic range. Incidental take of the species could occur from activities associated with maintaining, enhancing, and restoring habitat; operation, management, and maintenance of the water supply and drainage system; monitoring; cultural and ceremonial activities; conducting education and outreach and associated activities; and hosting visitors and school field trips. The Bishop Paiute Tribe will also carry out beneficial management activities that include, but are not limited to, providing and maintaining suitable habitat for the Owens pupfish, allowing translocation of the species to the enrolled property, eradication of non-native species that prey on the Owens pupfish, and the placement and maintenance of educational kiosks and signage on the enrolled property. The proposed project will occur at the Conservation Open Space Area and the Owens Valley Paiute-Shoshone Cultural Center and Museum located on the Bishop Paiute Reservation adjacent to the city of Bishop, Inyo County, California.

The notice requested a CDFW determination pursuant to California Fish and Game Code Section 2089.22, that the federal safe harbor agreement dated March 8, 2024, issued by the U.S Fish and Wildlife Service to the Bishop Paiute, is consistent with the California State Safe Harbor Agreement Program Act (CSSHAPA) for purposes of the proposed project. If CDFW determines the federal safe harbor agreement is consistent with CSSHAPA for the proposed project, the Bishop Paiute Tribe will not be required to obtain a California state safe harbor agreement under Fish and Game Code section 2089 for the project.

DEPARTMENT OF FISH AND
WILDLIFE

CESA CONSISTENCY DETERMINATION
REQUEST FOR
TEN MILE RIVER SOUTH FORK
ENHANCEMENT PROJECT — PHASE 3
2080R-2024-001-01
MENDOCINO COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on March 8, 2024, that The Nature Conservancy proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project is phase 2 in a series of projects to restore and enhance winter refugia and rearing habitat in the lower 1.7 miles of the South Fork Ten Mile River. Proposed activities will include, but are not limited to, the placement of woody structures in the river, creation of wetlands and alcoves, and conversion of a gravel deposit into a multi-threaded wetland/channel complex. The proposed project will occur on a 0.4-mile-long reach that begins around river mile 0.6 of the South Fork Ten Mile River in Mendocino County, California.

The National Marine Fisheries Service (NMFS) issued a federal programmatic biological opinion (PBO) (Service Ref. Number WCR-2015-3755) in a memorandum to the National Oceanic and Atmospheric Administration Restoration Center (NOAA RC) and the U.S. Army Corps of Engineers on June 14, 2016, which considered the effects of the eligible restoration projects on multiple federally listed species. On August 3, 2022, NMFS issued a revised incidental take statement (ITS) for the PBO. On February 9, 2024, NOAA RC determined that the project fits within the scope of the PBO and no other authorization is required for the project to take state and federally endangered central California coast coho salmon (*Oncorhynchus kisutch*) and federally threatened Northern California steelhead (*Oncorhynchus mykiss irideus*), of which the summer-run ecotype is state endangered.

Pursuant to California Fish and Game Code section 2080.1, The Nature Conservancy is requesting a determination that the ITS and its associated PBO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated PBO are consistent with CESA for the proposed project, The Nature Conservancy will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

PETITION DECISION

ENERGY COMMISSION

ORDER NO: 24–0313–05A

STATE ENERGY RESOURCES
CONSERVATION AND
DEVELOPMENT COMMISSION

IN THE MATTER OF:
PETITION FOR RULEMAKING ON NON–
ENERGY BENEFITS AND SOCIAL COSTS

ORDER GRANTING IN PART
AND DENYING IN PART
PETITION FOR RULEMAKING

I. INTRODUCTION AND PROCEDURAL HISTORY

On February 5, 2024, the Center for Biological Diversity, Central California Asthma Collaborative, California Environmental Justice Alliance, Asian Pacific Environmental Network, Greenlining Institute, Local Clean Energy Alliance, Sierra Club California, The Climate Center, Center on Race, Poverty and the Environment, Clean Coalition, 350 Bay Area, GRID Alternatives, The Protect Our Communities Foundation, the BEEP Coalition, the Local Government Sustainable Energy Coalition, and Environment California (Petitioners) filed with the CEC’s Executive Director a petition to initiate a formal rulemaking pursuant to California Code of Regulations, title 20, sections 1221 and 1222.¹ Petitioners request that the CEC institute a rulemaking proceeding regarding how non–energy benefits (NEBs) and social costs are incorporated into CEC planning and decision–making, including the 2025 Senate Bill (SB) 100 report. SB 100 requires, among other things, that the Public Utilities Commission, the CEC, and California Air Resources Board issue a joint report to the Legislature by January 1, 2021, and every 4 years thereafter, that includes specified information relating to the implementation of the policy that renewable energy and zero–carbon resources supply 100 percent of electric retail sales to end–use customers by 2045.

