



# California Regulatory Notice Register

REGISTER 2024, NUMBER 14-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 5, 2024

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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.

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

**PROPOSED ACTION ON REGULATIONS**

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**TITLE 5. BOARD OF EDUCATION**

**CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS**

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

The SBE 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.

**Public Hearing**

The California Department of Education (CDE) staff, on behalf of the SBE, will hold a virtual public hearing at 9:00 a.m. on May 21, 2024.

Any interested person may participate in the public hearing via the videoconference in Zoom by logging in per the following instructions:

- Click the following link or paste the link into the browser to join the videoconference and enter the passcode:

<https://us02web.zoom.us/j/87200092804>

Passcode: 141897

- To connect with audio only and no video, call one of the following telephone numbers and enter the meeting ID and password:

+1 669 900 6833 US (San Jose)

+1 213 338 8477 US (Los Angeles)

Meeting ID: 872 0009 2804

Passcode: 141897

Persons intending to attend the Zoom meeting may check their computers by:

- Clicking on the test link: <https://zoom.us/test>.
- For any issues regarding connecting with Zoom, go to <https://support.zoom.us/hc/en-us> for assistance.

At the hearing, any person may present statements or arguments, orally or in writing, relevant to the pro-

posed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the virtual public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this virtual public hearing.

**REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY**

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Devin Triplett, Assessment Development and Administration Division, 1430 N Street, Sacramento, CA, 95814 or by telephone at 916–319–0803. It is recommended that assistance be requested at least two weeks prior to the hearing.

Pursuant to Government Code (Gov. Code) section 11346.6(a)(3) and (b), because some of these regulations pertain to special education, the following provisions also apply:

Upon request from a person with a visual disability or other disability for which effective communication is required under state or federal law, the CDE shall provide that person a narrative description of the additions to, and deletions from, the regulations. The description shall identify each addition to or deletion from the regulations by reference to the subdivision, paragraph, subparagraph, clause, or subclause within the proposed regulation containing the addition or deletion. The description shall provide the express language proposed to be added to or deleted from the regulations and any portion of the surrounding language necessary to understand the change in a manner that allows for accurate translation by reading software used by the visually impaired.

The CDE shall provide the information described above within 10 business days, unless the CDE determines that compliance with this requirement would be impractical and notifies the requester of the date on which the information will be provided.

Notwithstanding any other law, if information is provided to a requester as described above, the CDE shall provide that requester at least 45 days from the date upon which the information was provided to the requester to submit a public comment regarding the proposed regulation. The CDE shall not take final action to adopt the regulation until the requester has submitted a public comment or the extended 45–day comment period expires, whichever occurs first.

### WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action to:

Lorie Adame, Regulations Coordinator  
Administrative Support and Regulations Adoption Unit  
California Department of Education  
1430 N Street, Suite 5319  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916–322–2549 or by email to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to or on May 21, 2024. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

### AUTHORITY AND REFERENCE

Authority: section 33031, 60605 and 60640, Education Code.

References: sections 60605, 60640, 60641 and 60642.5, Education Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill Number 484 (Stats. 2013, chapter 489; hereafter AB 484) authorized a new statewide testing program, the California Assessment of Student Performance and Progress (CAASPP) System. Provisions of AB 484 took effect in January 2014. Pursuant to Education Code (EC) section 60640, the CDE has updated the CAASPP System since 2014 to include the following assessments: the California Science Test (CAST), aligned with the California Next Generation Science Standards (CA NGSS); the California Alternate Assessments (CAAs) for English Language Arts (ELA), Mathematics, and Science, aligned with the Core Content Connectors; and the California Spanish Assessment (CSA), aligned with the Common Core State Standards en Español. CAASPP test results are used to improve teaching and learning in schools and local educational agencies (LEAs) in California. In addition, the CAASPP tests are developed, administered, and reported in accordance with federal requirements.

As required by EC section 60640(q), California Code of Regulations title 5 (5 CCR) sections 850 through 864 were amended to conform to the State’s testing regulations for the CAASPP System for the first operational administration of the CAASPP, which occurred in the 2014–2015 school year. Subsequent

amendments were adopted on an emergency basis and through the regular rulemaking process for the second operational year of the CAASPP in 2015–2016, the third operational year of the CAASPP in 2016–2017, the fifth operational year of the CAASPP in 2018–2019, and in the seventh operational year of the CAASPP in 2021–2022.

All CAASPP assessments are administered within a CAASPP LEA testing window designated by each LEA within the larger CAASPP state testing window. Per 5 CCR section 855, the LEA testing window may begin on the day in which 66 percent of the school’s or track’s annual instructional days have been completed, but no earlier than the start of the state testing window, and testing may continue up to and including the last day of instruction for the regular school’s or track’s annual calendar, but no later than the end of the state testing window.

The state testing window for all CAASPP assessments—with the exception of the CAA for Science—begins no earlier than the second Tuesday in January of each year. The state testing window for the CAA for Science begins on a date in September as determined by the CDE so that each of the CAA for Science performance tasks can be embedded within the instruction relevant to each performance task. Currently, per 5 CCR section 855, the state testing window for all CAASPP assessments ends each year on July 15, or on the weekday following July 15 if July 15 was not a weekday.

Following the end of the CAASPP state testing window, the CDE’s testing contractor, ETS, moves all tests that have not been completed to the post-administration processes of scoring and reporting. Prior to the public release of all aggregate results to the at <https://caaspp-elpac.ets.org>, ETS and the CDE will conduct a series of quality control processes to ensure that all individual and aggregate data reported is correct.

In September 2023, Governor Newsom signed Senate Bill (SB) Number 293, which amended EC section 60641 to require the CDE to make statewide summative CAASPP results publicly available on or before October 15 each year and for the SBE’s calendar for delivering results to the CDE to be consistent with that deadline. In order for the CDE and ETS to have sufficient time to complete all necessary post-administration processes prior to the public release of results on or before October 15, the CDE finds it necessary that 5 CCR section 855 be amended to indicate that the CAASPP state testing window close no later than June 30 each year. The CDE and ETS have reviewed data from prior years’ test administration and have confirmed that only a few LEAs have selected testing windows that end in July and no tests have been administered in the time between June 30 and July 15 in

prior years, so this change will have little to no effect on LEAs’ administration of assessments.

The proposed amendments to the CAASPP regulations for 2023–2024 were needed on an emergency basis, so emergency regulations were implemented to ensure that 2023–2024 CAASPP results are publicly reported on or before October 15, in accordance with the recent amendments to EC section 60641. These proposed amendments will make permanent the earlier changes made in the emergency regulations to ensure that future CAASPP results will be publicly reported on or before October 15, in accordance with the recent amendments to EC section 60641.

**Policy Statement Overview**

The proposed amendments for CAASPP regulations for 2023–2024 are designed to ensure that all CAASPP results are publicly reported on or before October 15 each year, in accordance with the recent amendments to EC section 60641. Additionally, the proposed amendments support increased local control, and strengthen an LEA’s ability to access achievement results in a timely manner so that achievement data can be used for the purposes for guiding instruction, gauging students’ readiness for career and college, and for meeting state and federal accountability requirements.

**Anticipated Benefits of the Proposed Regulation**

The anticipated benefit of enacting the proposed amendments is that the CDE and ETS will have sufficient time to effectively, consistently, and reliably complete all post-administration processes — including annual scoring, reporting, and quality control processes — prior to the public release of aggregate CAASPP results on or before October 15, as required by EC section 60641. Additionally, the proposed amendments support increased local control, and strengthen an LEA’s ability to access achievement results in a timely manner so that achievement data can be used for the purposes for guiding instruction, gauging students’ readiness for career and college, and for meeting state and federal accountability requirements.

**Evaluation of Inconsistency/Incompatibility with Existing State Regulations**

An evaluation of the proposed regulations has determined they are not inconsistent/incompatible with existing regulations, pursuant to Government Code section 11346.5(a)(3)(D). After conducting a review for any regulations that would relate to or affect this area of law, the SBE has concluded that these are the only regulations that concern the CAASPP regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

The SBE has made the following initial determinations:

*Other statutory requirements:* There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

*Mandate on local agencies and school districts:* No.

*Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code:* None.

*Cost or savings to any state agency:* None.

*Other non-discretionary costs or savings imposed on local agencies, including local educational agencies:* None.

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

*Effect on housing costs:* None.

*Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states:* None because the amendments only concern the CDE, ETS, and LEAs, and will not cause adverse economic impact to California businesses.

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

*Report required:* The proposed regulations do not require a report to be made.

