



California Regulatory Notice Register

REGISTER 2025, NUMBER 22-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

MAY 30, 2025

PROPOSED ACTION ON REGULATIONS

TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

Conflict-of-Interest Codes — Notice File Number Z2025-0520-03 663

AMENDMENT

MULTI-COUNTY: San Luis Obispo County Community College District

STATE AGENCY: California Law Revision Commission

TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

Pesticide Use Near Schoolsites — Notice File Number Z2025-0520-01 664

TITLE 10. HEALTH BENEFIT EXCHANGE

Identity Verification Requirement — Notice File Number Z2025-0520-04 667

TITLE 10. DEPARTMENT OF FINANCIAL PROTECTION AND INNOVATION

Money Transmission Act – Officer Certification — Notice File Number Z2025-0519-02 671

TITLE 13. AIR RESOURCES BOARD

Advanced Clean Trucks (ACT) Pooling Amendments — Notice File Number Z2025-0513-06 673

TITLE 13. NEW MOTOR VEHICLE BOARD

Motions; Form, Briefing, and Hearings — Notice File Number Z2025-0519-01 678

TITLE 14. FISH AND GAME COMMISSION

Commercial Take of Market Squid — Notice File Number Z2025-0520-06 681

TITLE 14. FISH AND GAME COMMISSION

Recreational Crab Gear and Commercial Passenger Fishing Vessel Trap Validation — Notice File Number Z2025-0520-05 685

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

Health Care Allegations of Staff Misconduct — Notice File Number Z2025-0516-01 689

(Continued on next page)

***Time-
Dated
Material***

TITLE 21. DEPARTMENT OF TRANSPORTATION
Automatic Vehicle Identification Specifications — Notice File Number Z2025–0515–01 692

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Conditional Exemption for Undeployed Airbags — Notice File Number Z2025–0520–02 694

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE
Honey Lake Wildlife Area Water Delivery Project 700

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 700

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

CALIFORNIA REGULATORY NOTICE REGISTER is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Barclays, a subsidiary of West, a Thomson Reuters Business, and is offered by subscription for \$409.00 (annual price). To order or make changes to current subscriptions, please call (800) 328–4880. The Register can also be accessed at <https://oal.ca.gov>.

PROPOSED ACTION ON REGULATIONS

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

TITLE 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: San Luis Obispo County
Community College District
STATE AGENCY: California Law Revision
Commission

A written comment period has been established commencing on May 30, 2025, and closing on July 14, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 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 July 14, 2025. 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 Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email aspiller-hernandez@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 Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email aspiller-hernandez@fppc.ca.gov.

**TITLE 3. DEPARTMENT OF
PESTICIDE REGULATION**

**PESTICIDE USE NEAR SCHOOLSITES
DPR REGULATION NUMBER 25–003**

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) sections 6428, 6434, 6623, 6624, 6690, and 6692. The proposed action will incorporate and conform DPR’s regulations to new requirements established by Assembly Bill (AB) 1864 (Stats. 2024, Chapter 552), which became effective on January 1, 2025, by regulating pesticide applications made for the production of an agricultural commodity within ¼ mile of a schoolsite.

This proposed action would require a separate site identification (site ID) number for the portion of an agricultural field that lies within ¼ mile of a schoolsite. Additionally, for applications made for the production of an agricultural commodity within ¼ mile of a schoolsite:

1. Restricted material permit applications must include the anticipated method of application as specified in 3 CCR section 6691.
2. Notices of intent (NOIs) must include the method of application as specified in 3 CCR section 6691 and the allowable dates and time ranges during which the application can be applied that comply with the date and time restrictions in 3 CCR section 6691.
3. Pesticide use reports (PUR) must include method of application as specified in 3 CCR section 6691.

This proposed action also expands the definition of “schoolsite” to include private schools (kindergarten and grades 1–12) serving six or more pupils effective December 31, 2026.

DPR anticipates that these regulations will go into effect on January 1, 2026.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency con-

tact person named below. DPR will accept written comments that are submitted via U.S. mail and post-marked no later than July 14, 2025. Written comments regarding this proposed action may also be transmitted via SmartComment online comment portal at <https://cdpr.commentinput.com?id=e87ajZUFV>. Comments must be received no later than July 14, 2025.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.¹

EFFECT ON SMALL BUSINESS

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

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

DPR’s mission is to protect human health and the environment by fostering sustainable pest management and regulating pesticides. In furtherance of this mission, DPR carries out a comprehensive science-based regulatory system.

Under DPR’s existing regulations, 3 CCR section 6428 requires each application for a permit for agricultural use of a restricted material to contain certain information, including the expected method of application. Existing section 6434 establishes the required information for an NOI, including the location of areas to be treated, method of application and the date and time an intended application is to commence. Existing section 6623 requires, prior to using a pesticide(s) for the production of an agricultural commodity, the operator of the property to obtain a site ID number from the county agricultural commissioner (CAC) for each site where pest control work will be performed. The CAC is required to record the site ID number(s) on a restricted materials permit or a form approved by the Director. Existing section 6624 requires the operator of the property that is producing an agricultural commodity, and an agricultural pest control business applying pesticides to such property, to maintain PUR that includes the method of application and the date and time the application started and ended. Lastly, existing regulations in sections 6690–6692 define “schoolsite,” impose use limitations on certain pesticide applications near schoolsites at certain times, and require growers to notify public K–12 schools, child day care facilities (except family day care homes), and

¹ If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech-to-speech users may dial 7–1–1 for the California Relay Service.

CACs when certain pesticide applications made for the production of an agricultural commodity near a schoolsite are planned in the coming year.

Effective January 1, 2025, AB 1864 added Food and Agricultural Code (FAC) section 13189.1(a), which requires DPR to require a separate site ID number for the portion of an agricultural field that lies within ¼ mile of a schoolsite. AB 1864 also added FAC sections 13189.1(b)–(d), which require DPR to require, for applications for the production of an agricultural commodity within ¼ mile of a schoolsite: (1) the specific anticipated application method to be reported on restricted material permit applications; (2) the specific pesticide application method and the allowable dates and times during which the pesticide is to be applied to be reported on NOIs; and (3) the specific method of application and the exact date and time of the start and end of the application to be reported on PUR. Additionally, AB 1864 added FAC section 13189.3, which requires DPR, on or before December 31, 2026, to expand the scope of 3 CCR sections 6690–6692 to also apply to private schools serving pupils in kindergarten or any of grades 1 to 12, inclusive, with an enrollment of 6 or more pupils. Finally, AB 1864 added FAC section 13189.5, which exempts a school conducted in a person’s residence from the provisions in FAC, Division 7, Chapter 2, Article 17.5.

Overall, this proposed action will align DPR’s existing regulations with the FAC requirements recently added by AB 1864. Specifically, the proposed action will require agricultural restricted material permit applications to use of a restricted material for the production of an agricultural commodity within ¼ mile of a schoolsite to list a method of application specified in 3 CCR section 6691. The proposed action will also require NOIs to list the site ID number and, for applications made for the production of an agricultural commodity within ¼ mile of schoolsites, require NOIs to include the method of application as specified in 3 CCR section 6691 and to provide the allowable dates and time ranges during which the application can be applied in compliance with the date and time restrictions in 3 CCR section 6691. Additionally, the proposed action will require a separate site ID number for the portion of an agricultural field that lies within ¼ mile of a schoolsite, allow the operator of a property to voluntarily include portions of a field that are greater than ¼ mile from a schoolsite within that separate site ID number, and, if applicable, require CACs to indicate on the permit or form whether a site ID number is subject to the requirements in 3 CCR sections 6690–6692. Furthermore, the proposed action will require PUR for applications made for the production of an agricultural commodity with ¼ mile of a schoolsite to include the method of application as specified in 3 CCR section 6691. The proposed action will expand

the definition of “schoolsite” to include private schools offering or conducting instruction at the kindergarten, elementary, or secondary level with an enrollment of six or more pupils effective December 31, 2026. The definition of “schoolsite” will also be amended to exclude a school conducted in a person’s residence.

The proposed regulatory text also notes other unrelated changes to 3 CCR section 6624(c)(8) — specifically an updated reference date for a document incorporated by reference. However, these proposed changes were noticed in a separate rulemaking concerning health risk mitigation for 1,3-dichloropropene on November 15, 2024 (Office of Administrative Law Notice File Number Z2024–1105–04). The changes proposed in this action affect subsection (c)(5) of section 6624.

The broad objective of the proposed action is to align DPR’s regulations with the new requirements established by AB 1864. The Legislature intended for AB 1864 to promote the public health and welfare of California school children by enabling better tracking and enforcement of the requirements under 3 CCR sections 6690–6692. In this way, the proposed amendments to align DPR’s regulations with AB 1864 will benefit the public by providing additional safety measures to California school children from potential exposure to pesticides.

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. DPR is the only state agency that has the authority to regulate the use of pesticides.

**IMPACT ON LOCAL AGENCIES
OR SCHOOL DISTRICTS**

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.

**OTHER NONDISCRETIONARY
COSTS OR SAVINGS IMPOSED UPON
LOCAL AGENCIES**

DPR has determined that there are no other non-discretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulatory action.

CAC offices will be the local agencies responsible for implementing and enforcing the proposed regulations. DPR anticipates that there will be no fiscal im-

pect to these agencies from the proposed action. DPR is proposing this action to comply with a statutory obligation to implement requirements applicable to certain pesticide applications. As the proposed action is required by statute, DPR has determined that any resulting fiscal impacts would be from the legislative action, as opposed to these regulations. DPR establishes an annual work plan with the CACs, which already requires the CACs to conduct pesticide use inspections and investigations and to enforce compliance with California laws and regulations.