¹ Center for Biological Diversity et al., Petition for Rulemaking to Integrate Non–Energy Benefits and Social Costs into Resource Planning and Investment Decision–Making (Feb. 5, 2024), Docket Number 23–OIR–01, TN# 254486, available at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23–OIR–01>.

The Petitioners specifically request that the CEC “adopt an order to institute a rulemaking proceeding to determine methodologies to integrate [NEBs] and social costs into the CEC’s resource planning and investment decision–making processes,” including any cost–effectiveness determinations made by the CEC.² The Petitioners request that this proceeding inform the development of the SB 100 2025 Joint Agency Report.

The Petitioners further request that the CEC “complete a separate and transparent rulemaking to systematically and comprehensively address” NEBs and social costs in an “iterative process that begins with certain NEBs and social costs, and over time, refines methodologies and includes other NEBs and social costs.”³ Petitioners assert that to accurately reflect the value of NEBs and social costs in the state’s energy procurement decisions, “this rulemaking must develop a methodology that also qualitatively values NEBs and social costs—as standards for resource portfolios to meet—utilizing appropriate lifecycle analyses.”⁴

On February 12, 2024, the Executive Director certified the petition as complete pursuant to California Code of Regulations, title 20, section 1221. On March 6, 2024, CEC staff filed a recommendation that the CEC grant the Petitioners’ underlying request that the CEC address NEBs and social costs in its planning and decision–making, take “other action” on the petition to fulfill this request, and deny the petition to the extent it asks the CEC to issue an Order Instituting a Rulemaking and adopt a regulation pursuant to Government Code sections 11340.6 and 11340.7. CEC staff assert that other action, specifically the issuance of an Order Instituting an Informational Proceeding, would allow for meaningful public engagement and time for the CEC to make well–informed determinations on this important topic.

The CEC considered the petition at its March 13, 2024 Business Meeting.

II. CEC FINDINGS

Based on the entirety of the record, the CEC finds that:

- 1) The petition, filed with the Executive Director on February 5, 2024, meets the requirements of California Code of Regulations, title 20, section 1221.
- 2) The petition requests that the CEC integrate NEBs and social costs into its cost–effectiveness determinations, planning, and decision–making processes. The specific relief sought by petitioners is the issuance of an Order Instituting Rulemaking and the initiation of a formal rulemaking pursuant to the Administrative Procedure Act

² Petition at 1, 30.

³ Petition at 4, 6.

⁴ Petition at 4.

(APA) (Gov. Code section 11346 et seq.). The petition does not propose new regulatory language, identify existing regulatory language to amend, or identify the provisions of the California Code of Regulations requested to be affected, but instead seeks to initiate a process by which to develop such language.

- 3) Government Code section 11340.7(c) requires that the CEC, within 30 days of the petition's filing, either deny the petition and indicate why the agency has reached its decision on the merits or grant the petition and schedule the matter for public hearing in accordance with the rulemaking provisions of the Administrative Procedure Act (Govt. Code section 11346 et seq.). California Code of Regulations, title 20, section 1221(c) interprets this provision and requires either a written denial of a petition for rulemaking, or the issuance of an appropriate order pursuant to California Code of Regulations, title 20, section 1222.
- 4) Petitioners agreed on February 6, 2024, to a 7-day extension of time of the 30-day period to allow the CEC to consider this petition at its regularly scheduled business meeting on March 13, 2024.
- 5) PRC sections 25213 and 25218(e) authorize the CEC to adopt rules or regulations or take any action, as necessary, to carry out its statutory duties. California Code of Regulations, title 20, section 1222 authorizes the CEC to issue orders to institute Informational Proceedings to, among other things, gather and assess information to assist the commission in formulating policies.
- 6) Including non-energy benefits and social costs in CEC analysis and decision-making provides a more holistic understanding of the impacts and benefits of investments and decisions.
- 7) The 2025 Joint Agency SB 100 Report process is evaluating methodologies to utilize in the report analysis.
- 8) To the extent that this petition requests the CEC adopt an Order Instituting a Rulemaking and adopt, amend, or repeal a regulation pursuant to Government Code sections 11340.6 and 11340.7, granting it would subject the CEC to an untenable timeline and foreclose the possibility of meaningful public participation.

III. CONCLUSION AND ORDER

- 1) For the reasons stated above, the CEC hereby
 - a. **GRANTS** the Petitioners' request that the CEC initiate a transparent process to determine methodologies to integrate NEBs and social costs into the CEC's resource planning, processes, and decision-making.

- b. **DETERMINES** an Informational Proceeding to be the appropriate forum for this process, and,

- c. **DENIES** Petitioners' petition to the extent that it requests the CEC adopt an Order Instituting a Rulemaking and adopt, amend, or repeal a regulation pursuant to Government Code sections 11340.6 and 11340.7.