*Effect on small businesses:* The proposed regulations would not have an effect on any small business because the amendments are made to aspects of existing regulations that will not impose new or additional work on the LEAs or impact small businesses in any way.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

**Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment — Gov. Code section 11346.5(a)(10):** The SBE concludes that it is unlikely that these proposed regulations will: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

**Benefits of the Proposed Action:** The proposed regulations will not benefit the health of California residents, worker safety and the State’s environment, but it will benefit the welfare of California students by ensuring the CDE and ETS will have sufficient time to effectively, consistently, and reliably complete all post-administration processes before the required public release on or before October 15 pursuant to EC

section 60641. Moreover, the proposed regulations will support increased local control, and strengthen an LEA's ability to access achievement results in a timely manner so that achievement data can be used to guide instruction, gauge California students' readiness for career and college, and to meet state and federal accountability requirements.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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 SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of these proposed regulations should be directed to:

Devin Triplett, Education Programs Consultant  
Assessment Development and Administration  
Division  
California Department of Education  
1430 N Street, Suite 4409  
Sacramento, CA 95814  
Telephone: 916-319-0803  
Email: [DTriplett@cde.ca.gov](mailto:DTriplett@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to Lorie Adame, Regulations Coordinator, or the backup contact person, Gerri White, Analyst. The Regulations Coordinator and the Analyst may be reached by email at [regulations@cde.ca.gov](mailto:regulations@cde.ca.gov) or by telephone at 916-319-0860.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS AND INFORMATION

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons (ISOR), the agenda and a recording of the SBE meeting where the SBE approved com-

mencement of this rulemaking activity, and Fiscal and Economic Impact Statement (STD. 399). These documents upon which the proposed action is based may be obtained upon request from the Regulations Coordinator. In addition, this Notice, the text of the proposed regulations and the ISOR may also be viewed on CDE's website at <http://www.cde.ca.gov/re/lr/rr/>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available to the public for at least 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations. The SBE will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

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 Regulations Coordinator.

#### 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 highlighted, as well as the Final Statement of Reasons, when completed, and modified text, if any, can be accessed via CDE's website at <http://www.cde.ca.gov/re/lr/rr/>.

**TITLE 13. DEPARTMENT OF MOTOR VEHICLES**

**COMMERCIAL DRIVER’S LICENSES**

The Department of Motor Vehicles (department) proposes to amend Sections 28.19 in Article 2.1, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to medical certificates required of commercial drivers.

**PUBLIC HEARING**

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

**DEADLINE FOR WRITTEN COMMENTS**

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

**AUTHORITY AND REFERENCE**

The department proposes to adopt/amend/peel these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code sections 12804.9, 12527, 13369, 13372 and 15275.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Current law requires commercial drivers to meet federal physical qualification standards and have a medical certificate in their possession. A person applying for a commercial class A, B, commercial class C, or an ambulance driver certificate, is required to provide the department with a Medical Examiner’s Certificate, form MCSA 5876, and a Medical Examination Report, form MCSA 5875, both of which are required to be completed and signed by a healthcare professional whose name appears on Federal Motor Carrier Safety Administration’s (FMCSA) National Registry of Certified Medical Examiners (NRCME).

Once the commercial driver’s license applicant has the approved medical documentation, they can continue with the application process. Commercial drivers who do not meet the minimum federal medical standards may be restricted to driving intrastate only.

Effective June 23, 2025, medical examiners are required to report the results of the driver’s physical examinations to FMCSA by midnight of the day following the examination. FMCSA will transmit the examination results to the department via new Commercial Driver License Information System (CDLIS) messaging via the NRCME.

Due to the change in federal rules, the department is proposing to amend Section 28.19 in Article 2.1, to make clear that, beginning June 23, 2025, the Medical Examiner’s Certificate will be submitted to the NRCME by a certified medical examiner listed on the National Registry of Certified Medical Examiners. Once received by the NRCME, the NRCME will notify the department via new CDLIS messaging. Commercial driver’s license applicants and license holders have been submitting their medical evaluation documentation to the department directly. The amendment is necessary to ensure the regulated parties are aware that they will no longer be responsible to provide their medical information to the department. Furthermore, the rule is amended to make clear that a driver applying for a class A, B, or commercial class C license who does not meet the physical qualification standards, can still use the Medical Examination Report, form MCSA 5875, for consideration of obtaining an intrastate restricted license.

**BENEFITS OF THE PROPOSED REGULATION**

The federal rules will require physical examination results to be transmitted from the FMCSA to the state electronically. This change is expected to reduce the submission of falsified medical evaluations and ensure that only drivers who have been proven to be medically qualified are issued commercial driver’s licenses.

**CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS**

The department has conducted a review of similar regulations and has determined that this action is neither inconsistent nor incompatible with any existing regulations.

**COMPARABLE FEDERAL STATUTES OR REGULATIONS**

This proposed action implements the requirements of federal regulations related to the process by which

a commercial driver's medical examination report is transmitted to the FMCSA and to the department. This proposed action is consistent with federal regulations and provides clarification of the federal rules as they relate to California drivers.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

There are no documents incorporated by reference. The proposed action references to forms that are controlled by the Federal Motor Carrier Safety Administration. The department has no discretion related to the contents of the form, revisions made to the forms, or the method by which the forms are submitted to the FMCSA either by the commercial driver's license holder or on behalf of the commercial driver's license holder.

**ECONOMIC AND FISCAL  
IMPACT DETERMINATIONS**

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

- *Cost or Savings to Any State Agency:* None.
- *Other Non-Discretionary Cost or Savings to Local Agencies:* None.
- *Costs or Savings in Federal Funding to the State:* None.
- *Effects on Housing Costs:* None.
- *Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.:* None.
- *Cost Impact on Representative Private Persons or Businesses:* The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- *Small Business Impact:* This proposed regulation is not likely to impact small businesses. The proposed rule is related to medical certificates for commercial drivers.
- *Local Agency/School District Mandate:* The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- *Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states:* The department does not anticipate this action will have a significant statewide adverse economic impact directly affecting

businesses or the ability of California to compete with businesses in other states. This proposed action amends the medical certificate regulations to ensure they are consistent with recent changes made to the federal rules for physical examination standards of commercial drivers. The rules are specific to the commercial driver's license issuance process and are unrelated to businesses.

**RESULTS OF THE ECONOMIC  
IMPACT STATEMENT**

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

The department has made the initial determination that this action will not impact, 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This action will benefit the welfare of California residents by adopting a federally mandated medical evaluation submission process that will reduce instances of fraudulent medical certificates being submitted to the department. The department anticipates the changes in this proposed action will promote safer roadways in California by ensuring that drivers who meet physical qualification standards are issued commercial driver's licenses.

**PUBLIC DISCUSSIONS OF  
PROPOSED REGULATIONS**

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

**ALTERNATIVES CONSIDERED**

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



**CONTACT PERSON**

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

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

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

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

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

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

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

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

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

**AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficient-

ly related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

**TITLE 14. DEPARTMENT OF FISH AND WILDLIFE**

NOTICE IS HEREBY GIVEN that the Department of Fish and Wildlife (Department), proposes amendments to Section 132.8 to Title 14, California Code of Regulations (CCR), for the Risk Assessment Mitigation Program (RAMP) 2024 program revision affecting the commercial Dungeness crab fishery.

RAMP is a dynamic management framework that assesses and manages marine life entanglement risk associated with the Dungeness crab fishery. The program specifically provides for delegation to the Department’s Director informed management responses to reduce and mitigate entanglement risk for humpback whales, blue whales, and Pacific leatherback sea turtles (collectively “Actionable Species”). This proposal modifies the RAMP regulations that originally went into effect November 1, 2020 based on four seasons’ worth of implementation experience, as well as feedback from the California Dungeness Crab Fishing Gear Working Group (Working Group) and other stakeholders, and updated guidance from the National Marine Fisheries Service (NMFS).

Fish and Game Code (FGC) Section 8276.1 provides the Department with the authority to adopt and implement RAMP, and empowers the Director of the Department (Director) to restrict the Dungeness crab fishery under RAMP.

The proposed RAMP amendments contain the following summarized changes:

1. Adjust definition of Confirmed Entanglement through removal of Impact Score, and how it is calculated,
2. Clarify management areas under RAMP,
3. Adjust decision making considerations and timing for Management Actions,
4. Clarify reporting requirements and requirements for electronic monitoring,
5. Provide specifications for Dungeness crab fishing gear identification, and
6. Clarify types of limitations or conditions in authorizing Alternative Gear

After consideration of all public comments, objections, and recommendations regarding the proposed action, the Department may adopt the proposed regulations.