COSTS OR SAVINGS TO STATE AGENCIES

DPR has determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR has determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

DPR is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. DPR is proposing this action to comply with a statutory obligation to implement requirements applicable to certain pesticide applications. As the proposed action is required by statute, DPR has determined that any resulting economic impact to businesses operating in the state would be from the legislative action, as opposed to these regulations.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined that it is unlikely that the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California as the proposed action is consistent with current law.

Benefits of the Regulations to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The Legislature intended for AB 1864 to promote the public health and welfare of California school children by enabling better tracking and enforcement of the requirements under 3 CCR sections 6690–6692. In this way, the proposed amendments to align DPR's regulations with AB 1864 will benefit the public by providing additional safety measures to California school children from potential exposure to pesticides. However, the proposed regulations will not improve worker safety or environmental conditions, as the proposed changes are not related to these issues.

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 12976, 13189.1, 13189.3, and 13189.4.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11501, 13189.1, 13189.3, and 13189.4.

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

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is

based, and a rulemaking file. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, and the documents relied upon. Copies may be obtained from the agency contact person named in this Notice and are available for review at the address specified below.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

After the close of the comment period, DPR may make the regulations permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulations, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action, requests for a copy of the Initial Statement of Reasons and the proposed text of the regulations, and inquiries regarding the rulemaking file may be directed to:

Lauren Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812–4015
(916) 445–5781

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back-up person at the same address as noted below:

Joshua Ogawa, Chief
Enforcement Headquarters Branch
(916) 603–7735

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on DPR’s Internet Home Page <<http://www.cdpr.ca.gov>>. Upon request, the documents can be made available in another language, or an alternate form as a disability-related accommodation.

**AVAILABILITY OF FINAL
STATEMENT OF REASONS**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a) may be obtained

from the agency contact person named above. In addition, the Final Statement of Reasons will be posted on DPR’s Internet Home Page and accessed at <<http://www.cdpr.ca.gov>>.

**TITLE 10. HEALTH BENEFIT
EXCHANGE**

**IDENTITY VERIFICATION
REQUIREMENT AMEND SECTION 6464**

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

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Exchange. The written comment period closes at 5:00 p.m. on July 15, 2025 (45 days after the published date). The Exchange will consider only comments received at the Exchange’s office by that time. Submit written comments to:

Jameson Mitchell
Regulations Analyst
California Health Benefit Exchange (Covered California)
1601 Exposition Blvd.
Sacramento, CA 95815

Comments may also be submitted by facsimile (FAX) at (916) 403–4468 or by email to regulations@covered.ca.gov.

AUTHORITY AND REFERENCE

Government Code section 100504, subdivision (a)(6) authorizes the Exchange Board to adopt rules and regulations, as necessary. The proposed regulation implements, interprets, and makes specific Government Code section 100503, subdivisions (a), (h), and (s), and Centers for Medicare and Medicaid Services

(CMS), Guidance Regarding Identity Proofing for the Marketplace, Medicaid, and CHIP, and Disclosure of Certain Data Obtained through the Data Services Hub (June 11, 2013).

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Summary of Existing Laws and Effect of the Proposed Regulations

In March 2010, President Obama signed federal healthcare reform legislation called the Patient Protection and Affordable Care Act (ACA). It created the opportunity for each state to establish a state-based health insurance exchange to implement the ACA. California chose to operate an exchange that is commonly known as “Covered California.” For purposes of this Notice, Covered California will be referred to as the “Exchange.” The Exchange’s mission is to increase the number of insured Californians, improve health care quality, lower costs, and reduce health disparities through an innovative, competitive marketplace that empowers consumers to choose their health plan.

That same year, 2010, California chose to operate its own exchange as the California Legislature enacted and the governor signed, legislation establishing the California Health Exchange (now also known as “Covered California,”) and its governing Board. (Stats. 2010, chapter 659, section 2, (SB 900, [Alquist, Steinberg]); Stats 2010, chapter 655 (AB 1602, [Perez]).

Section 2 of AB 1602 expressed the Legislature’s intent in creating the Exchange and its governing Board as follows: “It is the intent of the Legislature to enact the necessary statutory changes to California law in order to establish an American Health Benefit Exchange in California and its administrative authority in a manner that is consistent with the federal Patient Protection and Affordable Care Act (Public Law 111–148), as amended by the federal Health Care and Education Reconciliation Act of 2010 (Public Law 111–152), hereafter the federal act. In doing so, it is the intent of the Legislature to do all of the following: Reduce the number of uninsured Californians by creating an organized, transparent marketplace for Californians to purchase affordable, quality health care coverage, to claim available federal tax credits and cost-sharing subsidies, and to meet the personal responsibility requirements imposed under the federal act. (b) Strengthen the health care delivery system. (c) Guarantee the availability and renewability of health care coverage through the private health insurance market to qualified individuals and qualified small employers. (d) Require that health care service plans and health insurers issuing coverage in the individual and small employer markets compete on the basis of

price, quality, and service, and not on risk selection. (e) Meet the requirements of the federal act and all applicable federal guidance and regulations.”

State law also specifies the powers and duties of the executive board of the Exchange. Government Code section 100504, subdivision (a) authorizes the Exchange’s Board of Directors to adopt rules and regulations, as necessary. The Exchange proposes this permanent rulemaking in furtherance of its rulemaking authority to implement, interpret, and make specific state and federal laws.

The Exchange is required to establish the criteria and process for eligibility determination, enrollment, and disenrollment of enrollees and potential enrollees in California, provide for the processing of applications and the enrollment and disenrollment of enrollees, and exercise all powers reasonably necessary to carry out and comply with the duties, responsibilities, and requirements of the Government Code and the ACA. (Gov. Code, § 100503, subdivisions (a), (h) & (s).)

The Exchange currently provides rigorous system features and procedures that ensure that individuals who apply for coverage or who provide enrollment assistance are who they say they are. However, for continued use of the Federal Data Services Hub for verification of income and social security data, CMS guidance requires state exchanges to establish remote identity verification for customers who apply online and over the phone. (CMS, Guidance Regarding Identity Proofing for the Marketplace, Medicaid, and CHIP, and the Disclosure of Certain Data Obtained through the Data Services Hub (June 11, 2013), pp.1–2.) As a result, the Exchange integrated the federal remote identity verification service for consumers who apply online or over the phone. These proposed amendments will provide the public with clear standards for identity verification, including the processes that will be used for paper and non-paper (i.e., electronic or telephonic) applications and the alternate process should the initial identify verification fail. These amendments allow the Exchange to continue using the federal data services hub by complying with existing federal guidance.

The Exchange is proposing to make amendments to California Code of Regulations, title 10, section 6464.

Objectives and Anticipated Benefits of the Proposed Regulation

The broad objective of this proposed regulatory action is to make edits that ensure clarity and address stakeholder requests. If approved, this regulation will assist the Exchange with the implementation of identity verification requirements.

Anticipated benefits of this proposed regulation include:

- Providing consumers with clear guidelines on how the Exchange will verify the identity for consumers who apply in either paper or non-paper formats.
- Ensuring compliance with federal requirements.
- Protecting and safeguarding California consumers from the unauthorized and illegal access to, or disclosure of, sensitive information such as federal tax information, personal health information, and personal identifying information, confidential information, or financial information contained in the information systems and devices of the Exchange, or any other information as required by federal law or guidance.

Evaluation of Consistency and Compatibility with Existing State Regulations

After an evaluation of current regulations, the Exchange determined that these proposed amended regulations are not inconsistent or incompatible with any existing state regulations. This evaluation included a review of the laws that regulate the Exchange and specifically those statutes and regulations related to health insurance. Exchange staff also conducted an internet search of other state agency regulations. The Exchange has made its best effort to conform its regulations to State law and does not know of any State statutes or regulations conflicting with these proposed regulations.

The proposed amendments do not conflict with any other regulations governing other Certified Representatives.

**DOCUMENTS TO BE
INCORPORATED BY REFERENCE**

None.

DOCUMENTS RELIED UPON

Centers for Medicare and Medicaid Services, Guidance Regarding Identity Proofing for the Marketplace, Medicaid, and CHIP, and the Disclosure of Certain Data Obtained through the Data Services Hub (June 11, 2013)

**DISCLOSURES REGARDING THE
PROPOSED ACTION**

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

Matters prescribed by statute applicable to the agency or to any specific regulation or class of regulations: None.

Mandate on local agencies or school districts: None.
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed pursuant to Government Code sections 17500 et seq.: None.

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

Costs or savings in federal funding to the state: There is no other impact on federal funding to the state as a result of these regulations.

Significant effect on housing costs: None.

Effect on small business: The proposed regulations will not affect small businesses because the regulations apply to the Exchange identity verification process as well as individual consumers applying for health coverage through the Exchange.

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.

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

Business Reporting Requirement: None.

**RESULTS OF THE ECONOMIC IMPACT
ASSESSMENT/ANALYSIS**

The Exchange concludes regarding the proposed regulations that it is:

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

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

The regulation has a number of benefits which are tied to the Exchange's overall mission. The Exchange is committed to improving the consumer experience in obtaining health insurance. The regulation ensures that identity proofing is used to protect the privacy of personal information, such that only the appropriate individuals have access to data to which access is restricted. A robust identity proofing process is a key piece of the comprehensive privacy and security framework that is needed when providing interactive

access to an eligibility process that includes sensitive federal and state data.