- 2) CEC staff is directed to file this Order and supporting documentation with the Office of Administrative Law in accordance with Government Code section 11340.7(d), and provide any additional information required to submit this decision pursuant to Government Code section 11340.7.

- 3) Any interested person may obtain a copy of the petition by accessing TN# 254486 in CEC Docket Number 23-OIR-01, or by contacting Chad Oliver, Staff Counsel, at (916) 891-8569.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on March 13, 2024.

AYE: Hochschild, Gunda, Monahan, Gallardo

NAY: NONE

ABSENT: McAllister

ABSTAIN: NONE

Dated: March 14, 2024

SIGNED BY:

Kristine Banaag
Secretariat

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Toxic Substances Control
 File # 2024–0305–02
 Conditional Exemption for Undeployed Airbags

In this emergency action, the Department amends its regulations to add definitions for “airbag waste,” “airbag waste collection facility,” and “airbag waste handler.” It further provides airbag waste handlers with a conditional exemption during the transportation of the airbag waste to the airbag waste collection facility.

Title 22
 Amend: 66260.10, 66261.4
 Filed 03/15/2024
 Effective 03/15/2024
 Agency Contact:
 Gabby Nepomuceno (916) 251–8328

Education Audit Appeals Panel
 File # 2024–0306–01
 Supplement to Audits of K–12 Local Education Agencies — FY 2023–24

This emergency rulemaking action adopts the March Supplement to the “Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting” for the 2023–2024 fiscal year.

Title 05
 Amend: 19810
 Filed 03/15/2024
 Effective 03/15/2024
 Agency Contact: Mary Kelly (916) 445–7745

Board of Education
 File # 2024–0130–03
 Criteria and Standards for School Budgets and Interim Reports

This request from the State Board of Education that the Office of Administrative Law file with the Secretary of State and print in the California Code of Regulations amendments to the standards and criteria for fiscal accountability referred to in Education Code section 33127 is granted. Pursuant to Education Code section 33131, these regulations are exempt from the rulemaking requirements of the Administrative Procedure Act.

Title 05
 Amend: 15440, 15441, 15444, 15445, 15448, 15449, 15450, 15451, 15455, 15456, 15457, 15460, 15461, 15464, 15467, 15468, 15469, 15471, 15472, 15473, 15474, 15475, 15483, 15484, 15485, 15486, 15493
 Filed 03/13/2024
 Effective 03/13/2024
 Agency Contact: Lori Adame (916) 319–0860

Bureau of Real Estate Appraisers
 File # 2024–0228–02
 Appraisal Management Company Renewal Application Form Revision Date

This action without regulatory effect amends the revision date of Form REA 5012 to correspond to the date of the most recent amendments to the form in order to address the inadvertent omission of this revision–date change on the form and in the corresponding regulation at the time of the amendments.

Title 10
 Amend: 3681
 Filed 03/14/2024
 Agency Contact: Whitney Spatz (916) 610–9927

Department of Motor Vehicles
 File # 2024–0206–02
 Autonomous Vehicles

This action by the Department of Motor Vehicles adds another method by which autonomous vehicle manufacturers may choose to submit specified documents to the department as a change without regulatory effect.

Title 13
 Amend: 227.30, 227.38, 227.48, 227.50, 228.06
 Filed 03/19/2024
 Agency Contact: Randi Calkins (916) 282–7294

Fish and Game Commission
 File # 2024–0201–04
 Permits for Special Use of Department Lands

This action by the Fish and Game Commission makes changes without regulatory effect by amending permit fees for Permit Applications for Special Use of Department Lands pursuant to Fish and Game Code section 713 and title 14, section 699.

Title 14
 Amend: 702
 Filed 03/15/2024
 Agency Contact:
 Sherrie Fonbuena (916) 653–4899

Board of Registered Nursing
 File # 2024–0201–03
 Continuing Education Requirement; Exemptions

This action amends regulations to align with AB 1407 (2021), reflecting that all new licensees in California must complete one hour of implicit bias continuing education training within the first two years of licensure. This action also bars a licensee from requesting an exemption for implicit bias continuing education course work.

Title 16
Amend: 1452
Filed 03/14/2024
Effective 07/01/2024
Agency Contact: Marissa Clark (916) 574–7438

Civil Rights Council

File # 2024–0205–03

Government Code 11135 et seq. Regulations

This rulemaking action by the Civil Rights Counsel of the Civil Rights Department adopts, amends, and repeals regulations implementing Government Code, section 11135, which prohibits discrimination in state-funded programs or activities based on sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation.