### PUBLIC HEARING

A virtual public hearing is scheduled by as follows:

Date: Tuesday, May 21, 2024  
Time: 10 a.m. to 12 p.m. (meeting details will be made available on the Whale Safe Fisheries Page: [wildlife.ca.gov/Conservation/Marine/Whale-Safe-Fisheries](http://wildlife.ca.gov/Conservation/Marine/Whale-Safe-Fisheries))  
Location: Teleconference and Webinar

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to the Department. All written comments must be received by the Department via mail, or email, no later than **Tuesday, May 21, 2024**, to the contact as follows:

California Department of Fish and Wildlife  
Regulations Unit  
Attention: Chelle Temple–King, Sr.  
Environmental Scientist  
P.O. Box 944209  
Sacramento, CA 94244–2090  
Email: [Regulations@wildlife.ca.gov](mailto:Regulations@wildlife.ca.gov)

### AUTHORITY AND REFERENCE

Authority: Section 8276.1, Fish and Game Code.  
Reference: Sections 8276, 8276.1, 8276.5, 9002.5, 9008, Fish and Game Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Unless otherwise specified, all section and subsection references in this document are to Title 14 of the California Code of Regulations (CCR). Furthermore, unless otherwise specified, “Dungeness crab fishery” refers to the California commercial Dungeness crab fishery.

The California Department of Fish and Wildlife (Department) adopted the Risk Assessment and Management Plan (RAMP) regulation in 2020 to reduce and mitigate the entanglement risk for humpback whales, blue whales, and Pacific leatherback sea turtles (Actionable Species) posed by the Dungeness crab fishery. Under RAMP, management responses will trigger whenever a confirmed entanglement of Actionable Species occurs, or the observed number

of an Actionable Species reaches specific thresholds within any of the seven prescribed management area (Fishing Zone) along the state’s coast. The Director of the Department (Director) will also take management actions whenever the number of confirmed entanglements for an Actionable Species reaches specific state-wide thresholds. Under several of these conditions, the Director is required to delay the fishery or close it early. Once the Dungeness crab fishery is closed within a Fishing Zone, only specific fishing gear designed to reduce entanglement risk that have been approved by the Department (Alternative Gear) may be used in such zones.

It has been over three years since the RAMP regulation, codified as Section 132.8, first went into effect, and it has since been implemented for three fishing seasons for the Dungeness crab fishery. The amendments proposed here are based on the Department’s experience implementing Section 132.8 as well as feedback from stakeholders and federal counterparts.

1. Definition and calculation for Confirmed Entanglement:
  - a. Clarify that an Actionable Species entanglement involving California commercial Dungeness crab gear observed anywhere will be considered as a Confirmed Entanglement (subsection (a))
  - b. Clarify that an Actionable Species entanglement in Unknown Fishing Gear will count as a Confirmed Entanglement only if it is reported from a Fishing Zone off California (subsection (a))
  - c. Clarify that Confirmed Entanglements will be assigned based on information provided by the NMFS, and will be made when sufficient data are available, but no longer than on a quarterly basis (subsection (a))
  - d. Remove provision pertaining to Confirmed Entanglements involving multiple fisheries (subsection (a))
  - e. Simplify Confirmed Entanglement’s calculation by repealing the concept of Impact Score (subsections (a) & (c))
  - f. An unidentifiable gear will be considered as Unknown Fishing Gear unless the gear in question is entirely inconsistent with a Dungeness crab trap (subsection (a))
  - g. Phase out assignment of Confirmed Entanglements in Unknown Fishing Gear to the Dungeness crab fishery based on a new line marking requirement (subsection (c) & (h))
2. Management areas under RAMP:

- a. Specify that Fishing Zones extend to all “Ocean Waters” within the specified area (subsection (a))
  - b. Remove the concept of “Fishing Grounds” and apply the 100–fathom boundary to only the Marine Life Concentration surveys (subsections (a), (c), and (d))
  - c. Defines “Ocean Waters” (subsection (a))
  - d. Remove Fishing Zones 6 & 7 (subsection (a))
3. Management Actions:
- a. Move the start time of risk assessments from November 1 to October 15 and discontinue assessment once a Fishing Zone has been closed for the rest of the season (subsection (b))
  - b. Clarify that a management action will remain in effect until it is revoked (subsection (b))
  - c. If a Fishing Zone is closed for the season, only approved Alternative Gear can be used in that zone for the rest of the season (subsections (b) & (e))
  - d. Institute revised Confirmed Entanglement thresholds to align with Endangered Species Act (ESA) and anticipated requirements under an ITP (subsection (c))
  - e. The validity of a survey for risk assessment no longer expires after a specified period of time (subsection (c))
  - f. Elevate a management action’s effectiveness at minimizing entanglement to its primary goal (subsection (d))
  - g. Consolidate the spatial data on the Actionable Species under one subsection and explicitly allow the consideration of data in areas adjacent to Fishing Zones (subsection (d))
  - h. Extend consideration of entanglement pattern from only the ongoing calendar year and Fishing Season to prior years and seasons as well while crafting management actions (subsection (d))
  - i. Remove Fleet Advisory as a management action (subsection (e))
  - j. Add restrictions to the amount of surface gear and mandatory active tending of crab gear as a possible management actions (subsection (e))
  - k. Update fishery closure requirements by clarifying that all fishing gear must be removed from a closed Fishing Zone by the effective date of the fishery closure; crabs from delayed or closed zones cannot be taken, possessed, sold, or landed, with special stipulations for crabs taken from these zone(s) right before closure (subsection (e))
4. Reporting
- a. Further clarify that all Dungeness crab permit holders, whether they are using traditional or Alternative Gear, must submit the biweekly report when they have gear in any Fishing Zone(s); reports are due on the first and sixteenth of each month, and may be submitted through a Department provided form in addition to email or text (subsection (g))
  - b. Biweekly report now includes the due dates and number of newly lost traps known to each permit holders (subsection (g))
  - c. Requiring an end–of–season report due two weeks following the submission of each permit holder’s last biweekly report of a Fishing Season documenting the traps lost during that season and their associated buoy tags (subsection (g))
  - d. Update requirements for electronic monitoring systems by commercial Dungeness crab vessels when RAMP management measures are in place; monitoring systems must be able to track vessel accurately without interruption; tampering is prohibited, and any interruption must be reported and corrected before fishing can resume (subsection (g))
5. Dungeness crab fishing gear identification
- a. Each main buoy must be legibly marked to identify the fishery and the operator (subsection (h))
  - b. Requiring trap line marking to identify the gear belonging to the Dungeness crab fishery (subsection (h))
6. Alternative Gear
- a. Further stipulate the types of limitations or conditions that may be attached to the authorization of an Alternative Gear (subsection (i))
- Benefits of the Proposed Regulations**
- This proposal clarifies existing RAMP language, particularly those pertaining to Confirmed Entanglements, and improves the program’s enforceability. The proposal also promotes compliance with ESA, simplifies the geographic aspect of the program, improves the efficiency and predictability of the risk assessments, improves program flexibility by introducing two new management tools, improves data collection by updating the biweekly reporting requirement, implements new marking requirements to improve information quality and help phase out the use of Unknown

Fishing Gear, improves the integrity of the electronic monitoring program, and finally to build out the conditions for Alternative Gear authorization and use.

**Consistency and Compatibility with Existing Regulations**

The Legislature has delegated authority to the Department to adopt regulations establishing criteria and protocols to evaluate and respond to risk of marine life entanglement in the commercial Dungeness crab fishery (Section 8276.1 of the Fish and Game Code). The Department has reviewed existing regulations in Title 14, CCR and finds that the proposed regulations are neither inconsistent nor incompatible with existing State regulation. Department staff have searched the CCR and has found that other than Section 132.8, no other State regulations implement measures to reduce marine life entanglement in commercial Dungeness crab fishing gear.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

Title 50, Code of Federal Regulations (CFR) Part 660, sections 660.71 through 660.73:

Section 660.71, CFR (last revised March 1, 2023) — Latitude/longitude coordinates defining the 10–fm (18–m) through 40–fm (73–m) depth contours, available from: [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8fe553043a533fe4f08397bdb91bef85&mc=true&r=PART&n=pt50.13.660#se50.13.660\\_171](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8fe553043a533fe4f08397bdb91bef85&mc=true&r=PART&n=pt50.13.660#se50.13.660_171)

Section 660.72, CFR (last revised December 1, 2023) — Latitude/longitude coordinates defining the 50 fm (91 m) through 75 fm (137 m) depth contours, available from: [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8fe553043a533fe4f08397bdb91bef85&mc=true&r=PART&n=pt50.13.660#se50.13.660\\_172](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8fe553043a533fe4f08397bdb91bef85&mc=true&r=PART&n=pt50.13.660#se50.13.660_172)

Section 660.73, CFR (last revised December 1, 2023) — Latitude/longitude coordinates defining the 100 fm (183 m) through 150 fm (274 m) depth contours, available from: [https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8fe553043a533fe4f08397bdb91bef85&mc=true&r=PART&n=pt50.13.660#se50.13.660\\_173](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=8fe553043a533fe4f08397bdb91bef85&mc=true&r=PART&n=pt50.13.660#se50.13.660_173)

**IMPACT OF THE REGULATORY  
ACTION/RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT**

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

The Department does not anticipate that the proposed action will have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because west coast states with commercial Dungeness crab fisheries are developing or have similar mitigation programs in effect. The proposed changes provide improved enforceability and clarification of existing regulations that aid in the continued preservation of marine resources, while endeavoring to minimize interruptions to commercial harvest opportunities and thus, the prevention of adverse economic impacts.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment:

The Department does not anticipate adverse impacts on the creation or elimination of jobs within the state given that the proposed amendments are to the existing RAMP program, with improvements that include consideration of other management actions as options. The Department does not anticipate adverse impacts on the creation of new business, the elimination of existing businesses or the expansion of businesses in California. The proposed changes are to provide improved enforceability and clarification of existing regulations that are not anticipated to change the annual level of harvest activity, and thus the demand for goods and services related to marine resource harvest that could impact the demand for labor, nor induce the creation of new businesses, the elimination, nor the expansion of businesses in California. The Department does not anticipate any benefits to the health and welfare of California residents or to worker safety. The Department anticipates benefits to the State’s environment indirectly through improved accuracy in information collected for the betterment of marine resources management, which improves fish stocks and the marine ecosystems.