The Exchange is also committed to increasing the number of insured Californians and reducing health disparities. The list of acceptable identification documents outlined in the federal Identity Proofing Guidance under Q&A 11 was used as a baseline and additional documents were added in the regulations to provide more ways for the unbanked and recent immigrants to verify their identities. The expanded list of acceptable identification documents ensures that more uninsured Californians will be able to successfully complete identity proofing and enroll in health coverage through the Exchange.

Anticipated benefits of this proposed regulation include:

- Providing consumers with clear guidelines on how the Exchange will verify the identity for consumers who apply in either paper or non-paper formats.
- Ensuring compliance with federal requirements.
- Protecting and safeguarding California consumers from the unauthorized and illegal access to, or disclosure of, sensitive information such as federal tax information, personal health information, and personal identifying information, confidential information, or financial information contained in the information systems and devices of the Exchange, or any other information as required by federal law or guidance.

This proposed regulatory action will not affect worker safety and the state's environment.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Jameson Mitchell
California Health Benefit Exchange (Covered California)
1601 Exposition Blvd.
Sacramento, CA 95815
Telephone: (916) 954-3372

The backup contact person for inquiries concerning the proposed administrative action may be directed to:

Crystal Hirst
California Health Benefit Exchange (Covered California)
1601 Exposition Blvd.
Sacramento, CA 95815
Telephone: (916) 228-8313

Please direct copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Jameson Mitchell at the above contact information.

AVAILABILITY OF DOCUMENTS

Availability of Initial Statement of Reasons, Text of Proposed Regulations and Rulemaking File

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

Availability of Changed or Modified Text

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

Availability of the Final Statement of Reasons

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

Availability of Documents on the Internet

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

**TITLE 10. DEPARTMENT
OF FINANCIAL PROTECTION
AND INNOVATION**

**MONEY TRANSMISSION ACT
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(1))**

The Commissioner of Department of Financial Protection and Innovation (“Commissioner”) proposes to amend Sections 80.4119 and 80.5200.1 of Title 10 of the California Code of Regulations (“C.C.R.”). These proposed regulations amend the officer certification requirement for money transmission receipt approval under Financial Code Section 2100.

**AUTHORITY
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(2))**

Section 334 of the Financial Code.

**REFERENCE
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(2))**

Sections 334 and 2100 of the Financial Code.

**PUBLIC HEARINGS
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(17))**

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received by the Department’s contact person designated below no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(15))**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Financial Protection and Innovation (“Department”), addressed as follows, by any of these means:

Postal Mail

Department of Financial Protection and
Innovation
Attention: Diana Pha
651 Bannon Street, Suite 300
Sacramento, CA 95811

Electronic Mail

Comments may be submitted electronically to regulations@dfpi.ca.gov. Please identify the comments as PRO 05–24 in the subject line.

Time for Comments

Comments may be submitted until July 15, 2025. If the final day for acceptance of comments is a Saturday, Sunday, or state holiday, the comment period will close on the next business day.

**INFORMATIVE DIGEST (GOVERNMENT
CODE, § 11346.5, SUBDIVISION (a)(3))**

Policy Statement and Specific Benefits Anticipated from Regulatory Action (Gov. Code, § 11346.5, subdivision (a)(3)(C))

The objective of this rulemaking action is to clarify existing regulations and provide greater flexibility to money transmitter licensees and applicants such that any corporate officer may execute the officer’s certification when applying for money transmission receipt approval.

The specific benefits anticipated by the proposed amendments include greater flexibility for the money transmitter industry. The proposed amendments will allow applicants to easily understand the officer certification requirement when submitting a proposed receipt for the Commissioner’s approval. The proposed regulatory action will remove a cross-reference that created confusion as to whether only a secretary could sign the officer certification.

Summary of Existing Laws and Regulations, and Effect of Proposed Action (Gov. Code, § 11346.6, subdivision (a)(3)(A))

Effective January 1, 2011, the Legislature enacted the Money Transmission Act (Fin. Code, § 2000 et seq.) which provides for the regulation and licensure by the Commissioner of persons in the business of money transmission, defined to mean the selling or is-

suing of payment instruments or stored value and the receiving of money for transmission.

Existing law mandates certain consumer disclosures and Department review of such disclosures. These disclosures include receipts for money received for transmission. Existing law mandates that each applicant certifies the receipt by an officer of the applicant.

This proposed regulatory action will amend the regulation to allow any officer of the applicant to certify the receipt.

Existing Federal Regulation or Statute (Gov. Code, § 11346.5, subdivision (a)(3)(B))

Money transmission is largely subject to state law and therefore there is no existing comparable federal regulation or statute. To the extent there are some federal regulations that overlap certain areas of money transmission activities, such as consumer disclosure and anti-money laundering, there is no significant difference between the proposed action and the federal regulations. Those regulations are United States Bank Secrecy Act Regulations (31 C.F.R. Chapter X) and Regulation E (12 C.F.R. Part 1005).

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

The Department has conducted an evaluation of whether the proposed regulation is consistent with existing regulations and has concluded that the proposed amendment is consistent with existing regulations. Existing regulations implement the Money Transmission Act. Since the proposed amendments seek to clarify existing regulations and provide greater flexibility to licensees and applicants, the proposed amendments are neither inconsistent nor incompatible with existing state regulations.

**FORMS INCORPORATED BY REFERENCE
(CAL. CODE REGS., TITLE 1, § 20,
SUBDIVISION (c)(3))**

There are no forms incorporated by reference in the proposed regulatory action.

**DISCLOSURES REGARDING THE
PROPOSED ACTION (GOVERNMENT
CODE, § 11346.5, SUBDIVISION (a)(5), (6),
AND (12)(A))**

- Mandate on local agencies and school districts: None
- Cost or savings to any state agency: None
- Cost to any local agency 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
- Significant effect on housing costs: None

**ECONOMIC IMPACT ON BUSINESS
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(8))**

The Commissioner 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.

**EFFECT ON SMALL BUSINESS
(TITLE 1, CALIFORNIA CODE OF
REGULATIONS, SECTION 4)**

Under Government Code section 11342.610, subdivision (b), a money transmitter is not a small business. Therefore, this rulemaking action will not have an impact on small businesses.

**COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(9))**

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

**RESULTS OF THE ECONOMIC IMPACT
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(10))**

The Department has determined that:

- The proposed action will not create or eliminate jobs within California;
- The proposed action will not create new businesses or eliminate existing businesses within this state;
- The proposed action will not affect the expansion of businesses currently doing business within California; and
- No benefits or adverse impacts to the health and welfare of California residents, worker safety or to the state’s environment are anticipated from this regulatory action

CONSIDERATION OF ALTERNATIVES
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(13))

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, 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 the law.

AVAILABILITY OF THE NOTICE,
STATEMENT OF REASONS, TEXT
OF PROPOSED REGULATIONS AND
RULEMAKING FILE (GOVERNMENT
CODE, § 11346.5, SUBDIVISIONS (a)(16) AND
(20), AND (b))

As of the date this Notice is published, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the Proposed Text of the regulation. The Notice, the Initial Statement of Reasons, and the Proposed Text are available by contacting the person designated below:

Department of Financial Protection and
Innovation
Attention: Diana Pha
651 Bannon Street, Suite 300
Sacramento, CA 95811
Telephone: (279) 236–5285
Email: regulations@dfpi.ca.gov

The Notice, Initial Statement of Reasons, and Proposed Text are also available on the Department's website at <https://dfpi.ca.gov/laws-and-regulations-money-transmitters/>.

As required by the Administrative Procedure Act, the Department's Legal Division maintains the rulemaking file. The rulemaking file is available for public inspection and copying throughout the rulemaking process at the Department of Financial Protection and Innovation, Legal Division, 2101 Arena Blvd, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR
MODIFIED TEXT (GOVERNMENT CODE,
§ 11346.5, SUBDIVISION (a)(18))

If the Department makes changes which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before

the Department adopts, amends or repeals the regulations as revised. A request for a copy of any modified regulation(s) should be addressed to the contact person designated below. The Department 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
(GOVERNMENT CODE, § 11346.5,
SUBDIVISION (a)(19))

Upon its completion, the Final Statement of Reasons will be available, and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

CONTACT PERSON (GOVERNMENT CODE,
§ 11346.5, SUBDIVISION (a)(14))

Inquiries regarding the proposed regulation may be directed to:

Department of Financial Protection and
Innovation
Attention: Lara Verwer
651 Bannon Street, Suite 300
Sacramento, CA 95811
Telephone: (279) 236–5414
Email: lara.verwer@dfpi.ca.gov

The backup contact person is:

Department of Financial Protection and
Innovation
Attention: Diana Pha
651 Bannon Street, Suite 300
Sacramento, CA 95811
Telephone: (279) 236–5285
Email: regulations@dfpi.ca.gov

Dated: May 30, 2025
Sacramento, California

TITLE 13. AIR RESOURCES BOARD

ADVANCED CLEAN TRUCKS
REGULATION AND THE ZERO-EMISSION
POWERTRAIN CERTIFICATION
TEST PROCEDURE

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

Date: July 24, 2025

Time: 10:00 a.m.