Title 02
Adopt: 14003, 14027, 14028, 14029, 14030, 14050, 14051, 14070, 14071, 14072, 14080, 14081, 14100, 14101, 14125, 14126, 14153, 14180, 14181, 14182, 14183, 14300, 14302, 14303, 14326, 14327, 14328, 14329, 14330, 14331, 14334
Amend: 11140 [renumbered to 14000], 11144 [renumbered to 14001], 11145 [renumbered to 14002], 11146 [renumbered to 14004], 11147 [renumbered to 14005], 11148 [renumbered to 14006], 11149 [renumbered to 14007], 11150 [renumbered to 14020], 11153 [renumbered to 14025], 11154 [renumbered to 14026], 11157 [renumbered to 14052], 11158 [renumbered to 14053], 11171 [renumbered to 14082], 11172 [renumbered to 14083], 11173 [renumbered to 14084], 11175 [renumbered to 14085], 11176 [renumbered to 14086], 11177 [renumbered to 14087], 11178 [renumbered to 14088], 11182 [renumbered to 14301], 11187 [renumbered to 14325], 11189 [renumbered to 14332], 11190 [renumbered to 14333], 11191 [renumbered to 14335], 11192 [renumbered to 14336], 11194 [renumbered to 14337], 11195 [renumbered to 14338], 11196 [renumbered to 14339], 11197 [renumbered to 14340], 11198 [renumbered to 14341], 11199 [renumbered to 14342], 11200 [renumbered to 14343]
Repeal: 11141, 11142, 11143, 11151, 11155, 11159, 11161, 11162, 11165, 11166, 11167, 11168, 11170, 11174, 11180, 11181, 11183, 11184, 11188, 11193
Filed 03/19/2024
Effective 07/01/2024
Agency Contact:
Rachael Langston (916) 809–4371

Civil Rights Department
File # 2024–0206–03
Procedures of Community Conflict Resolution

In this regular rulemaking, the Civil Rights Department is adopting regulations regarding providing assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices as specified in Government Code section 12931.

Title 02
Adopt: 10300, 10301, 10302, 10303
Filed 03/20/2024
Effective 03/20/2024
Agency Contact:
Rachael Langston (916) 809–4371

Department of Food and Agriculture

File # 2024–0208–01

Host List Interior Quarantines

This regular rulemaking action amends six sections of plant quarantine regulations by replacing host lists for Mediterranean Fruit Fly (*Ceratitis capitata*), Peach Fruit Fly (*Bactrocera zonata*), Melon Fruit Fly (*Bactrocera cucurbitae*), Sweetpotato Weevil (*Cylas formicarius elegantulus*), Guava Fruit Fly (*Bactrocera correcta*), and Malaysian Fruit Fly (*Bactrocera latifrons*) printed in those sections with cross-references to where substantively identical host lists for these pests already appear in existing insect pest control eradication area regulations within title 3 of the California Code of Regulations.

Title 03
Amend: 3406, 3424, 3425, 3429, 3441, 3442
Filed 03/14/2024
Effective 07/01/2024
Agency Contact: Rachel Avila (916) 698–2947

Fish and Game Commission

File # 2024–0201–02

Marine Protected Areas, Marine Managed Area

In this rulemaking action, the Fish and Game Commission grants permission for take of marine resources incidental to the operation, maintenance, repair, removal, and replacement within a buffer zone surrounding the existing footprint of artificial structures in certain state marine protected areas.

Title 14
Amend: 632
Filed 03/15/2024
Effective 07/01/2024
Agency Contact: Maurene Trotter (916) 653–4899

Environmental Protection Agency
File # 2024–0202–01
Implementation of the Unified Program

This action amends the Unified Program regulations to include new reporting and other procedural requirements and improve organizational structure and clarity of existing reports and forms. This action is a resubmittal of OAL action number 2023–0803–02S.

Title 27
Amend: 15100, 15110, 15120, 15130, 15150, 15160, 15170, 15180, 15185, 15186, 15186.1, 15187, 15188, 15190, 15200, 15210, 15220, 15240, 15241, 15242, 15250, 15260, 15280, 15290, 15300, 15320, 15330
Repeal: 15270
Filed 03/14/2024
Effective 07/01/2024
Agency Contact: John Paine (916) 327–5092

Speech–Language Pathology and Audiology and
Hearing Aid Dispensers Board
File # 2024–0205–02
SLPA Supervision Requirements

This action updates regulations for supervision of Speech–Language Pathology Assistants (SLPAs). The proposed regulation allows supervising speech–language pathologists “supervisors” to supervise ad-

ditional support personnel as long as they do not supervise more than three “full–time equivalent” support personnel. Additionally, the regulations introduce new provisions for electronic means of supervision.

Title 16
Amend: 1399.170, 1399.170.2, 1399.170.15, 1399.170.16, 1399.170.17, 1399.170.18
Filed 03/19/2024
Effective 07/01/2024
Agency Contact: Maria Liranzo (916) 905–5441

**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.