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

The Department is aware of cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed

action. Dungeness crab permit holders are anticipated to have some additional gear–marking and EM costs, and some increases in reporting time (see STD399 and Addendum).

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

#### EFFECT ON SMALL BUSINESS

The proposed regulation may affect small business. It is reasonable to presume that the permit holders and a large share of businesses that support the Dungeness crab fleet harvest and distribution are small businesses. New compliance requirements and other changes to the regulations would increase the success of RAMP to achieve its goal in trying to avoid entanglement by Actionable Species. In light of the available evidence, Department staff could not identify reasonable alternatives that would lessen adverse impact on small business and still achieve the goals of this proposal.

#### CONSIDERATION OF ALTERNATIVES

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

#### AVAILABILITY OF RULEMAKING DOCUMENTS AND CONTACT PERSONS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Department website at <https://wildlife.ca.gov/notices/regulations/>.

The proposed text (the “express terms”) of the regulations, as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review at 715 P Street, Sacramento, CA 95814 (17<sup>th</sup> floor). The rulemaking file will be available electronically upon request by contacting the

Department at [Regulations@wildlife.ca.gov](mailto:Regulations@wildlife.ca.gov). Inquiries concerning the regulatory process or requests for documents should be directed to:

California Department of Fish and Wildlife,  
Regulations  
Attention: Chelle Tempe–King, Sr. Environmental Scientist  
P.O. Box 944209  
Sacramento, CA 94244–2090  
916–902–9223  
Email: [Regulations@wildlife.ca.gov](mailto:Regulations@wildlife.ca.gov)

Inquiries concerning the subject matter or substance of the proposed action should be directed to:

California Department of Fish and Wildlife,  
Marine Region  
Attention: Ryan Bartling, Sr. Environmental Scientist Supervisor  
3637 Westwind Boulevard  
Santa Rosa, CA 95403  
Phone: (415) 761–1843  
Email: [Whalesafefisheries@wildlife.ca.gov](mailto:Whalesafefisheries@wildlife.ca.gov)

As of the date this notice is published, the rulemaking file consists of:

1. STD Form 400: Notice of Proposed Action
2. Initial Statement of Reasons
3. Proposed Text of the Regulation: Amendment of Section 132.8, Title 14, CCR and Documents Incorporated by reference
4. Economic and Fiscal Impact Assessment (Form STD 399) and addendum
5. Documents or Reports Supporting the Proposed Regulation Change

#### AVAILABILITY OF DOCUMENTS ON THE INTERNET

The rulemaking file is available online at: <https://wildlife.ca.gov/notices/regulations/ramp2024>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received by the Department, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Chelle Tempe–King (see above for further contact information).

The Department would 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 checking the website at the link provided above or contacting Chelle Temple-King (see above for further contact information).

## TITLE 16. BOARD OF PSYCHOLOGY

### INACTIVE STATUS OF PSYCHOLOGICAL ASSOCIATE REGISTRATION

**NOTICE IS HEREBY GIVEN** that the Board of Psychology (hereafter “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 21, 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 Sections 2930 of the Business and Professions Code, and to implement, interpret, or make specific Sections 2913 and 2914 of said Code, the Board of Psychology is considering adding sections 1391.13 and 1391.14 to Division 13.1 of Title 16 of the California Code of Regulations.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is seeking to promulgate regulations to create an inactive status and a reactivation process, for individuals registered as psychological associates. This would be similar to the inactive status and reactivation process currently available for a psychologist licensee who is not engaging in the practice of psychology.

Currently, a psychological associate who is unable to perform psychological functions must cancel their current registration in order to stop the time counting towards the cumulative total of six years (72 months) registration limitation, or continue the registration, but not be able to accrue the required hours toward licensure. There is no alternative for a psychological associate to request a registration status that would clearly indicate the psychological associate is not performing any psychological functions. Once the psychological associate registration is cancelled, the individual must apply for a new registration to perform psychological functions and/or to accrue supervised professional experience required for licensure.

The Board also proposes to adopt a process for reactivating an inactive psychological associate registration. Without the addition of this provision, a psychological associate whose registration has been placed in inactive status would not have a way to return their registration to active status once they obtain a new primary supervisor.

The proposed regulations would allow the Board to place the registration in an inactive status when the registrant has no primary supervisor. While the registration is in an inactive status, it will stop the time clock from counting towards the cumulative total of six years registration limitation. It will also allow the Board to change the registration from an inactive to active status once the registrant has a new primary supervisor. This will allow the registrant to return to earning hours towards licensure and resume the time clock counting towards the cumulative total of six years registration limitation.

These additions provide the mechanism that would enable a registrant to maintain their registration in a proactive manner. This proposal provides the Board with the means to enhance consumer protection by clearly indicating to the public on its website when a registered psychological associate cannot perform psychological functions while holding a registration in an inactive status.

#### **Anticipated Benefits of Proposal**

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents because it provides the mechanism for a registrant to switch from active to inactive status when

unable to perform psychological functions and not have the inactive time count against the six years registration limitation and it will improve public protection by facilitating the public being able to determine whether a registered psychological associate is able to perform psychological functions.

**Evaluation of Consistency and Compatibility with Existing State Regulations**

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

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 Board estimates up to 168 active psychological associates will opt to place their registration on inactive status per year. Additionally, the Board estimates of these 168 individuals, up to 84 (or 50 percent) will subsequently apply to reinstate to active status.

As a result, the proposed regulations are estimated to result in workload and costs ranging from approximately \$24,500 to \$48,000 per year and up to \$409,500 over a ten-year period.

Any workload and costs are anticipated to be absorbed within existing resources.

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

The Board notes, individuals placed on inactive status will be required to renew and pay renewal fees consistent with active registrants. As a result, the regulations do not impact the Board's revenues.

**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 (and, if applicable, including any estimated costs of compliance or potential benefits of a building standard):** 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.

**Cost Impact on Representative Private Person or Business**

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

**Impact on Jobs/Businesses**

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

**Benefits of Regulation:**

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents, because it provides the mechanism for a registered psychological associate to switch from active to inactive status when unable to perform psychological functions and not have the inactive time count against the six years registration limitation, and it will improve public protection by facilitating the public being able to determine whether a registered psychological associate is able to perform psychological functions

This regulatory proposal will not impact worker safety or the state's environment, as it does not involve worker safety or the state's environment.

**Business Reporting Requirements**

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

**Effect on Small Business**

The Board has determined that the proposed regulations will not affect small businesses. Although small businesses owned by licensees of the Board may be impacted, the Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

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 No-

tice; 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 1625 North Market Boulevard, Suite N-215, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

#### AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board of Psychology, at 1625 North Market Boulevard, Suite N-215, Sacramento, CA 95834.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons 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: Troy Polk  
Address: Board of Psychology  
1625 North Market Boulevard, Suite N-215,  
Sacramento, CA 95834  
Telephone Number: (916) 574-8154  
Fax Number: (916) 574-8671  
Email Address: [troy.polk@dca.ca.gov](mailto:troy.polk@dca.ca.gov)

The backup contact person is:

Name: Cynthia Whitney  
Address: Board of Psychology  
1625 North Market Boulevard, Suite N-215,  
Sacramento, CA 95834  
Telephone Number: (916) 905-5408  
Fax Number: (916) 574-8671  
Email Address: [cynthia.whitney@dca.ca.gov](mailto:cynthia.whitney@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://www.psychology.ca.gov/laws\\_regs/regulations.shtml](https://www.psychology.ca.gov/laws_regs/regulations.shtml).



**TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

**SAFE HARBOR WARNINGS FOR ACRYLAMIDE EXPOSURE FROM FOOD**

**FOOD EXPOSURE WARNINGS — CONTENT**

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes amend Article 6 of Title 27 of the California Code of Regulations, section 25607.2.<sup>1</sup> This proposed rulemaking would amend subsection (b) to provide an additional safe harbor warning option, for businesses that cause significant exposures to acrylamide in food products.<sup>2</sup> This would be in addition to the applicable safe harbor warnings that already apply to such exposures under existing law. The warning content and methods provided in the safe harbor regulations are deemed “clear and reasonable” by OEHHA for purposes of the Act.

**PUBLIC COMMENTS**

To be considered, **OEHHA must receive comments by May 20, 2024**, the designated close of the written comment period. All written comments will be posted on the OEHHA website at the close of the public comment period.

OEHHA strongly recommends that the public submit written information electronically, rather than in paper form. Comments may be submitted electronically through our website at <https://oehha.ca.gov/comments>. In the alternative, comments can be mailed to the address below.

Monet Vela  
Office of Environmental Health Hazard Assessment  
1001 I Street, 23<sup>rd</sup> Floor  
P.O. Box 4010  
Sacramento, California 95812-4010  
Telephone: 916-323-2517

OEHHA encourages all commenters to submit their comments in a format compliant with the accessibility

<sup>1</sup> All further references are to sections of Title 27, Cal. Code of Regs., unless indicated otherwise.

<sup>2</sup> A current rulemaking noticed on October 27, 2023, Office of Administrative Law file number 2023-1017-03, would also amend section 25607.2. In that proposal, existing subsection (b) would be renumbered to (c). If that rulemaking is finalized before this proposal, that non-substantive change will affect the numbering of this proposal.

requirements of the Americans with Disabilities Act, so that they can be read using screen reader technology and those with visual impairments are able to listen to them.

OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and email may be available to third parties.

**PUBLIC PROCEEDINGS**

A public hearing on these proposed regulatory amendments will only be scheduled upon request. To request a hearing, send an email to Monet Vela at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov) or to the address listed above by no later than **May 6, 2024**. If one is scheduled, OEHHA will mail a notice of the hearing to the requester and interested parties on the Proposition 65 mailing list for regulatory public hearings. The notice will also be posted on the OEHHA website at least ten days before the public hearing date. The notice will provide the date, time, and instructions for participating in the hearing.

**CONTACT**

Please direct inquiries concerning the proposed regulatory action described in this notice to Monet Vela] at (916) 323-2517, or by email to [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov). Corey Friedman is a back-up contact person for inquiries concerning processing of this action and is available at (916) 323-2635 or [corey.friedman@oehha.ca.gov](mailto:corey.friedman@oehha.ca.gov).

**AUTHORITY**

Health and Safety Code section 25249.12.

**REFERENCE**

Health and Safety Code sections 25249.6 and 25249.11.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

**BACKGROUND AND SUMMARY OF EXISTING LAWS**

OEHHA is the lead agency that implements Proposition 65 and has the authority to promulgate and amend regulations to further the purposes of the Act.<sup>3</sup> The Act requires businesses to provide a clear and rea-

<sup>3</sup> Health and Safety Code section 25249.5 et seq., The Safe Drinking Water and Toxic Enforcement Act of 1986, commonly known as “Proposition 65,” hereafter referred to as “Proposition 65” or “the Act.”

sonable warning before they cause an exposure to a chemical listed as known to the state to cause cancer or reproductive toxicity.<sup>4</sup> The Act also prohibits the discharge of listed chemicals to sources of drinking water.<sup>5</sup> The proposed amendment would adopt new safe harbor warning content for exposure to acrylamide from food.

Under Proposition 65, when a product exposes a consumer to a cancer-causing chemical, a business must first provide a “clear and reasonable” warning (Health & Safety Code §25249.6), unless the level of exposure does not pose significant risk. To reduce the burden on businesses, they may rely upon the safe harbor warnings promulgated by OEHHA, which are presumptively clear and reasonable. (27 CCR § 25601.) The safe harbor warnings are not required by law, and businesses may develop their own “clear and reasonable” warnings. However, many businesses use the safe harbor warnings to avoid the risk of litigation over whether a given warning is “clear and reasonable.”

Existing safe harbor warnings applicable to such exposures would still be available for businesses. These warnings may be found in the existing section 25607.2(a) [general warning for food exposures] and 25607.2(b) [warning for food exposures to acrylamide].

**AMENDMENTS**

The text of the proposed amendment is included with this Notice. In that document, any additions to the text are indicated in *underline* and any deletions in *cross-out*.

**Amendment to 25607.2(b):** The first sentence of subsection (b) is amended to indicate that companies availing themselves of the acrylamide-specific safe harbor warning may comply with either subpart (1) or the newly proposed (2). Subsection (b)(1) in this proposal contains the existing safe harbor language, and subsection (b)(2) provides the new proposed warning options added by this rulemaking.

A current rulemaking noticed on October 27, 2023, Office of Administrative Law file no. 2023–1017–03, would also amend section 25607.2. In that proposal, existing subsection (b) would be renumbered to (c). If that rulemaking is finalized before this proposal, that non-substantive change will affect the numbering of this proposal.

**Amendment to 25607.2(b)(1):** The existing acrylamide-specific safe harbor language is amended to allow the signal words “CA Warning and “Warning” in addition to “California Warning.” This subsection has also been amended to make the existing warning part of a single subsection, for ease of comparison with the new warning option in proposed subsection (b)(2). Non-substantive amendments to allow the ex-

isting safe harbor warning for acrylamide in food to be described in (b)(1) and the proposed warning in (b)(2).

**New subsection 25607.2(b)(2):** This is the proposed addition, which creates a new, additional safe harbor warning for acrylamide in foods. The proposal would add the following text:

(2) The words “**WARNING:**” or “**CA WARNING**” or “**CALIFORNIA WARNING:**” in all capital letters and bold print, followed by the language in subsections (A) and (B). Optional language in subsection (C) may be added. “United States” may be abbreviated as “US” and the words “Environmental Protection Agency” as “EPA”.

(A) The words, “Consuming this product can expose you to acrylamide,” or the words “Consuming this product can expose you to acrylamide, a chemical formed in some foods during cooking or processing at high temperatures.”

(B) At least one of the following sentences:

(i) “The International Agency for Research on Cancer has found that acrylamide is probably carcinogenic to humans.”

(ii) “The United States Environmental Protection Agency has found that acrylamide is likely to be carcinogenic to humans.”

(iii) “The United States National Toxicology Program has found that acrylamide is reasonably anticipated to cause cancer in humans.”

(C) The content in (A) and (B) may be followed by one or more of the following sentences:

(i) “Acrylamide has been found to cause cancer in laboratory animals.”

(ii) “Many factors affect your cancer risk, including the frequency and amount of the chemical consumed.”

(iii) “For more information including ways to reduce your exposure, see [www.P65Warnings.ca.gov/acrylamide](http://www.P65Warnings.ca.gov/acrylamide).”

**OBJECTIVES AND SPECIFIC BENEFITS OF THE PROPOSED REGULATIONS**

A district court issued a preliminary injunction against enforcement of the Proposition 65 warning for acrylamide in food in *CA Chamber of Commerce v. Becerra* (E.Dist.Cal. 2021) 529 F.Supp.3d 1099. The preliminary injunction, which addressed warning language materially different than both existing, acrylamide-specific safe harbor warning regulations and the amendments proposed in this rulemaking, was upheld

<sup>4</sup> Health and Safety Code section 25249.6.

<sup>5</sup> Health and Safety Code section 25249.5.

by the Ninth Circuit in *CA Chamber of Commerce v. Council for Education and Research on Toxics* (9th Cir. 2022) 29 F.4th 468. OEHHA drafted the existing tailored warning regulation accordingly. That regulation, which added subsection (b) to section 25607.2, became effective on January 1, 2023. The case is continuing, and the question of the constitutionality of the current acrylamide warning content has not yet been resolved.

On November 7, 2023, the Ninth Circuit provided additional guidance regarding Proposition 65 and compelled commercial speech under the First Amendment in *National Association of Wheat Growers v. Becerra* (9th Cir. 2023) 85 F.4th 1263. Although OEHHA believes that the existing safe harbor warning for acrylamide in food complies with the First Amendment, OEHHA has determined that providing additional options for safe harbor warnings will further the right-to-know provisions of the Act while ensuring that the warning remains “(1) purely factual, (2) noncontroversial, and (3) not unjustified or unduly burdensome.”<sup>6</sup> The proposal also provides businesses with increased flexibility.

NO INCONSISTENCY OR  
INCOMPATIBILITY WITH  
EXISTING REGULATIONS

OEHHA has conducted an evaluation and has determined that Article 6 is the only regulation concerning Proposition 65 safe harbor warnings. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with any other existing state regulations. The action does not change the existing mandatory requirements on businesses subject to Proposition 65, state or local agencies and does not address compliance with any other law or regulation.