In–Person Location:

California Air Resources Board

Byron Sher Auditorium

1001 I Street, Sacramento, CA 95814

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m., on July 25, 2025. The public agenda will be posted ten days before the July 24, 2025, Board Meeting. Please consult the public agenda, for other details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on May 30, 2025. Written comments not submitted during the hearing must be submitted on or after May 30, 2025, and received no later than July 14, 2025. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail: Clerks' Office, California Air Resources Board
1001 I Street, Sacramento, California 95814

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

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38501, 38505, 38510, 38560, 38566, 39500, 39600, 39601, 39650, 39658, 39659, 39666, 39667, 40000, 43013, 43018, 43100, 43101, 43102, 43104, 43105, 43106, and 43806; and California Vehicle Code section 28114.

This action is proposed to implement, interpret, and make specific sections 38501, 38505, 38510, 38560, 38580, 39000, 39002, 39003, 39010, 39017, 39500, 39600, 39601, 39610, 39650, 39655, 39656, 39657, 39658, 39659, 39666, 39667, 39701, 40000, 43000, 43000.5, 43009, 43009.5, 43013, 43016, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43202, 43204, 43205, 43205.5, 43206, 43210, 43211, 43212, 43213, and 43806; and California Vehicle Code section 28114.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOVERNMENT CODE, § 11346.5, SUBDIVISION (a)(3))

Sections Affected

Proposed amendments to California Code of Regulations, title 13, sections 1956.8, 1963, 1963.1, 1963.2, 1963.3, and 1963.4, and proposed adoption of new section 1963.7.

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

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

- California Standards And Test Procedures For New 2021 And Subsequent Model Heavy–Duty Zero–Emission Powertrains [Insert date of amendment], in Section 1956.8(a)(8)

The above listed document is also being amended by this regulation and thus the amendment date would be the date that the regulation is adopted by CARB.

Background and Effect of the Proposed Regulatory Action

CARB initially adopted the Advanced Clean Truck (ACT) regulation in January 2021. The ACT regulation is a central element of California's comprehensive strategy to reduce harmful emissions from medium– and heavy–duty vehicles to the greatest degree feasible. The ACT regulation establishes more stringent emissions standards for medium– and heavy–duty vehicles that will assist California in attaining the State's air quality and climate mitigation targets and requires medium– and heavy–duty manufacturers to produce and sell an increasing portion of their annual

sales as vehicles that emit no exhaust emissions of criteria pollutants or greenhouse gas emissions, i.e., zero-emission vehicles (ZEVs) beginning in the 2024 model year. In October 2024, CARB adopted amendments to the ACT regulation and the ZEP Certification test procedure. Those amendments primarily provide manufacturers with greater flexibility to comply with the ACT regulation, including extending the period that manufacturers can offset deficits from one year to three years. Those amendments consisted of minor, administrative changes that have minimal cost impacts and no emissions impact.

Summary of the Proposed Amendments

The proposed amendments to the ACT regulation include the following modifications:

- Add an option for manufacturers to use surplus ZEV and near zero emission vehicle (NZEV) credits generated in one state that has adopted the ACT regulation to assist with meeting their ACT compliance obligations in another state. The proposed pooling flexibility implements a declining annual credit transfer allowance for the 2027 through 2031 model years that dictates how many credits can be transferred in a given year into a state with a deficit. These allowances would begin at 20% in 2027 and decrease by 2% each year, reaching 12% in 2031. The credit transfer allowance would then be constant at 10% for the 2032 through 2035 model years.
- Modify the Low Tractor Volume provision to permit manufacturers to offset a portion of deficits generated in the Class 7–8 tractor group with Class 2b–3 or Class 4–8 group ZEV credits for each model year.
- Decrease the minimum all–electric range threshold for NZEVs after the 2030 model year.
- Provide manufacturers increased flexibility with respect to the order in which they retire ZEV credits.
- Modify the communication protocols with respect to the ZEV connector criteria in the ZEP Certification regulation.

Objectives and Benefits of the Proposed Regulatory Action

The proposed amendments to the ACT regulation fulfill commitments made by CARB staff in the Clean Truck Partnership agreement by developing a pooling concept under the ACT regulation in collaboration with Section 177 state and manufacturer representatives and proposing this concept to the Board as early as possible. Implementing a pooling provision would introduce additional flexibility in the regulation and will grant manufacturers greater ability to meet the ACT regulation’s requirements in all states that have adopted the regulation. Allowing credits generated

from the Class 2b–3 and Class 4–8 groups to offset a portion of the deficits generated from the Class 7–8 tractor group will enable manufacturers to more easily meet their compliance obligations and account for potential fluctuations in ZEV and NZEV sales across all states that have adopted the ACT regulation. Both of these proposed amendments will maintain the ACT regulation’s emission benefits while increasing flexibility and decreasing regulatory burden on manufacturers. The remaining proposed modifications consist of generally minor, administrative changes that have no significant cost nor emissions impact, and aim to reduce regulatory and administrative burden on the manufacturers.

Additionally, the proposed amendments to the ZEP Certification will benefit manufacturers by incorporating additional pathways to fulfill communication protocol requirements with respect to ZEV connector criteria.

Comparable Federal Regulations

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

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

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

DISCLOSURES REGARDING THE
PROPOSED REGULATION

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

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

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

Housing Costs (Government Code, § 11346.5, subdivision (a)(12))

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

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

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

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

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

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

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

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

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

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

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

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

Effect on Jobs/Businesses

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

Benefits of the Proposed Regulation

The primary objective of the proposed regulatory action is to honor commitments made by CARB staff in the Clean Truck Partnership agreement, which includes proposing a credit pooling concept in collaboration with Section 177 state and manufacturer representatives and proposing such concept to the Board as early as possible. The objective of the proposed regulatory action is to also permit credits generated from the Class 2b–3 and Class 4–8 groups to offset a portion of the deficits generated from the Class 7–8 tractor group. These changes would maintain the ACT regulation's emission benefits while increasing flexibility and decreasing regulatory burden on manufacturers.

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

Business Report (Government Code, §§ 11346.5, subdivision (a)(11); 11346.3, subdivision (d))

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

Cost Impacts on Representative Private Persons or Businesses (Gov. Code, § 11346.5, subdivision (a)(9))

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

Effect on Small Business (Cal. Code Regs., title 1, § 4, subdivisions (a) and (b))

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

Consideration of Alternatives (Government Code, § 11346.5, subdivision (a)(13)):

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

cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. As explained in Chapter VIII of the ISOR — Evaluation of Regulatory Alternatives, the proposed amendments are the most effective and least burdensome means of achieving the purposes of the regulation.

STATE IMPLEMENTATION PLAN REVISION

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

ENVIRONMENTAL ANALYSIS

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

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

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

Para solicitar estas comodidades especiales o necesidades de otro idioma, por favor llame a la oficina del Consejo al cotb@arb.ca.gov o (916) 322-5594 lo más pronto posible, pero no menos de 10 días de trabajo antes del día programado para la audiencia del Consejo. TTY/TDD/Personas que necesiten este servicio pueden marcar el 711 para el Servicio de Retransmisión de Mensajes de California.

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Paul Arneja, Manager In-Use Control Measures Section, at (279) 208 7342 or (designated back-up contact) Katherine Talamantez, Air Pollution Specialist, at (916) 282-6265.

AVAILABILITY OF DOCUMENTS

CARB staff have prepared a Staff Report, or the ISOR for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to the Advanced Clean Trucks Regulation and the Zero-Emission Powertrain Certification Test Procedure.

Copies of the ISOR and the full text of the proposed regulatory language may be accessed on CARB's website listed below, on May 27, 2025. Please contact regulations@arb.ca.gov if you need physical cop-

ies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Jennifer Simpson, BARCU Manager, (279) 208–7216. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also approve of adoption of the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption. The public may request a copy of the modified regulatory text from CARB’s Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB’s website for this rulemaking at <https://ww2.arb.ca.gov/rulemaking/2025/actpooling>

TITLE 13. NEW MOTOR VEHICLE BOARD

MOTIONS; FORM, BRIEFING, AND HEARINGS

As required by section 11346.4 of the Government Code, NOTICE IS HEREBY GIVEN that the California New Motor Vehicle Board (“Board”), pursuant to the authority vested in the Board by subdivision (a) of Vehicle Code section 3050 proposes to adopt the proposed regulation as described below, after considering all comments, objections, and recommendations regarding the proposed regulatory action.

PROPOSED REGULATORY ACTION

The Board proposes to amend section 551.19 of Title 13 of the California Code of Regulations relating to hearings on motions with live testimony.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, and at a noticed General Meeting held on February 28, 2025, the Board considered and adopted the proposed regulation. Fifteen days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulation was mailed to all individuals and entities on the Board’s Public Mailing list and Electronic Public Mailing list. The agenda and materials were also posted on the Board’s website.

The public was invited to comment at the General Meeting in relation to the proposed changes to the regulation in this notice. No comments by the public were received at the February 28, 2025, General Meeting, and no further public discussion was held prior to publication of the notice.

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 their authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person interested, or their authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. Comments may also be submitted by email at Robin.Parker@nmvb.ca.gov or nmvb@nmvb.ca.gov. The written comment period closes on Monday, July 14, 2025. The

Board will only consider comments received at the Board’s offices by that time. Submit comments to:

Robin Parker, Chief Counsel
 New Motor Vehicle Board
 2415 1st Avenue, MS L242
 Sacramento, CA 95818
 (916) 244–6776 direct line
 (916) 445–1888 main line
robin.parker@nmvb.ca.gov

AUTHORITY AND REFERENCE

Vehicle Code section 3050, subdivision (a), authorizes the Board to adopt the proposed regulation. The proposed regulation implements, interprets, and makes specific Vehicle Code section 3050 and Government code section 11440.30.

