



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. FAIR POLITICAL  
PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** Solano County Water Agency  
Scholarship Prep Charter School  
Chaffey Joint Union High School District

**STATE AGENCY:** Student Aid Commission  
Office of the State Public Defender

A written comment period has been established commencing on October 4, 2024, and closing on November 18, 2024. Written comments should be directed to the Fair Political Practices Commission, Attention Belen Cisneros, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than November 18, 2024. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

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

**EFFECT ON HOUSING  
COSTS AND BUSINESSES**

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

**AUTHORITY**

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

**REFERENCE**

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

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest codes should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [bcisneros@fppc.ca.gov](mailto:bcisneros@fppc.ca.gov).

AVAILABILITY OF PROPOSED  
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Belen Cisneros, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email [bcisneros@fppc.ca.gov](mailto:bcisneros@fppc.ca.gov).

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

CANNABIS APPELLATIONS PROGRAM

**NOTICE IS HEREBY GIVEN** that the California Department of Food and Agriculture (Department), pursuant to the requirements of Government Code section 11346.8(c) and section 44 of Title 1 of the California Code of Regulations, proposes to modify the text of the following proposed regulations identified with double strikeout and double underline in sections 9000, 9102, 9202, 9203, 9301, and 9302.

The proposed changes are in response to additional review and comments received during the rulemaking public comment period that closed on July 15, 2024.

A “Second Addendum to the Initial Statement of Reasons” to provide the rationale for the text as modified and to clarify specified changes to the regulation text has been added to the rulemaking file pursuant to Government Code section 11346.8(d), 11346.9(a)(1), and 11347.7.

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 no later than Monday, October 21, 2024. Comments may be submitted by mail or by email to:

Cannabis Appellations Program  
California Department of Food and Agriculture  
Office of Environmental Farming and Innovation  
1220 N Street, Sacramento, CA 95814

or

Email: [CannabisAg@cdfa.ca.gov](mailto:CannabisAg@cdfa.ca.gov)

All comments received by October 21, 2024, and pertaining to the indicated changes will be reviewed and responded to by the Department’s staff as part of the compilation of the final rulemaking file. Please limit your comments to the modifications to the text.

**TITLE 4. HORSE RACING BOARD**

ARTICLE 6. ENTRIES AND  
DECLARATIONS

RULE 1634. CLAIMING OPTION ENTRY

ARTICLE 7. CLAIMING RACES

RULE 1656. ERRORS WHICH INVALIDATE  
CLAIM

RULE 1658. VESTING OF TITLE TO  
CLAIMED HORSE

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

PROPOSED REGULATORY ACTION

Currently, Board Rule 1634, Claiming Option Entry, allows the owner, at the time of entry into a claiming race, to declare a horse ineligible to be claimed if it has been laid off and has not started for a minimum of 180 days since its last start, and the horse is entered for a claiming price not less than the price at which it last started. The Board proposes to amend Board Rule 1634 to reduce the minimum number of days required since the last start from 180 to 120. The proposed amendment would also allow for ineligibility to apply to a second consecutive start following each such layoff, instead of only the first start, provided that certain conditions are met. A non-substantive, technical edit would also be made.

The Board proposes to amend Board Rule 1656, Errors Which Invalidate Claim, to update the reference to the claim form, CHRB–11 (REV. 8/14) Agreement to Claim, which is incorporated by reference, to reflect the latest version of the form. Also, a nonsubstantive, technical edit would be made to the title of the rule.

Currently, subsection (c) of Board Rule 1658, Vesting of Title to Claimed Horse, stipulates that the stewards shall not void a claim if the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian’s List as unsound or lame, and subsection (c)(1) requires that the election made under subsection (c) be entered on the claim form, CHRB–11 (REV. 8/14) Agreement to Claim, which is incorporated by reference. The proposed regulatory action would amend subsection (c) of Board Rule 1658 by including “bled” as one of the reasons for placement on the Veterinarian’s List as it pertains to subsection (c). Additionally, subsection (b)(2)(A) of Board Rule 1658 would be amended to include the term “epistaxis,” which has the same meaning as “bled.” The proposed regulatory action would also update the reference to

the claim form in subsection (c)(1) to reflect the latest version of the form, which has been revised to include “bled/epistaxis” for consistency with the changes to subsections (b)(2)(A) and (c) of Board Rule 1658. Non-substantive, technical edits would be made to the Board rule and claim form.

#### PUBLIC HEARING

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

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **November 18, 2024**. The Board must receive all comments by that time. Submit comments to:

Rick Pimentel, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Email: [repimentel@chr.ca.gov](mailto:repimentel@chr.ca.gov)

#### AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19440, and 19562, Business and Professions Code (BPC). Reference: Sections 19408.2 and 19562, BPC.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Horseracing Integrity and Safety Authority’s (HISA) amendment to its federal regulations concerning claiming races went into effect on July 8, 2024. This resulted in inconsistencies between Board Rule 1634 and HISA Rule 2263, Waiver Claiming Option. It also necessitated changes to Board Rule 1658 for consistency with HISA Rule 2262, Void Claim, as well as to the Board’s claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference in Board Rules 1656 and 1658.

Currently, Board Rule 1634 allows the owner, at the time of entry into a claiming race, to declare a horse ineligible to be claimed if it has been laid off and has not started for a minimum of 180 days since its last start and the horse is entered for a claiming price not less than the price at which it last started. The pro-

posed regulatory action would amend Board Rule 1634 to align with HISA Rule 2263 by reducing the minimum number of days required since the last start from 180 to 120. Additionally, for consistency with HISA Rule 2263, the amendment to Board Rule 1634 would allow for ineligibility to apply to a second consecutive start following each such layoff, instead of only the first start, provided that certain conditions are met. A non-substantive, technical edit would also be made.

The amendment to Board Rule 1656 would update the reference to the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, to reflect the latest version of the form. A nonsubstantive, technical edit would also be made to the title of the rule.

Subsection (c) of Board Rule 1658 currently stipulates that the stewards shall not void a claim if the claimant elects to claim the horse regardless of whether the racing or official veterinarian determines the horse will be placed on the Veterinarian’s List as unsound or lame, and subsection (c)(1) requires that the election made under subsection (c) be entered on the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, which is incorporated by reference. The proposed regulatory action would amend subsection (c) of Board Rule 1658 for consistency with subsection (f) of HISA Rule 2262 by adding “bled” as one of the reasons for placement on the Veterinarian’s List as it relates to subsection (c). Additionally, the proposed regulatory action would amend subsection (b)(2)(A) of Board Rule 1658 to include the term “epistaxis,” which has the same meaning as “bled.” Also, the reference to the claim form, CHRB-11 (REV. 8/14) Agreement to Claim, would be updated to reflect the latest version of the form, which has been revised to include “bled/epistaxis,” for consistency with the changes to subsections (b)(2)(A) and (c) of Board Rule 1658. Non-substantive, technical edits would be made to the rule and the claim form.

#### ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed regulatory action would provide for consistency with federal regulations. The proposed amendment to Board Rule 1634 would align the rule with HISA Rule 2263 by reducing the minimum number of days required since a horse’s last start, in relation to declaring the horse ineligible to be claimed, from 180 to 120, and allowing for ineligibility to apply to a second consecutive start, given certain conditions. Additionally, the proposed amendment to Board Rule 1658 would align the rule with HISA Rule 2262 by including “bled” as one of the reasons for placement on the Veterinarian’s List as it relates to a claimant electing to claim a horse regardless of a veterinary determination. Finally, references to the claim form,

CHRB–11 (REV. 8/14) Agreement to Claim, which is incorporated by reference in Board Rules 1656 and 1658, would be updated to reflect the latest version of the form, which has been revised to include “bled/epistaxis,” consistent with the proposed changes to Board Rule 1658. These proposed changes, which would provide for consistency with federal regulations, would help prevent confusion among horse owners and ensure their compliance with the Board’s rules.

### CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed regulatory action, the Board conducted a search of any similar regulations on the topic and concluded that Board Rule 1634 is the only regulation that sets the forth the conditions under which an owner may, at the time of entry into a claiming race, opt to declare a horse ineligible to be claimed; Board Rule 1656 is the only regulation that sets forth the types of errors made on a claim form that render a claim invalid; and Board Rule 1658 is the only regulation that governs the vesting of a title to a claim horse, sets forth the conditions under which the stewards shall void the claim, defines “bled,” stipulates when the stewards shall not void the claim, requires the use of the form CHRB–11 (REV. 8/14) Agreement to Claim, and specifies conditions that render the claim void. Therefore, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

### DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

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

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

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulatory action would reduce the minimum number of days required since a horse’s last start, in relation to declaring the horse ineligible to be claimed, from 180 to 120 and allow for ineligibility to apply to a second consecutive start, given certain conditions;

include “bled” as one of the reasons for placement on the Veterinarian’s List as it relates to a claimant electing to claim a horse regardless of a veterinary determination; update references to the claim form, which has been revised to include “bled/epistaxis” within the context of the previous provision; and make non–substantive, technical edits.

The following studies/relevant data were relied upon in making the above determination: none.

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

Significant effect on housing costs: none.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action will not create or eliminate jobs within the state, will not create new businesses or eliminate existing businesses within the state, will not result in the expansion of businesses currently doing business with the state, and is not expected to affect worker safety or the state’s environment. However, the proposed regulation will benefit the health and welfare of California residents. As stated above under ANTICIPATED BENEFIT OF THE PROPOSED REGULATION, the proposed regulation would provide for consistency with federal regulations, help prevent confusion among horse owners, and ensure compliance with the Board’s rules.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulatory action would reduce the minimum number of days required since a horse’s last start, in relation to declaring the horse ineligible to be claimed, from 180 to 120 and allow for ineligibility to apply to a second consecutive start, given certain conditions; include “bled” as one of the reasons for placement on the Veterinarian’s List as it relates to a claimant electing to claim a horse regardless of a veterinary determination; update references to the claim form, which has been revised to include “bled/epistaxis” within the context of the previous provision; and make nonsubstantive, technical edits.

### CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of

the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome 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 Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

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

Rick Pimentel, Regulations Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone: (916) 274-6043  
Email: [repimentel@chrb.ca.gov](mailto:repimentel@chrb.ca.gov)

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

Sandra Shinn, Manager  
Regulations and Industry Applications Unit  
Telephone: (916) 869-3255  
Email: [skshinn@chrb.ca.gov](mailto:skshinn@chrb.ca.gov)

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

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

#### AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in

this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Rick Pimentel at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

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

#### BOARD WEB ACCESS

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

### TITLE 8. OCCUPATIONAL SAFETY HEALTH STANDARDS BOARD

CONSTRUCTION SAFETY ORDERS  
SECTIONS 1951, 1952, 1953, 1955,  
1956, AND 1960

GENERAL INDUSTRY SAFETY ORDERS  
SECTION 5156

CONFINED SPACES IN CONSTRUCTION  
CLEAN-UP

NOTICE IS HEREBY GIVEN that the Occupational Safety and Health Standards Board (Board) proposes to adopt, amend or repeal the foregoing provisions of title 8 of the California Code of Regulations in the manner described in the Informative Digest, below.

#### PUBLIC HEARING

The Board will hold a public hearing starting at 10:00 a.m. on **November 21, 2024**, in the Auditorium of the **Ronald Reagan State Building, 300 South Spring Street, Los Angeles, California** as well as via the following:

- Video-conference at [www.webex.com](http://www.webex.com) (meeting ID 1469 63 6425)
- Teleconference at (844) 992-4726 (Access code 1469 63 6425)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At this public hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest.

### WRITTEN COMMENT PERIOD

In addition to written or oral comments submitted at the public hearing, written comments may also be submitted to the Board's office. The written comment period commences on **October 4, 2024**, and closes at 5:00 p.m. on **November 21, 2024**. Comments received after that deadline will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments can be submitted as follows:

By mail to Sarah Money, Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; or By email sent to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov).

### AUTHORITY AND REFERENCE

Labor Code (LC) section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, LC section 142.3 requires the adoption of occupational safety and health standards that are at least as effective as federal occupational safety and health standards. These proposed regulations will implement, interpret and make specific LC section 142.3.

### INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

On November 19, 2015, the Board adopted the Federal *Confined Spaces in Construction* standard (Subpart AA) as sections 1950-1962 *Confined Spaces in Construction* (article 37), in title 8 of the California Code of Regulations. During the rulemaking process, stakeholders and members of the Board raised concerns regarding the concurrent applicability of section 5158, *Other Confined Space Operations*, which is made applicable to the construction operations through section 5156(b)(2)(A), with the Confined Spaces in Construction standard. Additional stakeholder concerns were directed at the clarity of certain provisions within article 37. The Division of Occupational Safety and Health (Cal/OSHA) expressed concerns that removing protections, found within section 5158, for

construction operations would undermine the safety of construction trade employees working in and near confined spaces.

In response to the concerns raised by the Board, Cal/OSHA, and other stakeholders, an advisory committee was convened September 6, 2017. The committee discussed the provisions within section 5158 which should be retained and incorporated within the Confined Spaces in Construction standard and which would allow for the repeal of section 5156(b)(2)(A) without diminishing worker protections. Additionally, the committee discussed and reached consensus regarding additional clarifying amendments to the Confined Spaces in Construction standard. The proposal includes provisions resulting from the committee consensus recommendations and technical clarifying amendments identified after the advisory committee proceedings.

The Board evaluated the proposed regulations pursuant to Government Code (GC) section 11346.5(a)(3)(D) and has determined that the regulations are not inconsistent or incompatible with existing state regulations. This proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by such requirements as: (1) the requirement of the federal government and the LC that the State regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through a single entity (the Standards Board).

While many provisions federal standards found in 29 CFR 1926.1200 et seq. (Subpart AA) remain unchanged within the proposal, certain provisions resulting from committee consensus recommendations enhance clarity of employers' existing obligations, remove the concurrent applicability of section 5158, and preserve worker protections currently afforded under the same. Such provisions include clearer rescue provisions originally found in section 5158, amendments which clarify the definitions of "entry employer," and a clarification that ensures confined spaces created as a result of construction operations are identified and evaluated. Other than the changes included in this rulemaking proposal, the existing rule will continue to mirror the federal standard.

### ***Anticipated Benefits***

Employers performing construction confined space operations will no longer be required to comply with the provisions of section 5158 *Other Confined Space Operations*. Rather the proposed changes to existing article 37 incorporate the safeguards under section 5158 and enhance clarity. The proposed amendments serve to distinguish regulations which are applicable to general industry employers (sections 5156-

5158) from those applicable to construction employers (sections 1951–1960). This regulatory action, aimed at improving safe work practices for construction confined space operations, will elevate the competence of employees through comprehensive training. This will ensure that the safest work procedures are consistently followed, from the project’s planning stages to completion. As a result, this rulemaking proposal will significantly benefit health and safety, and workers’ safety.

The specific changes are as follows:

*Section 1951. Definitions.*

Currently, there are 44 terms defined within this section. The advisory committee consensus was to clarify four of the existing definitions (entry employer, hazardous atmosphere, lockout and tagout) and incorporate a term (minimum explosive concentration) used in the definition of “hazardous atmosphere” and proposed for inclusion from section 5158(b)(2)(B) but not defined. The effect of these clarifications will be to enhance clarity, incorporate terms from existing regulations, and eliminate concurrent applicability of section 5158.

**“Entry employer”**

The existing definition defines an entry employer as one that decides that an employee it directs will enter a permit space. This definition was amended to simplify and increase clarity. Under the proposed change, it is made clear that employers whose employees enter or will enter permit–required confined spaces (permit spaces) are “entry employers.” The effect of this clarification is to classify any employer whose employee enters a permit space as an entry employer. Under this change, employers may only avoid being classified as entry employers by preventing the entry of employees into permit spaces.

The amendment also deletes, for clarity, the “NOTE” which addresses an employer’s “refusal to decide” as an implicit decision to allow employees to enter. The effect of this modification is greater clarity due to the deletion of a note that is no longer necessary due to the removal of the decision element from the definition of “entry employer.”