LOCAL MANDATE/FISCAL IMPACT

Because Proposition 65 by its terms does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.<sup>7</sup> OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action, nor will there be any costs or savings to the state or in federal funding to the state because of the proposed regulatory action.

<sup>6</sup> *American Beverage Assoc. v. City and County of San Francisco* (9th Cir. 2023) 916 F.3d 749, 756.

<sup>7</sup> See Health and Safety Code section 25249.11(b).

NO INCORPORATION BY REFERENCE

No forms or other documents are incorporated by reference.

EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any new mandatory requirements on any business.

SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS, INCLUDING  
ABILITY TO COMPETE

No business will be required to change its warnings, or add new warnings, due to the safe harbor warning proposal. Businesses are not legally required to use the proposed safe harbor warning content and may use other “clear and reasonable” warnings on consumer products. These include the existing safe harbor warnings applicable to acrylamide in food. Under this proposal, businesses can retain use of those warnings while keeping the safe harbor protection. This proposal only creates another safe harbor option; it does not mandate that businesses use that option.

OEHHA has therefore made an initial determination that the adoption of this action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC  
IMPACT ANALYSIS  
(Gov. Code section 11346.3(b))

**Creation or Elimination of Jobs within the State of California**

The proposed regulatory action will not impact the creation or elimination of jobs within the State of California. The proposed regulation will help businesses comply with the requirements of Proposition 65 by providing an additional, nonmandatory safe harbor warning for acrylamide in food. As stated above, businesses are not required to take any action based on this rulemaking.

**Creation of New Businesses or Elimination of Existing Businesses within the State of California**

The proposed regulatory action will not impact the creation of new businesses or the elimination of existing businesses within California. The proposed regulation will help businesses comply with the requirements of Proposition 65 by providing an additional,

nonmandatory safe harbor warning for acrylamide in food. As stated above, businesses are not required to take any action based on this rulemaking.

**The Expansion of Businesses Currently Doing Business within the State**

OEHHA does not anticipate any major impact on the expansion of businesses currently doing business within the state. The proposed regulation will help businesses comply with the requirements of Proposition 65 by providing an additional, nonmandatory safe harbor warning for acrylamide in food. As stated above, businesses are not required to take any action based on this rulemaking.

**Benefits of the Proposed Regulation**

Making it more straight-forward for businesses to comply with the “clear and reasonable” warning requirement of the Act promotes compliance. Greater compliance furthers the right-to-know purposes of the statute and therefore promotes public health and safety.

**Cost Impacts on Representative Person or Business**

OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action. The action does not impose any new mandatory requirements upon private persons or businesses.

**Effect on Small Business**

The proposed regulatory action will not adversely impact small businesses. As stated above, small businesses will not be required to take any action as a result of this rulemaking. Additionally, Proposition 65 is limited by its terms to businesses with 10 or more employees.<sup>8</sup>

**REASONABLE ALTERNATIVES  
TO THE REGULATION AND THE  
AGENCY’S REASONS FOR REJECTING  
THOSE ALTERNATIVES**

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which Proposition 65 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 following alternatives were considered:

<sup>8</sup> Health and Safety Code section 25249.11(b).

Alternative 1: OEHHA considered drafting a new safe harbor warning tailored to acrylamide in food which would replace the existing warning. This was rejected because businesses which prefer to continue using the existing safe harbor language are still providing adequate information to consumers and should therefore be allowed to continue. This alternative would be no more effective at carrying out the agency’s purpose, and no more cost-effective, than the current proposal. This alternative would be more burdensome on businesses than the current proposal.

Alternative 2: OEHHA also considered whether the new safe harbor warning should simply state the full text, without providing a variety of options for businesses to select. OEHHA rejected this alternative because it determined that it was appropriate to give businesses the flexibility of multiple options, so they can select the safe harbor language that best suits their needs. This alternative would be no more effective at carrying out the agency’s purpose, and no more cost-effective, than the current proposal. This alternative would be more burdensome on businesses than the current proposal.

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

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, the information upon which the regulation is based, and the text of the proposed regulation. These documents are available on OEHHA’s website at [www.oehha.ca.gov/Proposition-65](http://www.oehha.ca.gov/Proposition-65).

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

The full text of any proposed regulation that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulation and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice and the changed regulation will also be available on the OEHHA Website at [www.oehha.ca.gov/Proposition-65](http://www.oehha.ca.gov/Proposition-65).

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the email or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA’s website at [www.oehha.ca.gov/Proposition-65](http://www.oehha.ca.gov/Proposition-65).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

NOTICE OF PROPOSED SETTLEMENT

This NOTICE OF PROPOSED SETTLEMENT is published on April 5, 2024, for approximately 86 acres (“Property”) of the 157 acre property located at 20400 Main Street, Carson, Los Angeles County, California (the “Site”).

The Department of Toxic Substances Control (“DTSC”) has authority to enter into agreements whereby DTSC covenants not to sue or assert claims for environmental remediation against prospective owners and certain long term lessees of environmentally-impacted properties, if such agreements are sufficient in the public interest.

Notice is hereby given that DTSC proposes to enter into an Agreement and Covenant Not to Sue, also known as a Prospective Purchaser Agreement (“PPA”), associated with the Site. The PPA would resolve certain potential claims of DTSC against the potential prospective owner of the Site upon its acquisition of the Site and resulting change in status to owner. The potential prospective owner is Carson Goose Owner, LLC (“Carson Goose”).

Carson Goose intends to use approximately 86 acres of the 157-acre surface lot of the Site (Parcel 2 in Parcel Map Number 70372, per map filed in Book 377 Pages 76-89, inclusive, of maps in the Office of the County Recorder for Los Angeles County) for commercial/industrial uses including warehousing and an 11.12-acre community amenity and retail area.

Carson Goose agrees to cooperate fully with DTSC in its oversight of the investigation and cleanup, and agrees to comply with the remedial design and land use controls, and to provide ongoing access to DTSC for the oversight of O&M activities at the Property.

The Prospective Purchaser Agreement is in the public interest because:

1. The Property will be investigated and cleaned up to make it safe for its intended commercial/industrial use.
2. The development plan includes an 11.12-acre community amenity and retail area with plans to include public amenities such as a performance stage, pavilion, event lawn, dog park, and retail and restaurant space.
3. Carson Goose will be paying part of the Carson Reclamation Authority’s insurance costs, providing on-site public art features, funding private security services to serve the development, providing any and all supplemental or overtime funding for sheriff’s services and, in coordination with local stakeholders, providing several other financial or physical benefits to the City, its citizens and surrounding areas.
4. Carson Goose is required under its Development Agreement with the City of Carson to make reasonable efforts to cause all solicitations for full- or part-time, new or replacement employment relating to the construction, operation and maintenance of the project to be developed by Carson Goose to be advertised in such a manner as to target local City of Carson residents and to make other reasonable efforts at local employment outreach.
  - a. Over 3,000 construction jobs and more than 2,000 permanent jobs are estimated to be created from this development.
5. Approximately \$1,000,000 in direct new sales tax revenue for the City of Carson and approximately \$3,000,000 million in additional indirect tax revenue.

Comments on this proposed settlement must be submitted on or before 12:00 a.m. (midnight), May 20, 2024. To ensure timely receipt by DTSC and Carson Goose, you are requested to transmit your comments via email to:

**Department of Toxic Substances Control**

Attention: Sarah Larese  
 Regional Brownfield Coordinator  
 5796 Corporate Avenue  
 Cypress, California 90630  
[Sarah.Larese@dtsc.ca.gov](mailto:Sarah.Larese@dtsc.ca.gov)

And,

Mr. Chris Trueblood  
 Carson Goose Owner, LLC  
 659 North Robertson Boulevard  
 West Hollywood, California 90069  
[chris@faring.com](mailto:chris@faring.com)

If you have any questions regarding the Prospective Purchaser Agreement, or wish to obtain a copy, please call the DTSC contact identified above.

## FISH AND GAME COMMISSION

### NOTICE OF RECEIPT OF PETITION

NOTICE IS HEREBY GIVEN pursuant to the provisions of California Fish and Game Code Section 2073.3, that on March 5, 2024 the California Fish and Game Commission (Commission) received a petition from the Center for Biological Diversity, Defenders of Wildlife, Burrowing Owl Preservation Society, Santa Clara Valley Audubon Society, Urban Bird Foundation, Central Valley Bird Club, and San Bernardino Valley Audubon Society, to list western burrowing owl (*Athene cunicularia hypugaea*) as a threatened or endangered species under the California Endangered Species Act.