SUMMARY OF EXISTING LAWS AND REGULATIONS

Subdivision (a) of Vehicle Code section 3050 authorizes the Board to adopt rules and regulations governing such matters as specifically committed to it.

Subdivision (b) of Vehicle Code section 3050 provides for any person to petition the Board to “[c]onsider any matter concerning the activities or practices of any person applying for or holding a license as a new motor vehicle dealer, manufacturer, manufacturer branch, distributor, distributor branch, or representative pursuant to Chapter 4 (commencing with Section 11700) of Division 5 submitted by any person. . . .”

Subdivision (c) of Vehicle Code section 3050 provides for the Board to hear and decide any protest presented by a franchisee against a franchisor.

Subdivision (d) of Vehicle Code section 3050 provides for the Board to hear and decide a protest presented by an association as defined challenging a policy of a manufacturer or distributor pursuant to Section 3085.

Subdivision (a) of Government Code section 11440.30 of the Administrative Procedure Act provides that “[t]he presiding officer may conduct all or part of a hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe the exhibits.”

Subdivision (b) of Government Code section 11440.30 goes on to provide that “[t]he presiding officer may not conduct all of a hearing by telephone, television, or other electronic means if a party objects.” However, if a party objects, the presiding officer is required to consider the objections and has discretion to structure the hearing to address the objections and

may require physical presence during all or part of the hearing.

Subdivision (c) of Government Code section 11440.30 provides that subdivision (b) is “not a limitation on the presiding officer transmitting the hearing by telephone, television, or other electronic means or receiving comments via electronic means from participants who are not parties or witnesses.”

Section 551.19 specifies the procedural requirements for motions including whether the motion is on the record or in writing, an opposition or reply brief is permissible, and whether the hearing is held by telephone, television, or other electronic means, or in person. Subdivision (d) of Section 551.19 exempts the Board’s motion hearings from Government Code section 11440.30. This subdivision provides the administrative law Judge may conduct the hearing by telephone, television, or other electronic means if each party in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits. In the event of live testimony, the hearing is conducted in person before the administrative law Judge.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The adopted mission of the Board is to “enhance relations between dealers and manufacturers throughout the State by resolving disputes in the new motor vehicle industry in an efficient, fair and cost–effective manner.” The adopted vision statement provides that the Board “demonstrate professionalism, integrity, and accountability in securing fair resolutions to motor vehicle industry disputes.”

Section 551.19 specifies the procedural requirements for motions including whether the motion is on the record or in writing, if an opposition or reply brief is permissible, and whether the hearing is held by telephone, television, or other electronic means, or in person. This regulation requires that hearings on motions with live testimony be conducted in person. When Section 551.19 was effective in 2011, electronic hearings were not feasible. Since 2020, the Board’s merits hearings and motion hearings with live witness testimony have been held remotely. The proposed amendments would formalize this process. Hearings with live witness testimony could be conducted in person or via other electronic means if each party in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits.

**BROAD OBJECTIVES AND SPECIFIC
BENEFITS OF THE PROPOSED
RULEMAKING**

The broad objective of the proposed rulemaking is to clarify for litigants that motion hearings with live testimony can be conducted either in person or electronically. This is consistent with the Board’s current practice in light of technology that did not exist when Section 551.19 was effective.

The specific benefit anticipated from the regulation is promoting the expeditious and economical resolution of statutorily enumerated disputes between new motor vehicle dealers (franchisees) and their manufacturers and distributors (franchisors). The Board keeps these types of cases from further clogging our already congested courts. It provides a uniformity of decisions across the state, allowing franchisors and their dealers to conduct their business in compliance with California law.

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

The Board has determined that the proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that this is the only regulation that authorizes motion hearings before the Board.

**DISCLOSURES REGARDING
THE PROPOSED ACTION**

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency 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 impacts on a representative private person or business:

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

- Statewide adverse economic impact directly affecting businesses and individuals: None.
- Significant effect on housing costs: None.

The proposed regulatory amendments have no associated costs; they clarify case management procedures for franchised new motor vehicle dealers and their franchisors (new motor vehicle manufacturers and distributors) who choose to file a protest or petition with the Board.

**RESULTS OF THE ECONOMIC IMPACT
ANALYSIS/ASSESSMENT**

The Board concludes that the proposed regulation will not (1) create any jobs within the State of California, (2) eliminate any jobs within the State of California, (3) create any new businesses within the State of California, (4) eliminate any existing businesses within the State of California, or (5) cause the expansion of businesses currently doing business within the State of California.

The proposed regulatory amendments benefit the public, practitioners appearing before the Board, and the State of California by clarifying motion practice before the Board with witness testimony. It allows the use of technology not previously available so hearings can be conducted via electronic means as an alternative to in person hearings. This allows practitioners and witnesses increased accessibility, flexibility, efficiency, and cost savings.

The proposed regulation will not impact the health and welfare of California residents, and worker safety because they do not regulate worker safety standards and will also not benefit the environment because it does not change any applicable environmental standards.

BENEFITS OF THE REGULATION

The benefits anticipated from the regulation is promoting the expeditious and economical resolution of statutorily enumerated disputes between new motor vehicle dealers (franchisees) and their manufacturers and distributors (franchisors). The Board keeps these types of cases from further clogging our already congested courts. It provides a uniformity of decisions across the state, allowing franchisors and their dealers to conduct their business in compliance with California law.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulation will have no effect on small businesses. This determination was made because no small businesses are legally required to comply with the regulation, are

legally required to enforce the regulation, or derive a benefit from or incur an obligation from the enforcement of the regulation. The proposed regulation merely clarifies case management for franchised new motor vehicle dealers and their franchisors (new vehicle manufacturers and distributors) who choose to file a protest or petition with the Board.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered 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 comments, statements or arguments with respect to alternatives to the proposed regulation, during the written comment period or at the public hearing, if one is requested.

CONTACT PERSONS

Please direct requests for copies of the proposed text (the “express terms”) of the regulation, the initial statement of reasons, the modified text of the regulation, if any, or other information upon which the rulemaking is based to Ms. Parker at the following address:

New Motor Vehicle Board
2415 1st Avenue, MS L242
Sacramento, CA 95818
(916) 244–6776 direct line
(916) 445–1888 main line
Robin.Parker@nmvb.ca.gov

The backup contact person for these inquiries is:

Alejandro Martinez
New Motor Vehicle Board
2415 1st Avenue, MS L242
Sacramento, CA 95818
(916) 244–6789 direct line
(916) 445–1888 main line
Alejandro.Martinez2@nmvb.ca.gov

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

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, the initial statement of reasons, the Economic and Fiscal Impact Statement, and all the information upon which the proposal is based. Copies may be obtained by contacting the contact persons identified above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion of the Final Statement of Reasons, copies thereof may be obtained by contacting Ms. Parker or Mr. Martinez at the above address.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout font can be accessed through the Board’s website at www.nmvb.ca.gov.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 713, 1050, 7071, 7078, 7701, 7708, 7923, 8026, 8425, 8428 and 8429.5 of the California Fish and Game Code and to imple-

ment, interpret or make specific sections 1050, 7050, 7071, 7075, 7078, 7082, 7083, 7086, 7652, 7701, 7708, 7852.2, 7923, 8026, 8101, 8420, 8425, 8428, 8429.5, 8429.7, 12159 and 12160 of said Code, proposes to amend sections 53.01, 149 and 149.1, and repeal sections 53.02 and 53.03, Title 14, California Code of Regulations, relating to the commercial take of market squid.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The market squid fishery is regularly the largest commercial fishery in California, in both volume and ex-vessel value. Managed under the Commission's authority since 2001, the fishery operates within the framework of the Market Squid Fishery Management Plan (FMP) adopted by the Commission in 2004. The FMP defines harvest control rules, a restricted access program, environmental protections, and fishery administration.

While regulations have been periodically adopted to adaptively manage various aspects of the fishery, 2021 marked the initiation of the first comprehensive review of market squid FMP since its adoption. The Department developed a multi-phase management review, supported by the Commission, and anchored in a Squid Fishery Advisory Committee (SFAC). Established by the Department's Director according to Title 14, Section 53.02, the SFAC played a crucial role in assisting with developing and reviewing fishery assessments, management options and proposals, and FMP amendments.

The following proposed changes to market squid regulations reflect Department recommendations and include regulatory changes discussed and agreed upon during the multiyear SFAC process.

Proposed Amendments

The proposed regulations add a definition of a rib line and will require the use of a purse seine rib line which must be placed above the purse seine leadline after December 31, 2030.

Proposed regulations will extend the current weekend market squid fishery closure from noon to 7am on Friday statewide as well as an additional extension from Sunday at noon to Sunday at 11:59pm in the Monterey Bay Area (between a line due west from Point Lobos (36° 31.461' North Latitude) and a line due west from Pigeon Point (37° 11.000' North Latitude)).

In addition, the Department is proposing changes for an administrative topic not discussed during SFAC meetings addressing the notification method used for closing a fishing season. The proposed regu-

lations replace language in subsection 149(b)(2)(B) related to the responsibility of operators to determine when the seasonal catch limit is expected to be reached and the fishery closed by monitoring VHF/channel 16 with language specifying they should monitor the Department's website wildlife.ca.gov/marine. Additional proposed changes in this subsection regarding what constitutes official notice of the closure replace VHF/channel 16 with the Department's website.