**“Hazardous atmosphere”**

The existing definition describes the concentration quantified as a percentage of the lower flammable limit (LFL) for flammable gas, vapor and mists which would constitute a hazardous atmosphere. Similarly, the definition sets forth concentrations at which airborne combustible dusts would constitute a hazardous atmosphere. The amended definition incorporates the airborne combustible particulate concentration found in section 5158(b)(2)(B). The current definition establishes a threshold of airborne combustible dust concentration as one that “meets or exceeds its LFL” rath-

er than the more protective “exceeds 20 percent of the minimum explosive concentration (MEC).” The effect of this modification is to ensure employers adhere to the same thresholds set by section 5158(b)(2)(B) when assessing a hazardous atmosphere for combustible particulates and to permit Cal/OSHA to exempt construction employers from section 5158 for clarity sake without diminishing worker protections.

The NOTE to subsection (2) of “hazardous atmosphere” is deleted as it is no longer consistent with the definition of hazardous atmosphere as currently proposed. The effect of this modification is greater clarity due to the deletion of a note no longer consistent with the changes proposed under subsection (2) of the definition of “hazardous atmosphere.”

Additionally, subsection (4) of the “hazardous atmosphere” definition is amended to include the phrase, “and which could result in employee exposure in excess of its dose or permissible exposure limit” which was originally omitted. The effect of this modification is to clarify that the atmospheric concentration of substances described in subsection (4) would meet the criteria of a “hazardous atmosphere” if they result in employee exposure in excess of its dose or permissible exposure limit. Under the proposed amendment, a concentration above the permissible exposure limit for a substance would define a hazardous atmosphere. Permissible exposure limits are found in Table AC–1, Appendix to section 5155.

**“Lockout”**

The existing definition is amended to replace “established” procedure with an “effective” procedure. Under the proposed change, the efficacy of procedures used will ensure that “lockout” has been achieved. The effect of this clarification is to ensure that the energy isolating device and the equipment being controlled cannot be operated until the lockout device is removed.

Lower flammable limit is modified to include the acronyms “LFL” and “LEL.” The proposed change is a technical clarifying amendment. The effect of this modification is to ensure the acronyms LFL and LEL, where used in article 37, are explicitly construed as lower flammable limit and lower explosive limit (LEL).

**“Minimum explosive concentration”**

Minimum explosive concentration is not currently defined. The term is incorporated from section 5158 Other Confined Space Operations and is used to describe concentrations of combustible particulates which present a danger in the context of hazardous atmosphere. The effect of this provision is “minimum explosive concentration” would be defined as above within the context of “hazardous atmosphere” where used in article 37.

**“Tagout”**

The existing definition is amended to replace “established” with “effective,” to ensure that, and consistent with the existing requirement, the circuit or equipment being controlled may not be operated until the tagout device is removed. The effect of this clarification is to ensure that the circuit or equipment being controlled may not be operated until the tagout device is removed. Under the proposed change, the efficacy of procedures used will be, by definition, as an additional criteria to delineate whether “tagout” has been achieved. Additionally, subsection (B) was grammatically corrected to delete “that” as its usage is a duplication of subsection (2).

*Section 1952. General Requirements.*

This section contains general requirements for confined space operations. Its scope includes the identification of confined spaces; the subset of which are permit spaces, the demarcation of permit spaces through signage and other notification requirements; requirements to prohibit unauthorized entry into permit spaces; the requirement for a permit space program; alternate entry procedures for permit spaces; the reclassification of a non-permit-required space to a permit space; communication between employers on a construction site where permit space entry is performed; and assignment of the role of “controlling contractor” in the absence of an identifiable “controlling contractor.” Amendments are proposed for this section to enhance clarity, reformat existing requirements and incorporate safeguards currently required by section 5158.

Existing section 1952(a) has been reformatted to enhance clarity and separate each listed requirement into four individual subsections. (See new sections 1952(a) and 1952(a)(1–4) below.) The effect of this modification is to preserve existing safeguards and ensure employers will have greater clarity of the provisions originally grouped under section 1952(a) when separated into the four subsections to follow.

New section 1952(a) titled “Identification of confined spaces and evaluation of permit-required confined spaces.” This title has no regulatory effect.

Under the requirements of subsection (a)(1), each work area would be surveyed by a competent person to identify confined spaces at the time work begins. The effect of this modification will be to enhance the clarity of existing safeguard provisions by ensuring employers make certain a competent person inspects their work area to identify existing confined spaces.

Subsection (a)(2) requires periodic inspections to identify new confined spaces that are created as a result of construction at the worksite. The effect of this modification is to affirm the employer duty to identify new and previously unrecognized confined spaces

by having a competent person periodically inspect their worksite.

Subsection (a)(3) requires employers to notify their employees and the controlling contractor of newly discovered or created confined spaces as a result of construction or demolition activity. The effect of this proposal is to ensure employers communicate to their employees and the controlling contractor that a new confined space has been encountered. The duties parallel that of section 1952(b)(2) that require the employer to notify the controlling contractor of permit spaces.

Subsection (a)(4) utilizes the provisions found in the existing subsection (a) which requires the evaluation of the confined spaces and where appropriate, classification of such confined spaces as permit spaces. This provision is a relocation from the existing section 1952(a). The effect of this proposal is to maintain existing provisions for the evaluation of confined spaces and classify those spaces as permit spaces where appropriate.

Subsection (d) is amended to replace the phrase “If any employer decides that employees it directs will enter a permit space, that employer” with the clearly defined term “entry employers.” The effect of this proposal is to make clear that entry employers are required to have a written confined space program and to align this rule with the new definition of “entry employer.”

Subsection (e)(2)(C) proposes a technical clarifying amendment that includes provisions for the use of multi-gas meters that concurrently monitor multiple airborne hazards. The change allows the use of multi-gas meters provided the order the readings are examined is preserved. The effect of this clarification is to remove ambiguity that multi-gas meters may be used, subject to the order of testing prescribed in existing section 1952(e)(2)(C).

*Section 1953. Permit-Required Confined Space Program.*

This section contains requirements entry employers must incorporate into a permit-required confined space program.

Existing subsection (a) is amended to clarify that the permit space program must be in writing for consistency with existing section 1952(d) and the amended definition of “entry employer.” The effect of this proposal is to incorporate and preserve safeguards currently required under section 5158(c) and clarify that the procedures necessary for the safe entry into permit spaces must be in writing as required by section 1952(d).

The existing NOTE after subsection (d) has been rewritten and proposed as subsections (a)(3)(D)(1)(a–c) to be enforceable and therefore at least as effective as the federal regulation. In situations where the employer is incapable of reducing the airborne concentra-

tion of flammable gases/vapors to safe levels (10 percent of the LFL or lower), entry employers may inert<sup>1</sup> the confined space as an alternative before proceeding with entry into a permit space. Permit space entry under such cases will be performed where the atmosphere within the permit space is rendered inert (by introducing an inert gas into the permit space, thereby displacing oxygen) provided protective measures such as respiratory protection are provided and all physical hazards are eliminated or isolated.

Subsections (a)(3)(D)(1)(a–c) are the three conditions which entry employers must comply (under the exception) to perform work in atmospheres that are greater than 10 percent of the LFL.

Subsection (a)(3)(D)(1)(a) requires a permit space be rendered inert for the duration of the entry. The effect of this amendment is to require entry employers take steps to ensure the atmosphere within the space is rendered inert and eliminate or control atmospheric hazards.

Subsection (a)(3)(D)(1)(b) requires entry employers provide employees working in a confined space where an inert atmosphere is maintained, with a source of breathable air in an otherwise immediately dangerous to life and health atmosphere. The effect of this proposal is to make clear employers are required to protect employees against atmospheric hazards by providing respiratory protection in accordance with section 5144(d)(2).

Subsection (a)(3)(D)(1)(c) requires the entry employer to eliminate or isolate all physical hazards within the permit space that may pose a risk to employees or impair their ability to safely enter or exit the permit space. The effect of this proposal is to make clear employers are required to protect employees against physical hazards present within the permit space.

Minor grammatical and editorial amendments are proposed for subsections (a)(3)(G) and (H), which include deleting “and” and replacing a period with a semicolon. These are non–substantive formatting amendments and will have no regulatory effect.