The western burrowing owl is a small bird of prey that lives in open, arid, relatively flat to rolling terrain covered by low stature vegetation, such as grasslands, prairies, shrub steppes, and desert shrubs. Vegetation cover and height are significant habitat factors due to the ground-dwelling nature and small size of the burrowing owl. Vegetation cover that prevents the owl from observing approaching predators places the burrowing owl at a severe disadvantage. The owl nests and roosts in underground burrows that are typically excavated by other fossorial animals such as ground squirrels, coyotes, foxes and tortoises.

On March 18, 2024, pursuant to Section 2073 of California Fish and Game Code, the Commission transmitted the petition to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5. The Commission will publicly receive the petition at its April 17–18, 2024 meeting. Unless an extension is requested, the Department's evaluation and recommendation relating to the petition is expected to be received by the Commission at its June 19–20, 2024 meeting.

For information about the petition or to submit information to the Department relating to the petitioned species, interested parties may contact the Anne Hilborn, Endangered Species Listing Coordinator, California Department of Fish and Wildlife, P.O. Box 944209, Sacramento, California 94244–2090, or by email at [wildlifemgt@wildlife.ca.gov](mailto:wildlifemgt@wildlife.ca.gov).

## PETITION DECISION

### HIGHWAY PATROL

February 29, 2024

File Number: 1.15584.21449.062 2024 02034

Mr. Mark Baker, President  
Soft Lights Foundation  
9450 SW Gemini Drive PMB 44671  
Beaverton, OR 97008

Dear Mr. Baker,

This letter is in response to your January 30, 2024, Petition for Rulemaking to Regulate Sirens and Flashing Lights on Ambulances (Petition), submitted pursuant to Section 11340.6 of the California Government Code (GC), which requests the California Highway Patrol (Department) promulgate regulations to prohibit the use of flashing lights and limit the performance of sirens used on ambulances by adopting proposed California Code of Regulations (CCR), Title 13, Section 1110. Attachment A is a copy of the full Petition. The commissioner's authority to promulgate regulations as determined necessary for the public health and safety regarding the operation, equipment, and certification of drivers of all ambulances used for emergency services is per Section 2512 of the California Vehicle Code (CVC). Specifically, the Soft Lights Foundation is requesting the Department "to prohibit or restrict the use of high intensity flashing lights and loud sirens to ensure first responder, patient, and public comfort, health, safety, and civil rights."

Per the Petition:

Soft Lights Foundation "request[s] that the California Highway Patrol adopt and publish the following regulations to protect the comfort, health, safety, and civil rights of patients, first responders, and the public: CCR, Title 13, Division 2, Chapter 5, Article 1, Section 1110 — Lights and Sirens

1110(a): Sirens

- (1) *The use of ambulance sirens shall be limited to a maximum of 80 decibels.*
- (2) *Sirens shall be directed towards the front of the vehicle, restricting sound to the sides and rear of the vehicle. Omni-directional sirens are prohibited.*
- (3) *Siren use shall be limited to a specific need during travel; continuous operation during travel or while stationary is prohibited.*

1110(b): Emergency Lights

- (1) *Ambulance warning lights shall be static. Flashing lights are prohibited.*

- (2) *Lights that trigger seizures, migraines, panic attacks or other adverse neurological impacts, which impair vision or cognitive functioning, or which create a discriminatory barrier, are prohibited.*”

The Department appreciates the sentiment of the petition; however, after thorough review and careful consideration, the Department is denying the request because the Department believes that existing regulations pertaining to safety equipment and the safe operation of ambulances by emergency medical service providers are necessary for the protection of public health and safety. The proposed regulations also lack sufficient clarity as required by CCR, Title 1, Section 16, and are inconsistent with the legislative intent of Section 11340 GC and Section 2512 CVC. The operation of an ambulance responding to an emergency call, or otherwise operating during an emergency, is an inherently dangerous endeavor, sometimes requiring an operator to drive in a manner which may conflict with traffic laws. Consequently, it is imperative to the safety of the public, as well as the occupants in the ambulance, that an ambulance operating in this manner be highly visible to other drivers and pedestrians. Section 21055 CVC exempts authorized emergency vehicles, including ambulances, from following specified traffic laws when responding during emergencies, provided the “driver of the vehicle sounds a siren as may be reasonably necessary and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians.” Additionally, the California Legislature authorizes the use of additional flashing and colored lights on authorized emergency vehicles, including ambulances, expressly for the purpose of making those vehicles more easily recognized and highly visible during emergency operations.

Notwithstanding the need for an ambulance to be highly visible, the Department believes that the use of lights and sirens on ambulances should not be indiscriminate. This sentiment is reflected in existing regulations, previously promulgated under CCR, Title 13, Section 1105, which place restrictions on the use of lights and sirens on ambulances. An ambulance driver is prohibited from using a siren and red warning light when traffic is congested to the point that “increased ambulance speed and right-of-way cannot be gained thereby.” (See Cal. Code of Regs., Title 13, Section 1105.) Additionally, the use of sirens and red warning lights are limited only to those instances when “responding to an emergency call or when engaged in emergency services...and when speed in transporting the patient to an emergency medical care facility appears essential to prevent loss of life, undue suffering,

or to reduce or prevent disability.” (See Cal. Code of Regs., Title 13, Section 1105.)

The Department is committed to providing the highest level of Safety, Service, and Security, and has sought to achieve a balance between the essential duty of first responders to preserve life and the need to protect the public. Pursuant to these considerations, the Department has adopted regulations, as authorized by Section 2512 CVC, to promote public health and safety while enabling emergency medical responders to fulfill their duty to the people of California.

The legislature provides in Section 2512 CVC, “[i]t is the intent of the Legislature that regulations adopted by the commissioner pursuant to this section shall be the minimum necessary to protect public health and safety, and shall not be so restrictive as to preclude compliance by ambulances operated in sparsely populated areas.” Consistent with the legislature’s intent, the Department is also mindful about taking action that may have an effect of limiting the availability of compliant emergency medical service providers who are essential to providing necessary life-saving measures for members of the public.

The proposed regulations lack clarity because the regulations use terms which do not have meanings generally familiar to those who are legally required to comply with the regulations and those terms are neither in the regulations nor in the governing statute and would not be readily understandable by the licensed ambulance industry who would be directly affected by the regulations proposed in the petition. The complexity and lack of clarity could place privately operated ambulance companies at a distinct disadvantage since it would require the expenditure of resources to hire technical experts to advise on subjective terms in the proposed regulations. Placing small businesses at a distinct disadvantage through the imposition of unclear or unnecessarily complex regulations is inconsistent with the intent of Section 11340 GC et. seq. Additionally, ambiguities in the proposed regulations would be subject to broad interpretation by industry consultants and would likely cause inconsistencies in industry light and siren practices. Inconsistent ambulance industry practices, which do not meet or achieve minimum light and siren standards, pose a public health and safety concern if the motoring public may be unable to recognize and respond appropriately to ambulances operating in an emergency.

I appreciate the opportunity to assist you with this matter. The Department will make a copy of your petition available to any interested party. Please contact our Commercial Vehicle Section with any questions

regarding this letter, and any request to obtain a copy of the petition, at (916) 843-3400.

Sincerely,  
/s/

K. M. DAVIS, Chief  
Enforcement and Planning Division

Enclosures

cc: Office of Administrative Law

**SUMMARY OF  
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE  
SECRETARY OF STATE**

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

California Pollution Control Financing Authority  
File # 2024-0213-01

California Capital Access Collateral Support  
Program

This certificate of compliance from the California Pollution Control Financing Authority ("CPCFA") amends regulations for the administration of the Capital Access Loan Program's ("CalCAP") Collateral Support Program, Article 7 (commencing with Section 44558) of Chapter 1 of Division 27 of the Health and Safety Code ("HSC").

Title 04  
Amend: 8078.29, 8078.31, 8078.32, 8078.33  
Filed 03/25/2024  
Effective 03/25/2024  
Agency Contact: Kamika McGill (916) 653-0289

California Student Aid Commission  
File # 2024-0311-01  
Middle Class Scholarship (MCS) Program

In this deemed emergency rulemaking pursuant to Education Code section 70023(c) and (g), the California Student Aid Commission is adopting regulations implementing, interpreting, and making specif-

ic the Middle Class Scholarship Program (Education Code section 70020 et seq.).

Title 05  
Adopt: 30800, 30801, 30802, 30803  
Filed 03/21/2024  
Effective 03/21/2024  
Agency Contact:  
Synequeen Alasa-as (916) 464-6411

Department of Health Care Access and Information  
File # 2024-0311-02  
Distressed Hospital Financial Monitoring

This emergency action amends the Department's Accounting and Reporting Manual for California Hospitals to add quarterly balance sheet data and additional data to monitor hospital financial distress.