Other changes not discussed during the SFAC process include cleaning up language for taking market squid for live bait during the weekend closure, updating lighting regulation in anticipation of changes in lighting technology, and clarifying that a purse seine skiff does not need its own market squid vessel permit.

The proposed regulations clarify that using lights to attract squid is considered a form of take and that such lights generally may not be used during the weekend closures. The exemption for lighting on the weekend when taking market squid as live bait is proposed to be amended to ensure vessels do not use lights for other purposes while claiming to be engaged in the take of live bait. The amendment will clarify that lighting on the weekend is only allowed when actively taking market squid for live bait. Revisions to the regulation specify that live market squid must be kept in a condition to be sold as live bait and returned to the water if it is not sold as live bait. Also, vessels engaged in the take of market squid for live bait must notify the Department in advance, to indicate their intent to take live bait during a weekend closure.

The "Gulf of Farallones National Marine Sanctuary" will be updated to "Greater Farallones National Marine Sanctuary". This change updates the name of the national marine sanctuary currently in Code of Federal Regulations (CFR), Part 922, subpart H.

Proposed amendments also remove the definition of the Market Squid FMP. The FMP does not require a definition, as it is described in Section 53.00. Furthermore, it is not necessary to incorporate the document by reference as the FMP is not intended to have the force of law, because it is an informational document rather than a regulation.

Amendments are proposed to subsection 149.1(a) to update references to renumbered subsections in Section 149.

Sections 53.02 and 53.03 are proposed to be repealed as they are either duplicative of existing authority or are general policy statements rather than regulations and therefore are not necessary.

Finally, other minor changes are proposed for clarity and consistency.

Benefit of the Regulations:

It is the policy of the state to ensure the conservation, sustainable use, and, where feasible, restoration

of California’s marine living resources for the benefit of all the citizens of the state. The objectives of this policy include but are not limited to conserving the health and diversity of marine ecosystems and marine living resources; allowing and encouraging only those activities and uses of marine living resources that are sustainable; recognizing the importance to the economy and the culture of California of sustainable commercial fisheries; managing marine living resources on the basis of the best available scientific information and other relevant information that the Commission or Department possesses or receives; and involving all interested parties in marine living resource management decisions.

Consistent with this policy, the proposed changes to market squid regulations reflect what was discussed and agreed upon during the multiyear SFAC process. These changes will help to ensure long-term conservation and sustainability of the market squid resource.

Consistency and Compatibility with Existing Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing market squid (California Fish and Game Code Section 8425). No other state agency has the authority to adopt regulations governing market squid. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of market squid regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before July 31, 2025 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 8, 2025. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to California Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the East End Complex, Auditorium, 1500 Capitol Avenue, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, June 11, 2025, and may continue at 8:30 a.m., on Thursday, June 12, 2025. The Commission will make a reasonable effort to allow for remote public participation through the Zoom video-conference platform. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, August 13, 2025, and may continue at 8:30 a.m., on Thursday, August 14, 2025. The Commission will make a reasonable effort to allow for remote public participation through the Zoom video-conference platform. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, California Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244–2090, phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or Sherrie Fonbuena at FGC@fgc.ca.gov or at the preceding address or phone number.

Trung Nguyen, Environmental Scientist, California Department of Fish and Wildlife, sfac@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

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

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The Commission anticipates that the proposed regulations will directly impact commercial market squid vessel permit holders and the market squid lighting boats that service those commercial fishing operations. The proposed live bait weekend light use reporting requirements are expected to have a direct economic impact of approximately \$9,988, the total loss to light boats from the closures is expected to be approximately \$399,902, the proposed rib line requirements are expected to cost approximately \$885,000, the direct impacts to purse seine and brail vessels from the closures are expected to be approximately \$1,999,510, and the estimated total economic effect, including indirect and induced effects, of the proposed closures is \$3,298,987. Combined, the total economic impact from the proposed regulations is estimated to be \$4,593,877, see the economic analysis in the addendum to the economic and fiscal impact statement (STD 399) for more information. The change in costs is not anticipated to affect the competitiveness of the California commercial market squid fishery with other states, as the regulations are intended to protect squid egg beds on the sea floor and preserve the sustainability of the fishery.

The Commission has made an initial determination that the adoption of the proposed regulations may have a significant statewide adverse economic impact directly affecting business but are unlikely to affect the ability of California businesses to compete with businesses in other states. The Commission has considered proposed alternatives that would lessen any adverse economic impact on business and invites you to submit proposals. Submissions may include the following considerations:

- (i) the establishment of differing compliance or reporting requirements or timetables which take into account the resources available to businesses;
 - (ii) consolidation or simplification of compliance and reporting requirements for businesses;
 - (iii) the use of performance standards rather than prescriptive standards; or
 - (iv) exemption or partial exemption from the regulatory requirements for business.
- (f) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The proposed weekend closures are expected to have a total economic effect of \$3,298,987, which is expected to eliminate up to 19 jobs (3 from the statewide closure and 16 from the Monterey closure). The proposed regulations for rib lines and the reporting requirements for light boats participating in the live bait fishery are not anticipated to have any additional impacts to job creation or elimination.

The Commission does not anticipate that the proposed regulations will affect the creation of new businesses, the elimination of existing businesses, or the expansion of businesses within the state.

The Commission anticipates benefits to the state's environment including but not limited to the following: conserving the health and diversity of marine ecosystems and marine living resources; allowing and encouraging only those activities and uses of marine living resources that are sustainable; recognizing the importance to the economy and the culture of California of sustainable commercial fisheries; managing marine living resources on the basis of

the best available scientific information and other relevant information that the Commission or Department possesses or receives; and involving all interested parties in marine living resource management decisions. No benefits to the health and welfare of California residents or to worker safety are anticipated as a result of these proposed regulations.

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

The Commission anticipates that the per business costs for the proposed regulations is approximately \$46,736 per business using purse seines, \$14,639 per light boat, and \$2,648 per brail vessel, and an average small business cost of approximately \$17,746 per vessel. See the economic analysis in the addendum to the STD 399 for further details.

- (h) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission anticipates that the proposed regulatory action will incur a fiscal impact on state government. Enforcement of the proposed regulations will require some of the Department’s wildlife officers to undergo additional training to learn the new regulations, which is estimated to be \$27,255.

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

- (j) Programs Mandated on Local Agencies or School Districts:

None.

- (k) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

- (l) Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 205, 399, 7075 and 7078 of the Fish and Game Code and to implement, interpret or make specific Sections 200, 205, 270, 275, 7050, 7055 and 7056 of said Code, proposes to amend Sections 29.80, 29.85, 195, and 701, Title 14, California Code of Regulations, relating to Recreational Crab Fishing Gear and Commercial Passenger Fishing Vessel Trap Validation.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR).

The Fish and Game Commission (Commission) proposes to amend sections 29.80, 29.85, 195, and 701, Title 14, California Code of Regulations (CCR).

BACKGROUND

Current regulations for the recreational Dungeness crab fishery specify seasons, size limits, bag and possession limits, closed fishing areas, and gear restrictions. Crabs can also be taken recreationally by hand, crab trap, crab loop trap (snare), or hoop net. Hoop nets may be used year-round for taking of crustaceans and have a service interval of two hours (subsection 29.80(b)(2)) and considered abandoned if left out longer than two hours (subsection 29.80(b)(3)). Current regulations do not limit the number, size or color of buoys used on hoop net gear. Hoop nets (not used from shore) must have a surface buoy that is marked to indicate specific operator either by an individual’s GO ID, Commercial Passenger Fishing Vessel’s (CPFV’s) vessel commercial boat registration number, or guide license’s identification number (subsection 29.80(b)(5)). There is no limit on the number of hoop nets that may

be operated by an individual or CPFV when used north of Point Arguello, Santa Barbara County (subsection 29.80(b)(4)(B)).

CPFVs take customers on fishing trips and provide fishing gear, either with hoop nets or crab traps. Customers are required to have the proper licenses on board including a crab trap validation when CPFV's use traps. The owner and operator of a CPFV is required to keep and submit a complete and accurate record of fishing activities on a logbook (subsections 190(a) and 190(b)).

Recreational crab traps are evaluated for marine life entanglement risk during the Dungeness crab season under a marine life concentration trigger (subsection 29.80(c)(7)(A)). Under the recreational evaluation when marine life concentration triggers are met, the Director may declare a management action by RAMP Fishing Zone (subsection 29.80(c)(7)(C)). The only management actions the Director can implement are the following: a fleet advisory to employ voluntary practices, a trap prohibition at the start or end of the recreational Dungeness crab season or lifting of any trap prohibition (subsection 29.80(c)(7)(B)). This recreational entanglement evaluation regulatory framework also references definitions and management triggers described in the RAMP regulation (Section 132.8) for the commercial Dungeness crab fishery.

PROPOSED CHANGES

The proposed changes focus on updates to recreational crab gear restrictions to update use of hoop nets, provide additional tools to address entanglement risk of recreational crab traps, and prohibit unique line marks required in other fisheries from being used in recreational gear. They also address a regulations change petition (#2022–11) requesting the establishment of a CPFV validation so that CPFV customers would no longer be required to have a trap validation.