New subsection (a)(3)(I) prohibits the use of sources of ignition within permit spaces where the conditions within the space are susceptible to fire or explosion. The effect of the change is to retain the prohibition found in section 5158(d)(8), which would otherwise no longer be applicable given the proposed repeal of section 5156(b)(2)(A).

New subsection (a)(3)(J) requires the surveillance of surrounding areas to detect the potential of drifting airborne hazards from tanks, piping and sewers. The effect of the change is to retain the require-

ments for monitoring connected spaces found in section 5158(c)(1)(B), which would otherwise no longer be applicable given the proposed repeal of section 5156(b)(2)(A).

Subsection (a)(5)(C) specifies the requirements to test for hazardous atmospheres in permit spaces. The proposed amendment is a technical clarifying amendment that includes provisions for the use of multi–gas meters that concurrently monitor multiple airborne hazards. The change allows the use of multi–gas meters provided the order the readings are examined is preserved. The effect of this proposal is to remove ambiguity that multi–gas meters may be used, subject to the order of testing prescribed in existing section 1953(a)(5)(C).

Existing section (a)(9) has been reformatted to enhance clarity and separate each listed requirement into four individual subsections.

Subsection (a)(9) amends the undefined term “emergency services” to “emergency medical services” for clarity. The term “emergency medical services” is used in section 1512(e), defined in section 1504 and clarifies for entry employers the emergency medical service provisions required. The proposed amendment to new subsections (a)(9)(A–D) separates the original subsection into second tier subsections for clarity. The phrase “for providing necessary emergency services” is replaced with “obtaining emergency medical services” as specified under section 1512(e) for rescued employees. Additional non–substantive amendments were added for formatting purposes. The effect of these modifications is to enhance clarity and to delineate four specific procedures to provide rescue services and emergency [medical] services.

*Section 1955. Entry Permit.*

This section contains a list of information required to be documented and recorded on an “entry permit” prepared by the entry supervisor before entry. The entry permit is required during all permit space entries and serves as a record to memorialize relevant entry information such as persons involved, hazards encountered and protective measures implemented. The entry permits are retained by the entry employer and reviewed annually as required under section 1954(f).

The proposed amendment to subsection (a)(12) replaces the undefined term “emergency services” to “emergency medical services” for clarity. The term “emergency medical services” is used in section 1512(e), defined in section 1504, and clarifies for entry employers the emergency medical service provisions required. The effect of this proposal is employers would identify in their permit space entry permit the means to summon emergency medical services and rescue services.

<sup>1</sup> *Inerting* means displacing the atmosphere in a permit space by a noncombustible gas (such as nitrogen) to such an extent that the resulting atmosphere is noncombustible.

*Section 1956. Training.*

This section contains the training requirements for permit–required confined space operations.

The proposed amendment separates the original subsection (a) into a subsection and second tier subsection for clarity. Subsection (a) retains the existing requirements for training to be provided at no cost to the employee and ensures employee competence. The effect of this proposal is that existing goals for training employees are further delineated for employers.

The new subsections (a)(1) and (2) relocate the provisions of subsection (a), which requires the training provided result in the understanding of the hazards in the permit space, measures employees may use to protect themselves, and prohibitions regarding unauthorized entry into permit spaces for the purpose of rescue. The amendment adds requirements for the training to result in the understanding of the written procedures. The proposed amendment ensures that the training provided to employees include an understanding of the procedures contained within the permit space program. The effect of this proposal will require that the training employers provide result in employees understanding the provisions of the written procedures, the hazards in the permit space, the methods used to isolate or control these hazards and the dangers of attempting unauthorized rescues.

*Section 1960. Rescue and Emergency Services.*

This section currently contains the rescue and emergency services requirements needed during permit–required confined space entry and rescue. The title has been amended to “Permit Space Rescue and Emergency Medical Services” for clarity. The proposed change to the title has no regulatory effect.

New subsection (a) adds a provision for the entry employer to ensure rescue services at the site are trained, immediately available, and equipped to respond to emergencies that may affect employees who enter the permit space. The change preserves the requirements for onsite rescue from section 5158, which would otherwise no longer be applicable given the proposed repeal of section 5156(b)(2)(A). The effect of this modification is to preserve existing safeguards and make clear the employer duty to provide rescue and emergency medical services.

The original subsection (a) has been re–lettered as subsection (b) and deletes “emergency services” for clarity while retaining “rescue services.” The effect of this proposal is to ensure employers designating rescue services provide provisions under re–lettered section 1960(b)–(d).

The original note to subsection 1960(a)(1) has been re–lettered to note to subsection 1960(b)(1). This is a non–substantive formatting amendment.

The original subsection (b) has been re–lettered as subsection (c) and replaces the undefined term “emer-

gency services” with “emergency medical services” for clarity. Emergency medical services is defined in section 1504 and used in section 1512(e), which clarifies what emergency medical service provisions would need to be made by entry employers. The effect of this proposal is employers who have been designated to provide emergency medical services must comply with the provisions stated in existing, re–lettered section 1960(c).

Existing subsections (c) and (d) are re–lettered as section 1960(d) and (e), respectively. These are non–substantive formatting amendments.

*Section 5156. Scope, Application and Definitions.*

This section contains the scope, application and definitions for the General Industry Confined Spaces standard.

The proposed repeal of subsection (b)(2)(A) eliminates the requirement for construction–related confined space operations to comply with section 5158, *Other Confined Space Operations*. The result of the repeal requires construction confined space operations to comply with Construction Safety Orders, article 37, sections 1950–1962 rather than both section 5158 and sections 1950–1962 concurrently. The effect of this proposal is those operations referenced in section 1950 no longer must comply with section 5158 concurrently. For this reason, relevant portions of section 5158 have been added to article 37, as discussed above.

Subsections (A) through (E) are non–substantive formatting amendments.

A “note” is added for clarity to direct construction employers to article 37. The effect of this proposal is that employers would be directed to article 37 for confined space operations when performing construction confined space operations.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

***Mandate on Local Agencies or School Districts:***

None.

***Cost or Savings to State Agencies:***

None.

***Cost to Any Local Government or School District Which Must be Reimbursed in Accordance with Government Code Sections 17500 through 17630:***

None.

***Other Nondiscretionary Cost or Savings Imposed on Local Agencies:***

None.

***Cost or Savings in Federal Funding to the State:***

None.

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

Board staff has estimated the cost to a typical business in California to be approximately \$300.00<sup>2</sup>.

**Statewide Adverse Economic Impact Directly Affecting Businesses and Individuals: Including the Ability of California Businesses to Compete:**

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses/individuals, including the ability of California businesses to compete with businesses in other states.

This rulemaking action improves and streamlines federal regulations that have already been adopted from federal OSHA requirements. California, when adopting federal regulations, must promulgate standards of equal or greater protection to employees. Construction projects that are impacted exist within the boundaries of California and therefore confer no competitive advantage to businesses outside of California.

**Significant Effect on Housing Costs:**

None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed amendments may affect small businesses. However, the economic impact is not anticipated to be significant. The amendments require no additional equipment or investment. The amendments require minor changes to existing training and programs which serve to simplify the information conveyed to employers and employees. The costs associated with meeting these requirements are:

1. Update of existing written program to remove references to section 5158 and update terminology (Entry Employers Only). This cost does not repeat, \$121,000<sup>3</sup>
2. Informing supervisors and employees of updates to the standard. This cost does not repeat., \$1.4 million<sup>4</sup> and
3. Clarification of the responsibility to seek and identify all confined spaces, including newly created and discovered, and inform employees and supervisors about these confined spaces, no additional costs expected.

The amendments remove non-substantive requirements which employers would be required to analyze as part of their regulatory compliance schema.

<sup>2</sup> \$263.08

<sup>3</sup> \$121,371

<sup>4</sup> \$1,433,451

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

This rulemaking action will not have any effect on the creation or elimination of California jobs or the creation of new businesses or the elimination of existing California businesses or affect the expansion of existing California businesses. The proposal consolidates existing provisions (from section 5158) and amends other less clear, existing provisions. No new industries or positions are created from the changes and all tasks are based within the boundaries of California. Therefore, there is no net effect on jobs or businesses within California.