Title 22  
Amend: 97018  
Filed 03/21/2024  
Effective 03/21/2024  
Agency Contact: Ty Christensen (916) 326-3856

Department of Public Health  
File # 2024-0315-01  
Newborn Screening Program Fee Increase

This request for filing with the Secretary of State and printing in the California Code of Regulations a regulation raising the Newborn Screening Program all-inclusive program participation fee from \$210 to \$225 is granted. This action is a statutorily deemed emergency and exempt from Office of Administrative Law review pursuant to Health and Safety Code section 124977(d).

Title 17  
Amend: 6508  
Filed 03/25/2024  
Effective 03/25/2024  
Agency Contact:  
Jasmine Fullwood (279) 217-0681

California Catastrophe Response Council  
File # 2024-0313-01  
Conflict-of-Interest Code

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



Title 02  
 Filed 03/21/2024  
 Effective 04/20/2024  
 Agency Contact: Shannon McEuen (916) 661–5430

Division of Workers’ Compensation

File # 2024–0212–01

Medical Treatment Utilization Schedule (MTUS)

This file and print action amends the Medical Treatment Utilization Schedule (MTUS) by adopting the most recent Opioids Guidelines from the American College of Occupational and Environmental Medicine (ACOEM). This action is exempt from the Administrative Procedure Act pursuant to Labor Code 5307.27(a).

Title 08  
 Amend: 9792.24.4  
 Filed 03/26/2024  
 Effective 03/27/2024  
 Agency Contact:  
 Nicole L. Richardson (510) 286–0656

California Alternative Energy and Advanced Transportation Financing Authority

File # 2024–0215–01

GoGreen Home Program

This action without regulatory effect corrects cross references to subdivisions of the agency’s regulations which were re–lettered by amendments to those regulations, either adding or removing subdivisions prior to the cross–referenced subdivisions, which occurred in the regulatory text of OAL matter number 2023–1212–02S.

Title 04  
 Amend: 10091.2, 10091.5, 10091.10, 10091.16  
 Filed 03/21/2024  
 Agency Contact: Kelly Delaney (916) 651–5581

California Architects Board

File # 2024–0315–02

Fees

This action without regulatory effect raises various landscape architect license fees to conform them to amounts specified for these fees in Business and Professions Code section 5681 as amended by Senate Bill 816, Chapter 723, Statutes of 2023.

Title 16  
 Amend: 2649  
 Filed 03/25/2024  
 Agency Contact: Kourtney Fontes (916) 575–7233

Acupuncture Board

File # 2024–0214–02

Amend and Repeal Curriculum and Educational and Training Regulation

This action for changes without regulatory effect by the Acupuncture Board (“Board”) updates terminology in existing regulations to be consistent with terminology as it is currently used and reflected in statute; revises cross–references; and changes a reference citation.

Title 16  
 Amend: 1399.415, 1399.438  
 Filed 03/27/2024  
 Agency Contact:  
 Kristine Brothers (916) 471–0735

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 Justice

File # 2024–0212–02

Charitable Fundraising Platforms and Platform Charities

Assembly Bill 488 (Stats. 2021, c. 616) establishes that charitable fundraising platforms and platform charities are trustees for charitable purposes subject to the Attorney General’s supervision. In this rulemaking action, the Department implements the bill. The regulations define various terms, set forth registration and filing requirements, adopt new forms, provide procedures for the fundraising solicitation and the disbursement of donations received, and requires certain information to be disclosed. The regulations also revise existing regulations and forms related to commercial fundraisers.

Title 11

Adopt: 314, 315, 316, 317, 318, 319, 320, 321, 322, 323

Amend: 300, 300.1, 300.2, 301, 302, 303, 304, 305, 311 [renumbered as 306], 306 [renumbered as 307], 312.1 [renumbered as 308], 310 [renumbered as 309], 312 [renumbered as 310], 313 [renumbered as 311], 308 [renumbered as 313], 328.1, 314 [renumbered as 337], 315 [renumbered as 338], 316 [renumbered as 344], 999.9.4 [renumbered as 312], 999.1 [renumbered as 328], 999.2 [renumbered as 329], 999.3 [renumbered as 330], 999.4 [renumbered as 331], 999.6 [renumbered as 336], 999.9 [renumbered as 339], 999.9.2 [renumbered as 340], 999.9.1 [renumbered as 341], 999.7 [renumbered as 342], 999.8 [renumbered as 343], 999.9.3 [renumbered as 345], and 999.9.5 [renumbered as 346].

Filed 03/26/2024

Effective 03/26/2024

Agency Contact: Marlon Martinez (213) 269–6437

Board of Pharmacy

File # 2024–0208–02

Temporary Licenses for Military Spouses

In this rulemaking action, the Board of Pharmacy is promulgating regulations which allow for military spouses to apply for a temporary license under Business and Professions Code section 115.6 under certain, specified conditions.

Title 16

Adopt: 1706.6

Filed 03/21/2024

Effective 03/21/2024

Agency Contact: Lori Martinez (916) 518–3078

Board of Pharmacy

File # 2024–0213–02

Notice to Consumers

In this rulemaking action, the Board of Pharmacy updates the language of its required notice posters so that consumers are more likely to read and understand the poster.

Title 16

Amend: 1707.6

Filed 03/27/2024

Effective 07/01/2024

Agency Contact: Lori Martinez (916) 518–3078

Bureau of Automotive Repair

File # 2024–0314–02

Vehicle Safety Systems Inspection Program

Assembly Bill 471 (Stats. 2021, c. 372) (“AB 471”) requires the Bureau of Automotive Repair (“Bureau”) to adopt regulations establishing: inspection criteria

and standards for specific vehicle safety systems and components to promote the safe and uniform installation, maintenance, and servicing of vehicle safety systems and components; the application process and fee(s) for the issuance of licenses to stations and technicians to conduct inspections of, and repairs to, these safety systems and components; and the certification process and fee(s) for vehicles subject to these inspections and repairs. AB 471 also specifies that vehicle safety systems inspection (“VSSI”) station and technician licenses replace licenses issued pursuant to the existing statutory and regulatory provisions governing the licensure of lamp and brake adjusting stations and adjusters, and repeals those existing provisions upon the effective date of the new regulations.

Accordingly, this rulemaking action by the Bureau adopts 11 regulations and makes amendments to 12 existing regulations to implement the above-referenced requirements of AB 471. The 11 regulations being adopted add Article 2.5 (commencing with Section 3311.1), titled “Vehicle Safety Systems Inspection Program,” to Chapter 1, Division 33, Title 16 of the California Code of Regulations (“Article 2.5”), and incorporate by reference forms and a manual associated with the new inspection program. Amendments to the 12 existing regulations include defining “vehicle safety systems,” changing licensure terminology, revising processing time for licensure applications, and inserting “sunset” provisions in regulations governing the licensure of lamp and brake adjusting stations and adjusters, which are located in Articles 2 (commencing with Section 3305), 3 (commencing with Section 3315), 4 (commencing with Section 3320), of Chapter 1, Division 33, Title 16 of the California Code of Regulations (“Articles 2, 3, and 4”).

Title 16

Adopt: 3311.1, 3311.2, 3311.3, 3312.1, 3312.1.1, 3312.2, 3313.1, 3313.2, 3314.1, 3314.1.1, 3314.2

Amend: 3303, 3303.2, 3305, 3306, 3307, 3308,

3309, 3310, 3315, 3316, 3320, 3321

Filed 03/27/2024

Effective 03/27/2024

Agency Contact: Kayla Shelton (916) 403–0307

California Horse Racing Board

File # 2024–0207–01

Postmortem Examination

In this resubmitted rulemaking action, the Board amends its regulations to require postmortem examination to determine the injury or sickness which resulted in euthanasia or natural death of a horse when the horse dies or is euthanized within 72 hours of leaving a facility under the jurisdiction of the Board. The

amendments also include new procedures associated with this new requirement.

Title 04

Amend: 1846.5, 1846.6

Filed 03/21/2024

Effective 07/01/2024

Agency Contact:

Yannet G De Garcia

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**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](http://oal.ca.gov).

**2024 RULEMAKING  
CALENDAR —  
INCORPORATED BY  
REFERENCE**

**2024 RULEMAKING CALENDAR**

**SPECIAL NOTE**

In an effort to conserve resources, the 2024 Rulemaking Calendar is being incorporated by reference into this edition of the California Regulatory Notice Register (CRNR).

The 2024 Rulemaking Calendar is accessible through the following means:

1. Electronic copies are available from the Office of Administrative Law upon request by emailing [staff@oal.ca.gov](mailto:staff@oal.ca.gov).
2. Your nearest depository library. Go to <http://www.library.ca.gov/government-publications/state-document-depository-program/depositories/> for a list of California depository libraries.
3. Subscribers of the Notice Register may request a hard copy of the Rulemaking Calendar with their subscription at no extra charge. Please contact Thomson Reuters at (800) 328-4880.