This is the summary of proposed regulations to recreational crab gear:

- **Add a hoop net tampering prohibition:** The proposed regulation would prevent unlawful tampering of hoop nets. (Proposed subsection 29.80(a)(3)(B)).
- **Prohibit the use of other West Coast fisheries' unique line marks/colors on hoop net and crab trap gear:** The proposed regulation would prohibit recreational gear for take of crustaceans from using another fishery's unique line marking. (Proposed subsection 29.80(a)(4)).
- **Clarify surface gear requirements for northern hoop nets:** The proposed regulation would standardize surface gear configurations of hoop nets used north of Point Arguello, Santa Barbara County. (Proposed subsection 29.80(b)(5)).

- **Update the marine life entanglement evaluation process:** The proposed regulation would add a trigger for confirmed entanglements of any protected species referenced in RAMP as well as a depth constraint under the available management actions (Proposed subsections 29.80(c)(7)(A), 29.80(c)(7)(B), and 29.80(c)(7)(D)).
- **Add a separate CPFV crab trap validation:** The proposed regulation would modify the current trap validation, creating a separate CPFV validation. In addition, new fields will be added to the CPFV logbook and a new fee for the CPFV validation. (Proposed subsections 29.85(a), 195(a), 195(b), 195(d), 701(i), and 701(j)).

The proposed regulatory package also includes clarifying and non-substantive edits to Section 29.80 and 29.85.

BENEFITS OF THE REGULATIONS

The proposed regulations would clarify and improve enforceability of current regulations for hoop nets. Regulations support a petition request that also improves data collection efforts to inform fishery management. The proposal better aligns management of the recreational sector with the commercial fishery in mitigating entanglement risk of marine animals protected by the federal Endangered Species Act and Marine Mammal Protection Act. Lastly, the proposal parallels U.S. West Coast efforts to require uniquely marked gear by ensuring these marks are prohibited in California recreational crustacean gear.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing recreational fishing regulations (Fish and Game Code sections 200, 205, 315, and 316.5). No other state agency has the authority to adopt regulations governing recreational fishing regulations. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of recreational crab fishing regulations; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before July 31, 2025 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on August 8, 2025. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the East End Complex Auditorium, 1500 Capitol Avenue, Sacramento, California, which will commence at 8 a.m. on June 11, 2025 and may continue at 8 a.m., on June 12, 2025. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Building, Second Floor, 715 P Street, Sacramento, California, which will commence at 8 a.m. on August 13, 2025 and may continue at 8 a.m. on August 14, 2025. This meeting will also include the opportunity to participate via webinar/teleconference. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at www.fgc.ca.gov. The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller–Henson, Executive Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244–2090,

phone (916) 653–4899. Please direct requests for the above–mentioned documents and inquiries concerning the regulatory process to Melissa Miller–Henson or David Haug at FGC@fgc.ca.gov or at the preceding address or phone number. Christy Juhasz, Dungeness Crab Biologist, Department of Fish and Wildlife, AskMarine@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address above when it has been received from the agency program staff.

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

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

The proposed 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 because the proposed regulations are for a recreational marine fishery. CPFVs that

take fishers on crab fishing trips using crab traps as a fleet will now be required to purchase a CPFV-specific validation at \$1,115.08 every 365 days [$\$18.28 \times 61$ vessels], while also indicating on their fishing logbooks the number of traps or hoop nets used per daily fishing trip in addition to the information they are already required to provide. There may be unrealized cost savings for serving customers on crab trap fishing trips since they are no longer required to purchase a trap validation. CPFVs also may need to purchase an additional buoy for any hoop nets deployed if they choose to use this for their operations, but it is not required. An optional yellow marker buoy could average \$15.00 that if utilized, would be placed theoretically on up to 25 hoop nets (no hoop net limits), resulting in industry costs of approximately \$30,214.06 [$(\375 to add up to 25 buoys due to damage or loss, or $\$15.00 \times 25$ hoop net buoys) + $(\$120.31$ in labor costs, or $\$19.25/\text{hour} \times 0.25$ hours/hoop net $\times 25$ hoop nets per CPFV) $\times 61$ CPFVs] in initial costs. The expected annual replacement cost for buoys in subsequent years to replace lost or damaged buoys (assuming an annual gear loss rate of 20% resulting in 10 buoys needing to be replaced annually) is approximately \$10,618 [$(\150 to replace up to 10 buoys due to damage or loss, or $\$15.00 \times 10$ hoop net buoys) + $(\$24.06$ in labor costs, or $\$19.25/\text{hour} \times 0.25$ hours/hoop net $\times 5$ hoop nets per CPFV) $\times 61$ CPFVs]. The total economic impact of buoy costs and CPFV validation costs to CPFVs is approximately \$11,733 annually.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California because the proposed regulations are not anticipated to affect the volume of recreational crabbing nor result in significant costs to CPFVs that serve recreational crab trappers.

The Commission does not anticipate any benefits to the health and welfare of California residents or to worker safety.

The Commission anticipates benefits to the state’s

environment by reducing potential for marine life entanglement risk. The approximate value of each prevented whale entanglement is \$2,530,945 per whale, see Section C. Estimated Benefits in the addendum to the STD 399.

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

Recreational crab fishers who solely use crab traps from CPFVs would no longer be required to purchase a Crab Trap Validation. However, CPFVs would be required to purchase a CPFV-specific validation [$\$18.28$ per validation (includes $\$17.75$ fee plus $\$0.53$ surcharge) \times approximately 61 vessels] that will be good for 365 days and could cover a recreational Dungeness crab season that spans two calendar years depending on time of purchase. Additionally, CPFVs that opt to use an additional buoy may realize additional costs of \$75 a year if a buoy averages \$15.00 and they replace about 10 hoop net buoys annually, plus the labor cost of approximately \$24 for installing the buoys [$\$24.06$ in labor costs, or $\$19.25/\text{hr} \times 0.25$ hours/hoop net $\times 5$ hoop nets per CPFV]. The total cost of the validation fee and buoy costs per CPFV is approximately \$194.

Northern hoop net users who opt to use an additional buoy may realize initial costs of around \$75 if a buoy averages \$15.00 and they use about 5 hoop nets (no hoop net limits) that would require an additional buoy, and ongoing costs of \$75 in subsequent years to replace lost or damaged buoys.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

The proposed regulations are anticipated to introduce some start-up and ongoing implementation and enforcement costs that may be partially recovered with the CPFV-specific validation. An estimated \$1,115.08 in CPFV-specific validation revenue is anticipated to be collected by the Department annually. However, removing 1,615 fishers from the requirement to purchase a recreational crab trap validation by fishing from a CPFV would result in a \$4,570.45 loss in revenue for the Department, with a total net decrease of \$3,455.37 in revenue for the Department. The Commission does not anticipate any savings to State agencies or cost/savings in federal funding to the State.

- (e) Nondiscretionary Costs/Savings to Local Agencies

None.

- (f) Programs Mandated on Local
Agencies or School Districts

None.

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

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

The Commission must determine that no reasonable alternative considered by the Commission, or that has otherwise been identified and brought to the attention of the Commission, 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.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

HEALTH CARE ALLEGATIONS OF STAFF MISCONDUCT

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code (GC) section 12838.5 and Penal Code (PC) section 5055, and the rulemaking authority granted by PC section 5058, proposes to amend sections 3999.225, 3999.228, and 3999.235; repeal section 3999.231 of the California Code of Regulations (CCR), Title 15, Division 3, Chapter 2, Article 5; and adopt Article 5.1 and Section 3999.239 into the CCR, Title 15, Division 3, Chapter 2.

PUBLIC HEARING

A virtual public hearing will be held on July 15, 2025. Go to <https://cchcs.ca.gov/health-care-regs/> for

the link to join the virtual hearing, or you may call (916) 701-9994 and enter phone conference ID 726 777 604# to join by phone (audio only) between the hours of 1:30 p.m. and 2:00 p.m. on July 15, 2025.

PUBLIC COMMENT PERIOD

The public comment period will close on July 15, 2025, at 5:00 p.m. Any person may submit public comments in writing (by mail or email) regarding the proposed changes. To be considered, comments must be submitted to California Correctional Health Care Services (CCHCS), Health Care Regulations and Policy Section, P.O. Box 588500, Elk Grove, CA, 95758, or by email to CDCRHealthCareRegulationsandPolicySection@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON:

Please direct any inquiries regarding this action to:

R. Hart
Associate Director
Risk Management Branch
California Correctional Health Care Services
P.O. Box 588500
Elk Grove, CA 95758
(916) 691-2922
A. Burrell
Staff Services Manager II
Health Care Regulations and Policy Section
California Correctional Health Care Services
(916) 691-2921

AUTHORITY AND REFERENCE:

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

PC section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the State prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment

of persons confined therein are vested in the Secretary of the CDCR.