BENEFITS OF THE PROPOSED ACTION

The regulation may reduce workplace deaths and serious injuries, increasing workplace safety and lessening health care costs to employers and the state. As a result, this proposed regulatory action will benefit health and welfare of California residents and worker safety. This proposed regulatory action will not affect the environment.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5(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 either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposal described in this Notice.

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

CONTACT PERSONS

Inquiries regarding this proposed regulatory action may be directed to Autumn Gonzalez (Chief Counsel) or the back-up contact person, Amalia Neidhardt (Principal Safety Engineer) at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833; (916) 274-5721.

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

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process BY APPOINTMENT Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Board’s office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. Appointments can be scheduled via email at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) or by calling (916) 274–5721. As of the date this Notice of Proposed Action is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, supporting documents, or other information upon which the rulemaking is based. Copies may be obtained by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this Notice. If the Board makes modifications sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public at least 15 days before the Board adopts the regulations as revised. Please request copies of any modified regulations by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above. The Board will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Autumn Gonzalez or Amalia Neidhardt at the address or telephone number listed above or via the Board’s website at <http://www.dir.ca.gov/oshsb>.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

The Board will have rulemaking documents available for inspection throughout the rulemaking process on its web site. Copies of the text of the regulations in an underline/strikeout format, the Notice of Proposed Action and the Initial Statement of Reasons can be ac-

cessed through the Standards Board’s website at <http://www.dir.ca.gov/oshsb>.

**TITLE 9. DEPARTMENT OF REHABILITATION**

**NOTICE OF INTENTION TO AMEND THE CONFLICT–OF–INTEREST CODE**

NOTICE IS HEREBY GIVEN that the Department of Rehabilitation (DOR), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on October 4, 2024, and closing on November 19, 2024. All inquiries should be directed to the contact listed below.

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

Changes to the conflict–of–interest code include the addition and deletions of positions throughout the department since the last amendment to the code and also makes other technical changes.

Information on the code amendment is available on the agency’s intranet site and attached to this email.

Any interested person may submit written comments relating to the proposed amendments by submitting them no later than *November 19, 2024*. No public hearing is scheduled.

The DOR has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should

be directed to: Michele Welz, Office of Legal Affairs and Regulation, [Michele.Welz@dor.ca.gov](mailto:Michele.Welz@dor.ca.gov).

**REASONABLE ACCOMMODATION  
STATEMENT**

The DOR shall provide, upon request, a narrative description of the proposed changes included in the proposed action, in the manner provided by Government Code Section 11346.6, to accommodate a person with a visual or other disability for which effective communication is required under state or federal law. Providing the description of proposed changes may require extending the period of public comment for the proposed action for the requesting party. If you need assistance, please reach out to [Michele.Welz@dor.ca.gov](mailto:Michele.Welz@dor.ca.gov).

**TITLE 11. COMMISSION ON PEACE  
OFFICER STANDARDS AND  
TRAINING (POST)**

**COMMISSION REGULATION  
1005 — MINIMUM STANDARDS FOR  
TRAINING — CPT MITIGATION**

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

**Public Comments Due by November 18, 2024.**

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

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

**AUTHORITY AND REFERENCE**

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which autho-

rizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Commission Regulation 1005 requires that every peace officer (other than a Level III Reserve Peace Officer), every Public Safety Dispatcher, and every Public Safety Dispatch Supervisor shall satisfactorily complete the Continuing Professional Training (CPT) requirement of 24 or more hours of POST–qualifying training during every two–year CPT cycle, based on the statewide CPT Anniversary Date as specified in Subsection 1005(d)(2), which runs from January 01 of odd years through December 31 of even years.

CPT is training that exceeds the requirements to meet or requalify in entry–level minimum standards. It is required for certain peace officer and dispatch personnel employed by POST participating departments to maintain, update, expand, and/or enhance an individual’s knowledge or skills. This includes the training required for the Perishable Skills Program.

This rulemaking action clarifies and makes specific the processes in which POST will work with departments to address impacted individuals who are unable to complete CPT training due to qualifying mitigating factors, defining those qualifying mitigating factors, and how this information will be reported.

*Anticipated Benefits of the Proposed Amendments:*

The benefits anticipated by the proposed amendments to the regulation will allow departments to account for impacted individuals in their CPT compliance numbers/percentages while providing a complete story for the public reporting, which will increase the efficiency of the state of California in delivering services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state’s environment.

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

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

**FORMS INCORPORATED BY REFERENCE**

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

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

*POST has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect state agencies that are adopting, amending or repealing regulations. Additionally, the Commission’s main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

**RESULTS OF ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT**

POST concludes that it is (1) unlikely the proposal will create or eliminate jobs in the state of California, (2) unlikely that the proposal will create or eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will increase the efficiency of the state of California in delivering services to stakeholders by providing a means for departments to report impacted individuals who are unable to complete CPT training due to qualifying mitigated factors, providing a completed picture of their compliance and better transparency. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and

welfare in California. There would be no impact that would affect worker safety or the state’s environment.

**CONSIDERATION OF ALTERNATIVES**

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

**CONTACT PERSONS**

Questions regarding this proposed regulatory action may be directed to Kristoffer Gerolaga, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–4859. General questions regarding the regulatory process may be directed to Ashley Anderson at (916) 970–4635.

**TEXT OF PROPOSAL**

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

**ADOPTION OF PROPOSED REGULATIONS/  
AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

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

ed in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

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

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

**TITLE 13. DEPARTMENT OF  
MOTOR VEHICLES**

ARTICLE 2.0 — DRIVER'S LICENSES AND  
IDENTIFICATION CARDS

The Department of Motor Vehicles (department) proposes to amend Section 15.00 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to driver's licenses and identification cards.

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 **November 18, 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/ repeal these regulations under the authority granted by Vehicle Code section 1651, to implement, interpret, or make specific Vehicle Code section 12801.5.

INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW

Vehicle Code section 12801.5 requires the department to require a driver's license or identification card applicant to submit satisfactory proof of California residency and that the applicant's presence in the United States is authorized under federal law.

Section 15.00 in Article 2.0 identifies documents an applicant can submit to the department to establish their legal presence and identity. Those documents include, but are not limited to, a certified copy of a U.S. birth certificate, a U.S. Certificate of Birth Abroad, a valid U.S. passport, various military identification documents, various cards issued by the Department of Homeland Security, and a certification provided by the California Department of Corrections and Rehabilitation verifying the legal presence of the applicant.

The department is amending Section 15.00 to add a federal release identification card to the list of documents that can be used to establish an applicant's legal presence and identity. The federal release identification card is issued to individuals who are leaving the custody of the Federal Bureau of Prisons (FBOP) and is currently recognized by 20 other states as document that will establish an individual's proof of identity. To qualify for the federal release identification card, an individual must be either a U.S. citizen or a naturalized citizen and the FBOP must be able to verify the individual's full legal name, social security number, and a release or halfway house address.

In consultation with the FBOP, the department has determined that an individual who has been issued a federal release identification card has been verified in a manner sufficient for the department to be satisfied that the applicant's identity has been appropriately verified.

Because issuance of a federal release ID Card requires the applicant to be a United States citizen, the federal release ID Card cannot be used for issuance of an AB 60 driver's license.

Furthermore, Section 17.02 in Article 2.0 identifies the documents that department, as directed by 6 C.F.R Section 37.11(c), has determined as sufficient to establish an applicant's identity for purposes of being issued a REAL ID driver's license or identification card. Because the federal release ID Card has not been recognized by the Department of Homeland Security as

an approved identity document, the federal release ID Card cannot be used for issuance of a REAL ID license or identification card. The federal release ID Card can only be used when the applicant is applying for a non–federally compliant driver’s license or identification card.

**BENEFITS OF THE  
PROPOSED REGULATION**

The department anticipates this proposed action will benefit individuals who are leaving the custody of the FBOP by assisting them to successfully reintegrate to their communities by removing potential barriers to receiving a driver’s license or identification card. This regulatory amendment will ensure they will be able to sufficiently establish their identity by using a document they already have in their possession.

**CONSISTENCY AND COMPATIBILITY  
WITH STATE REGULATIONS**

The department has conducted a review of comparable regulations and has determined this is the only state regulation related to documents that can be used to establish an applicant’s legal presence for purposes of driver’s license or identification card issuance.

**COMPARABLE FEDERAL  
STATUTES OR REGULATIONS**

The department has conducted a search and has determined that there are no compatible federal regulations or statutes related to establishing legal presence for the issuance of driver’s licenses and identification cards.

**DOCUMENTS RELIED UPON**

The department is adding to the rulemaking record a letter received by the department from the Federal Bureau of Prisons, dated May 1, 2024, requesting the department consider accepting its federal release identification card to establish the identity of individuals who are being released from the custody of the FBOP and applying to the department for an identification card. The letter provides information related to the verification made by the FBOP to determine whether an individual qualifies for a federal release identification card. This document can be requested from the department by contacting the department’s representative identified in this Notice of Proposed Action.

**DOCUMENTS INCORPORATED  
BY REFERENCE**

There are no documents incorporated by reference.

**ECONOMIC AND FISCAL  
IMPACT DETERMINATIONS**

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

- Cost or Savings to Any State Agency: None.
- Other Non–Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Cost Impact on Representative Private Persons or Businesses: This proposed action will not have a cost impact on representative private persons or businesses. This action authorizes the use of a federal release identification card for individuals who are applying for a driver’s license or identification card. This action only impacts individuals and not businesses. There is a cost for the issuance of a driver’s license or an identification card, however, that fee is in regulation and is subject to fluctuate with changes to the Consumer Price Index. This proposed action does not change and is unrelated to issuance fees.
- Small Business Impact: This action will not impact small businesses. The proposed amendment only impacts driver’s license and identification card applicants.
- 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: There are no significant statewide adverse economic impacts directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

**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 elimi-

nation 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 regulatory proposal may benefit the health and welfare of California residents by ensuring applicants have an accessible means by which to establish their legal presence for purposes of applying for a driver's license or identification card. This amendment will also have positive benefits by allowing individuals to reintegrate to their communities after leaving the custody of the FBOP.

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

TITLE 27. CALIFORNIA  
ENVIRONMENTAL PROTECTION  
AGENCY

NOTICE OF INTENTION TO AMEND THE  
CONFLICT-OF-INTEREST CODE

NOTICE IS HEREBY GIVEN that the Office of the Secretary of the California Environmental Protection Agency (CalEPA), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on October 4, 2024 and closing on November 18, 2024. All inquiries should be directed to the contact listed below.

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

Changes to the conflict-of-interest code include: adding certain officials and employees who should be filing a Form 700; removing other positions because they no longer exist within the agency; and also makes other technical changes. The proposed amendment and explanation of the reasons can be obtained from the agency's contact.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than November 18, 2024, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than November 3, 2024.

The CalEPA has determined that the proposed amendments:

1. Impose no mandate on local agencies or school districts.
2. Impose no costs or savings on any state agency.
3. Impose no costs on any local agency or school district that are required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Salwa Bojack, Senior Attorney, 916-282-3904, [salwa.bojack@calepa.ca.gov](mailto:salwa.bojack@calepa.ca.gov).

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND  
WILDLIFE

HABITAT RESTORATION AND  
ENHANCEMENT ACT  
CONSISTENCY DETERMINATION  
NUMBER 1653-2024-148-001-R1

**Project:** South Fork Scott River Floodplain  
Connectivity Project, Phase IV

**Location:** Siskiyou County

**Applicant:** Dustin Revel, California Trout, Inc.

**Background**

*Project Location:* The South Fork Scott River Floodplain Connectivity Project, Phase IV (Project) is located along the South Fork Scott River, approximately 2.5 miles southwest of the town of Callahan, within the Scott River. The coordinates of the Project are 41.289193° North, 122.838137° West, at a property owned by Michael Thamer, Assessor Parcel Number (APN) 031-090-080, and affects the South Fork of the Scott River, which supports populations of Chinook Salmon (*Oncorhynchus tshawytscha*), Coho Salmon (*Oncorhynchus kisutch*), and steelhead trout (*Oncorhynchus mykiss*).

*Project Description:* California Trout, Inc. (Applicant) proposes to enhance or restore habitat within the South Fork of the Scott River to provide a net conservation benefit of Chinook Salmon, Coho Salmon, and steelhead trout. The Project will restore side-channel habitat, improve floodplain connectivity, increase instream complexity and cover, promote riparian vegetation, and enhance slow-water habitat through active restoration of an approximately 400-foot-long reach of the South Fork Scott River. To achieve restoration goals, the Project will excavate side-channels (extending an existing channel and constructing an additional channel), install four channel-spanning large wood structures in the main channel, install 14 large wood structures in the new and extended side channels, and plant riparian vegetation.

These tasks will require the use of heavy equipment, such as an excavator, loader, or dozer, to recontour the substrate to the prescribed elevations and to place and manipulate large wood features. Mining tailings will be excavated and transported to a pre-existing depos-

itory site on the property located away from the riparian area. Large wood features will be constructed by partially burying wood into the bank and by pinning, cabling, or pinching wood against existing hard points to prevent mobilization, as necessary. Mainstem large-wood features will be nearly channel spanning and consist of five to six mature fir, pine, or cedar logs procured on the property. Large rock, sourced from a nearby quarry, will be placed on and next to the log-jam members to prevent future mobilization.

#### *Wood Enhancement in Main Channel.*

Through the treatment reach, the South Fork Scott River currently lacks channel complexity, and largely consists of only riffles and runs, and has accumulated very little large wood that could improve aquatic habitat. To address this, four channel-spanning large wood structures will be installed along the treatment reach. A portion of these logs will have intact rootwads. The total excavation area associated with the four channel-spanning large wood structures will be approximately 1,440 square feet (approximately 360 square feet each), with excavation dimensions of up to 30 feet long, 12 feet wide, and 60 feet deep. Each structure will be stabilized and backfilled with native material, as necessary.

The main channel wood structures will be installed in two steps conducted from both banks. To complete work on the river-right bank, the log ends will be placed between existing trees in the riparian zone. The log ends on the river-right side will not require substantial excavation (30 feet long, 12 feet wide, and six feet deep). The wood features will be placed by wedging individual logs or rootwads within existing trees and rock features.

Two access pads may be necessary to ensure that equipment does not need to enter the wetted channel. These pads will consist of washed, spawning size gravel that will provide access into the channel, extend back into the riparian zone, and run approximately 30 feet along the bank. Approximately 60 cubic yards of washed gravel (30 cubic yards per location) will be utilized in pad installation. Upon completion, the equipment operator will disperse the pad material, leaving all the washed gravel instream to be utilized as spawning substrate by salmonids.

River-left wood placement will be completed from the top of the bank. During construction, up to six trenches will be excavated at each placement location. The excavated trenches will be a maximum of six feet deep at the end of the trench furthest from the stream channel, with the trench sloping upwards (getting shallower) towards to channel.

#### *Side-Channel Excavation and Enhancement.*

Stream flow through the Project area has been constrained as a result of channelization and incision from legacy mining activities, and there is currently little

floodplain connectivity with the main active channel. Construction of side-channel features, in combination with large-wood structures, will help increase connectivity with the floodplain and stimulate riparian vegetation abundance while providing increased pool frequency, large wood complexity, and gravel sorting. During implementation, heavy equipment will be used to excavate and contour the side-channel areas. One side channel will be constructed adjacent to the reach of the restored main channel, measuring 360 feet in length and 40 feet width. The maximum depth of excavation for this work will be three feet.

An existing side channel will be lengthened upstream by 258 feet, across of width of 40 feet, and to a depth of three feet; this enhanced channel will be connected to the constructed side channel near its divergence, thereby creating a bifurcated stream reach. Work on the side channels will occur outside the active channel as this area is naturally dewatered during low flow summer and fall conditions.

Large wood features will be incorporated to enhance the hydraulic processes and habitat features of the newly constructed and enhanced side channels. Fourteen log structures will be installed in the side channels. A portion of these logs will have retained, intact rootwads. These logs will be secured by partially burying a portion of the log or rootwad. Trenches excavated for this purpose will be a maximum of six feet deep at the point furthest from the channel, sloping upwards (and shallower) towards the channel.

#### *Riparian Vegetation Enhancement.*

Native riparian vegetation will be planted throughout the constructed side channels and within each large wood structure. Planting methods will include clusters and bundles planted at depth not to exceed 12 inches. To promote riparian revegetation success and help restore the native plant community at the site, invasive vegetation will be mechanically removed, cut back, and hand grubbed prior to planting.

#### *Wood Procurement and Processing.*

Logs and rootwads for the habitat enhancing wood structures will be procured from within the greater privately owned property. The procurement area is located immediately adjacent to and upstream of the restoration project site on river right and extends approximately a half mile upstream. The procurement area runs along an existing road for ease of extraction and transport and to reduce impacts to the soil and upland habitat.

#### *Staging and Soils Disposal.*

A single staging area will be used for the Project, at which, equipment and materials will be stored, and equipment will be maintained, with the exception of refueling.

*Project Size:* The total area of ground disturbance associated with the Project is approximately 2.37 acres and 420 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

*Project Associated Discharge:* Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) gravel and (2) logs with and without rootwads.

*Project Timeframes:* Start date: September 2024.

Completion date: December 2026.

Work window: July 1–October 15.

*Water Quality Certification Background:* Because the Project’s primary purpose is habitat restoration intended to improve the quality of waters in California and improve fish rearing habitat, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number 1A2411WNSI, Electronic Content Management Identification (ECM PIN) Number CW–896034 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to resources.

*Receiving Water:* South Fork of the Scott River, tributary to the Klamath River.

*Filled or Excavated Area:* Permanent area impacted: 2.24 acres.

Length permanently impacted: 390 linear feet.

Temporary area impacted: 0.13 acres maximum.

Length temporarily impacted: 30 linear feet.

*Discharge Volume:* 60 cubic yards (cy) of gravel (washed, spawning sized), and 16–24 (10 to 30 inches in diameter, minimum of 30 feet in length) logs (some with rootwads).

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

Noticing: on August 26, 2024, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration

and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on August 26, 2024, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z–2024–0826–02) on September 6, 2024. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

### **Determination**

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) the Project is not part of a regulatory permit for a non–habitat restoration or enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) the Project meets the eligibility requirements of the State Water Resources Control Board’s Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

### **Avoidance and Minimization Measures**

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI. The specific avoidance and minimization requirements are found in the addendum titled: Appendix A, in the section titled Resource Considerations (beginning on page 13), of the addendum.

### **Monitoring and Reporting**

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant’s Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, titled: Appendix A in the section titled, Post Construction Effectiveness Monitoring (beginning on page 12).

### **Notice of Completion**

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;

- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above; and
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant’s NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: [Stacey.Alexander@wildlife.ca.gov](mailto:Stacey.Alexander@wildlife.ca.gov).

**Project Authorization**

Pursuant to Fish and Game Code section 1654, CDFW’s approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)

ANNOUNCEMENT OF THE CARCINOGEN  
IDENTIFICATION COMMITTEE MEETING  
SCHEDULED FOR DECEMBER 19, 2024;  
NOTICE OF AVAILABILITY OF HAZARD  
IDENTIFICATION MATERIALS FOR  
VINYL ACETATE

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) will convene a meeting of the Carcinogen Identification Committee (CIC) for possible listing of vinyl acetate under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq. (Proposition 65). OEHHA is also opening a 45–day public comment period on the hazard identification document entitled “Evidence on the Carcinogenicity of Vinyl Acetate.” **The public comment period will end on Monday, November 18, 2024.** A copy of the document is available on OEHHA’s website at <https://oehha.ca.gov/proposition-65>.

**Background**

OEHHA is the lead agency for implementation of Proposition 65. The CIC advises and assists OEHHA in compiling the list of chemicals known to the state to cause cancer within the meaning of the Act, as required by Proposition 65 (Health and Safety Code section 25249.8.). The CIC serves as the state’s qualified experts for determining whether a chemical has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer within the meaning of the Act (Health and Safety Code section 25249.8.).

A request for relevant information on the potential carcinogenicity of this chemical opened on July

7, 2023, and closed on September 18, 2023. Two submissions were received and are posted on the OEHHA website at: <https://oehha.ca.gov/proposition-65/comments/comment-submissions-request-relevant-information-carcinogenicity-vinyl>. OEHHA considered these submissions in preparing the hazard identification document.

**Public Meeting and Public Comment Period**

Vinyl acetate will be considered for possible listing under Proposition 65 as causing cancer at a public meeting scheduled for **Thursday, December 19, 2024**. This meeting will be held in Sacramento and online, with the option of participating in person or via the internet. Participate in person at Sierra Hearing Room 1001 I St., Sacramento, CA or *register online to participate via Zoom webinar*. The meeting will begin at 10:00 a.m. and last until all business is conducted or until 5:00 p.m..

The meeting agenda and detailed instructions for providing oral comment will be provided in a future public notice published in advance of the meeting.

All written comments must be submitted to OEHHA by electronic submission, mail, or hand-delivery, by **Monday, November 18, 2024**. OEHHA strongly recommends that comments be submitted electronically through our website at <https://oehha.ca.gov/comments> rather than in paper form. Alternatively, comments can be submitted in paper form, either by mail or delivered in person.

Mailed submission via United States Postal Service:

Attention: Kiana Vaghefi  
Office of Environmental Health Hazard  
Assessment  
P.O. Box 4010  
Sacramento, California 95812–4010

In-person delivery submission:

Attention: Kiana Vaghefi  
Office of Environmental Health Hazard  
Assessment  
1001 I Street, 12th Floor  
Sacramento, California 95814

OEHHA encourages all commenters to submit their comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.1 (<https://www.w3.org/WAI/standards-guidelines/wcag>) and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology.

All timely filed public comments will be provided to CIC members in advance of the meeting and will be posted on the OEHHA website at the close of the comment period.

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.

If you would like to request a copy of the hazard identification document, or have any other questions regarding this announcement, please contact Kiana Vaghefi at [Kiana.Vaghefi@oehha.ca.gov](mailto:Kiana.Vaghefi@oehha.ca.gov) or 916–322–1268.

**AVAILABILITY OF INDEX OF  
PRECEDENTIAL DECISIONS**

**DIVISION OF LABOR  
STANDARDS ENFORCEMENT**

**NOTICE OF INDEX OF  
PRECEDENTIAL DECISIONS**

NOTICE IS HEREBY GIVEN that the California Division of Labor Enforcement (DLSE), pursuant to subdivision (c) of section 11425.60 of the Government Code, maintains an index of precedential decisions, which is made available to the public by email subscription. The index and the text of the precedent decisions are continuously available to the public at: <https://www.dir.ca.gov/DLSE/Precedential-Decisions.html>. For additional information, contact:

Carole Vigne, Chief Counsel  
Division of Labor Standards Enforcement  
Email: [CVigne@dir.ca.gov](mailto:CVigne@dir.ca.gov)

**SUMMARY OF  
REGULATORY ACTIONS**

**REGULATIONS FILED WITH THE  
SECRETARY OF STATE**

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

California Health Benefit Exchange  
File # 2024–0822–03  
SHOP Eligibility and Enrollment Regulations

This action makes permanent the emergency amendments made by the California Health Benefit

Exchange (in Office of Administrative Law matter numbers 2019–1101–02ER and 2021–0827–02E) to its regulations governing the Small Business Health Options Program (SHOP). The action makes permanent the emergency amendments concerning the requirements for small businesses to apply for health and dental coverage for their employees, including SHOP eligibility, open enrollment periods, premium payments, and the appeal processes for employers and employees who are denied insurance coverage.

Title 10  
 Amend: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538, 6542, 6544, 6548, 6550  
 Filed 09/23/2024  
 Effective 09/23/2024  
 Agency Contact:  
 Jameson Mitchell (916) 954–3372

California Energy Commission  
 File # 2024–0912–02

Reimbursement for Review of Opt–in Applications and Lost Permit Fees

This emergency rulemaking action by the California Energy Commission adopts and amends regulations relating to procedures to allow local agencies to be reimbursed for the review of opt–in applications and lost permit fees for opt–in energy facility projects.

Title 20  
 Adopt: 1878.1  
 Amend: 1701  
 Filed 09/23/2024  
 Effective 09/23/2024  
 Agency Contact: Crystal Cabrera (916) 909–2542

Department of Food and Agriculture  
 File # 2024–0912–03

Caribbean Fruit Fly Eradication Area and Interior Quarantine

In this emergency rulemaking action, the California Department of Food and Agriculture expands its Caribbean Fruit Fly Eradication Area to include Orange County, creates an interior quarantine against the spread of the Caribbean Fruit Fly, and amends the fly’s host list.

Title 03  
 Adopt: 3422  
 Amend: 3591.11  
 Filed 09/18/2024  
 Effective 09/18/2024  
 Agency Contact: Rachel Avila (916) 698–2947

Department of Pesticide Regulation  
 File # 2024–0912–01  
 Registration Fees

This emergency rulemaking action by the California Department of Pesticide Regulation increases several fees associated with registration of pesticide products: the fee for an application to register a pesticide product, the fee for an application to amend the labeling or formulation of a registered pesticide product, and the annual registration renewal fee for a pesticide product. This rulemaking action also makes related amendments to the incorporated application form for pesticide registration. This rulemaking action is a deemed emergency pursuant to Food and Agriculture Code section 12812(e).

Title 03  
 Amend: 6148, 6148.5, 6170, 6216  
 Filed 09/23/2024  
 Effective 10/01/2024  
 Agency Contact: Lauren Otani (916) 445–5781

Department of Public Health  
 File # 2024–0913–02  
 Serving Size, Age and Intoxicating Cannabinoids for Industrial Hemp

This emergency action by the Department of Public Health adopts regulations that establish (1) serving size and package size limits for industrial hemp final form food products intended for human consumption, (2) an age requirement for offering or sale of industrial hemp final form food products, and (3) additional cannabinoids to be included in the definition of “THC” as intoxicating under Health and Safety Code section 111921.7(b), which is exempt from the Administrative Procedure Act for 18 months under Health and Safety Code section 111921.7(d). This action is deemed to be an emergency and will be effective for 180 days under Health and Safety Code section 110065(b)(3).

Title 17  
 Adopt: 23000, 23005, 23010, 23015, 23100  
 Filed 09/23/2024  
 Effective 09/23/2024  
 Agency Contact: Dawn Basciano (916) 440–7367

State Water Resources Control Board  
 File # 2024–0913–06  
 Wastewater Operator Certification Fees

This emergency rulemaking action amends all Wastewater Operator Certification Fees categories, except the fees for provisional operators, in the California Code of Regulations, title 23, division 3, chapter 26 (commencing with section 3670) to increase fees to cover expenditures and compensate for past under–collection of revenue.

Title 23  
Amend: 3677.1, 3677.5, 3717, 3719.16  
Filed 09/19/2024  
Effective 09/19/2024  
Agency Contact: Keisha Kelley (916) 341–5665

Board of Education  
File # 2024–0911–03  
CAASPP Regulations

This action readopts the emergency amendments to section 855 of Title 5 of the California Code of Regulations which advanced, from July 15 to June 30, the closing date of the annual California Assessment of Student Performance and Progress (CAASPP) testing window for Local Education Agency administration of these assessments.

Title 05  
Amend: 855  
Filed 09/23/2024  
Effective 10/01/2024  
Agency Contact: Lori Adame (916) 319–0860

California Student Aid Commission  
File # 2024–0913–04  
Middle Class Scholarship Program

In this deemed emergency readopt rulemaking of OAL Matter Number 2024–0311–01E pursuant to Education Code section 70023, subdivisions (c) and (g), the California Student Aid Commission is adopting regulations implementing, interpreting, and making specific the Middle Class Scholarship Program (MCS) (Ed. Code § 70020 et seq.).

Title 05  
Adopt: 30800, 30801, 30802, 30803  
Filed 09/19/2024  
Effective 09/19/2024  
Agency Contact:  
Synequeen Alasa–as (916) 464–6411

Department of Food and Agriculture  
File # 2024–0807–02  
Standardization Program — Citrus Assessment Rates

This file and print action amends the Citrus Program assessment rates for Navel oranges and mandarin citrus. This action is exempt from the Administrative Procedure Act pursuant to Food and Agricultural Code section 48002.

Title 03  
Amend: 1430.142  
Filed 09/19/2024  
Effective 10/01/2024  
Agency Contact: Sarah Cardoni (916) 597–6894

Department of Food and Agriculture  
File # 2024–0807–03  
Standardization Program — Gem Avocado Dry  
Matter Percentage

This file and print action establishes the minimum maturity standard for harvesting the gem avocado. This action is exempt from the Administrative Procedure Act pursuant to Food and Agriculture Code section 44988.

Title 03  
Amend: 1408.6  
Filed 09/19/2024  
Effective 10/01/2024  
Agency Contact: Sarah Cardoni (916) 597–6894

Department of Human Resources  
File # 2024–0814–06  
Traveling Expenses

In this request for filing and printing pursuant to Gov. Code § 11343.8, the Department of Human Resources (“CalHR”) is amending regulations pertaining to transportation expenses for those state officers and employees excluded from, or not otherwise subject to, the Ralph C. Dills Act (Gov. Code § 3512 et seq.) (“Excluded Employees”). This action is exempt from the APA pursuant to Gov. Code § 3539.5(b).

Title 02  
Amend: 599.615.1, 599.616.1, 599.619, 599.623,  
599.624.1, 599.625.1, 599.627.1, 599.628.1,  
599.629.1, 599.631, 599.633.1, 599.635.1, 599.636.1,  
599.638.1  
Filed 09/25/2024  
Effective 09/25/2024  
Agency Contact: Theresa Reid (916) 324–0526

Division of the State Architect  
File # 2024–0814–03  
Title 21, Division 1, Chapter 1, Subchapters 1 and 2,  
Repeal

This nonsubstantive rulemaking action by the Division of the State Architect repeals from title 21 of the California Code of Regulations building standards pertaining to public building access for physically handicapped persons.

Title 21  
Repeal: 81, 82, 83.1, 83.2, 83.3, 83.4, 83.5, 83.6, 84,  
85, 86  
Filed 09/24/2024  
Agency Contact: Randy Thomas (916) 324–5799

California Highway Patrol

File # 2024-0827-03

Routes for Transportation of Radioactive Materials

This rulemaking action seeks to update the routes designated for transporting highway route-controlled quantity (HRCQ) shipments of radioactive materials (RAM) to enhance public health and safety by providing a more direct access between Barstow and Lost Hills for commercial vehicles transporting HRCQ RAM.

Title 13

Amend: 1159

Filed 09/24/2024

Effective 01/01/2025

Agency Contact: Erica De Parsia (916) 843-3400

California Horse Racing Board

File # 2024-0809-01

Veterinary Practices and Treatments Restricted

In this rulemaking action, the Board amends its regulations to specify that performing an endoscopy and administering any substance to any horse with a hypodermic needle may only be done by a Board-licensed veterinarian or a registered veterinary technician (RVT) under the direct supervision of a Board-licensed veterinarian. The amendments further specify that only a Board-licensed veterinarian can administer to a horse a substance through a nasogastric tube. Furthermore, the amendments add RVTs and licensed veterinarian assistants in their regulation related to possession of contraband.

Title 04

Amend: 1840, 1890

Filed 09/19/2024

Effective 01/01/2025

Agency Contact: Sandra Shinn (916) 869-3255

Board of Education

File # 2024-0812-01

High School Equivalency Program

This action by the California Board of Education amends High School Equivalency Program regulations to amend related definitions, replace existing eligibility requirements with a new list of acceptable documentation that proves the examinee's identity and residency, and adopt the "California High School Equivalency Declaration of California Residency," rev. 5/1/19, which is incorporated by reference.

Title 05

Adopt: 11532.5

Amend: 11530, 11531

Repeal: 11532

Filed 09/19/2024

Effective 01/01/2025

Agency Contact: Lori Adame (916) 319-0860

**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).