PC section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

References cited pursuant to this regulatory action are as follows: Sections 4040(a)(2), 4076, 4170 and 4171(b), Business and Professions Code; Section 1157, Evidence Code; Section 11150 Health and Safety Code; Sections 3424 and 5054, Penal Code; *Perez, et al. v. Cate, et al.*, (Number C05–05241 JSW), U.S. District Court, Northern District of California; and *Plata v. Newsom* (Number C01–1351 JST), U.S. District Court, Northern District of California.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW:**

The CDCR proposes to amend California Code of Regulations (CCR), Title 15, Division 3, Chapter 2, Subchapter 2, Article 5, Sections 3999.225, 3999.228 and 3999.235; repeal section 3999.231; and adopt Article 5.1 and Section 3999.239 governing allegations of misconduct against health care staff. Current Title 15 regulations do not reflect improvements made to the Department’s handling of health care staff misconduct allegations involving incarcerated and supervised persons, which includes improvement of departmental transparency, integrity, and staff accountability. Additionally, CDCR must comply with expanded Armstrong Court Orders (*Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94–cv–02307 CW on September 8, 2020) that call for reforms to the Department’s staff complaint, investigation, and discipline processes to ensure that CDCR completes unbiased, comprehensive investigations into all allegations of staff misconduct for class members under the Armstrong Remedial Plan and the Americans with Disabilities Act (ADA).

This proposed action will:

- Significantly improve the Department’s handling of health care allegations of staff misconduct involving incarcerated and supervised persons.
- Improve departmental transparency, integrity, and staff accountability.
- Bring CDCR into compliance with expanded Armstrong Court Orders (*Armstrong et al. v. Newsom et al.*, United States District Court for the Northern District of California, Court Case number 94–cv–02307 CW on September 8, 2020) that call for reforms to the Department’s staff complaint, investigation, and discipline processes.

- Ensure that CDCR completes unbiased, comprehensive investigations into all allegations of staff misconduct for class members under the ADA.

**BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS**

The Department anticipates the proposed regulations will benefit CDCR staff and the regulated public by helping to properly and, in a timely fashion, investigate allegations of health care staff misconduct toward an incarcerated or supervised person.

FORMS INCORPORATED BY REFERENCE

Not applicable

**EVALUATION OF CONSISTENCY/
COMPATIBILITY WITH
EXISTING REGULATIONS**

Pursuant to GC section 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has determined these proposed regulations are not inconsistent or incompatible with any existing regulations within CCR, Title 15, Division 3.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to GC section 17500–17630.

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs because the proposed regulations only affect a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

SIGNIFICANT STATEWIDE ADVERSE
ECONOMIC IMPACT ON BUSINESS

The Department has determined that the proposed action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states because the proposed action only affects a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The proposed regulations will benefit the health and welfare of Californians, and worker safety by deterring unethical or unsafe behavior; identifying and correcting hazardous practices; promoting adherence to established medical protocols; and enhancing trust between Department staff and incarcerated and supervised persons. This regulation will not have an impact on the State’s environment, as the State’s environment is not impacted by the administration of the allegations of staff misconduct against health care staff program.

In accordance with Government Code (GC) section 11346.3(b), the Department has made the following assessments regarding the proposed regulation will unlikely affect:

1. Creation or Elimination of Jobs within the State of California

The Department does not expect that the proposed regulations will have an impact on the creation or the elimination of existing jobs within the State of California.

2. Creation of New or Elimination of Existing Businesses within the State of California.

The Department does not expect that the proposed regulations will have an impact on the creation of new businesses or the elimination of existing businesses within the State of California.

3. Expansion of Businesses Currently Doing Business within the State of California.

The Department does not expect that the proposed regulations will have an impact on the expansion of businesses currently doing business within the State of California.

BENEFITS ANTICIPATED BY THE
PROPOSED REGULATIONS

The proposed regulations will benefit the health and welfare of Californians, and worker safety by deterring unethical or unsafe behavior; identifying and correcting hazardous practices; promoting adherence

to established medical protocols; and enhancing trust between Department staff and incarcerated and supervised persons. This regulation will not have an impact on the State’s environment, as the State’s environment is not impacted by the administration of the allegations of staff misconduct against health care staff program.

The Department anticipates the proposed regulations will benefit CDCR staff and the regulated public by helping to properly, and in a timely fashion, investigate allegations of health care staff misconduct toward an incarcerated or supervised person.

COST IMPACTS ON REPRESENTATIVE
PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed action only affects a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations will have no significant adverse economic impact on small businesses because the proposed action only affects a program that handles health care staff misconduct allegations involving incarcerated and supervised persons within CDCR.

CONSIDERATION OF ALTERNATIVES

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

The Department has made an initial determination that the action will not have a significant adverse economic impact on business. Additionally, there has been no testimony, reasonable alternative, or other evidence provided that would alter the CDCR’s initial determination to proceed with this action.

AVAILABILITY OF PROPOSED TEXT AND
INITIAL STATEMENT OF REASONS

The Department has prepared, and will make available, the proposed text and the Initial Statement of Reasons (ISOR) of the proposed regulatory action. The rulemaking file for this regulatory action, which

contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the contact person listed in this Notice. The proposed text, ISOR, and Notice of Proposed Action will also be made available on CCHCS's website <https://cchcs.ca.gov> and CDCR institution law libraries.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the contact person listed in this Notice.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

TITLE 21. DEPARTMENT OF TRANSPORTATION

AUTOMATIC VEHICLE IDENTIFICATION SPECIFICATIONS

The California Department of Transportation (“Department”), pursuant to authority granted by Streets and Highways Code section 27565, proposes to amend the California Code of Regulations, Title 21, Division 2, Chapter 16, concerning Compatibility Specifications for Automatic Vehicle Identification Equipment used for toll collection after considering all comments, objections, and recommendations regarding the proposed action. Following the public comment period, the proposal may be adopted substantially as set forth without further notice.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed action. However, the Department will hold a hearing if it receives a written request for

a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under “Contact Persons” in this notice

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulation action to the Department. The written comment period closes on July 14, 2025. To be considered by the Department, comments must be submitted to and received by the Department of Transportation, Traffic Operations. Attention: Rupinder Jawanda, 1120 N Street, MS–36, Sacramento, California 95814; or by email with a subject line of “Title 21 Public Comment” at Title.21.Changes@dot.ca.gov before the close of the comment period.

CONTACT PERSONS

Please direct any inquiries regarding this action to: Rupinder Jawanda at (916) 639–6101 or by email at Title.21.Changes@dot.ca.gov.

The backup contract person for these inquiries is: Trenton Hoffman at (916) 764–2445 or by email at Trenton.Hoffman@dot.ca.gov.

Questions regarding the substance of the proposed regulatory action should be directed to:

Department of Transportation
Division of Traffic Operations
Attention: Rupinder Jawanda
1120 N Street, MS–36
Sacramento, California 95814

AUTHORITY

Streets and Highways Code section 27565 authorizes the Department to adopt the proposed regulatory action concerning Compatibility Specifications for Automatic Vehicle Identification.

REFERENCE

Streets and Highways Code section 27565 provides that toll facilities shall adopt and promulgate compatible automatic vehicle identification systems.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

There are currently more than 900 lane mile of toll roads, high occupancy/toll lanes, and bridges oper-

ating in California. All these facilities collect tolls electronically. The electronic toll collection (ETC) systems used on these facilities are managed by six different local government entities, hereafter referred to as the “toll facility operators”. (It should be noted that the ETC operations for the state–owned bridges in the San Francisco Bay Area are handled by one of these toll facility operators and not by Caltrans). There are currently approximately 12 million active transponders in use in California. Senate Bill 1523 (Chapter 1080, Statutes of 1990), mandated that the California Department of Transportation (Caltrans) work with the State’s toll facility operators to develop an AVI protocol for ETC systems. The bill required that the protocol would allow for one transponder to be used on any toll facility in California, a concept known as interoperability. The bill also required that the protocol had to be an open standard, meaning that it be made publicly available so that multiple manufacturers and vendors can have an opportunity to develop and supply ETC equipment.

The proposed regulatory change will modify the existing regulation to replace the Document Incorporated by Reference: California 6C Electronic Toll Collection Standard Version 1.0 dated May 5, 2017 with the 6C Coalition AVI Standard Version 4.0 dated October 10, 2023 and to include the ISO/IEC 18000–63 Second edition 2021–11–21 Information technology—Radio frequency identification for item management—Part 63: Parameters for air interface communications at 860 MHz to 960 MHz Type C Standard as an option.

DOCUMENTS INCORPORATED
BY REFERENCE

- 1) 6C Coalition AVI Standard version 4.0 dated October 10, 2023
- 2) ISO/IEC 18000–63 Second edition 2021–11–21 Information technology—Radio frequency identification for item management—Part 63: Parameters for air interface communications at 860 MHz to 960 MHz Type C

The adoption of the 6C Coalition AVI Standard as a document of reference will ensure interoperability among tolling industry equipment when transponder programming updates occur. This eliminates potential problems for toll operators integrating new equipment into their existing facilities.

The implementation of 6C Coalition AVI Standard provides consistency with the latest industry standards and ensues that all states will be using the same 6C tolling standard. This benefits toll operators and vendors simplifying procurement and manufacturing of transponders.

Including the 2021 version of the ISO 18000–63 Standard as option in addition to the previous versions

provides the vendors the ability to use the chips compliant with the latest standard version.

The enactment of these changes is expected to yield benefits to both toll agencies and transponder vendors while having no negative impact on customers.

After conducting an evaluation on any other regulations on this area, Caltrans has determined that these are the only regulations concerning the state’s automated vehicle identification equipment and protocol used for electronic toll collection. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING
THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None

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

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

Cost or savings in federal funding to state: None

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None

Significant effect on housing costs: None

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

Small Business Determination:

This regulation will not directly affect small businesses. The toll facility operators bear the full costs of purchasing and distributing transponders for use by motorists. These costs are not borne by users; when establishing an ETC account they are only required to prepay tolls, replenish the account, as needed, and pay any account maintenance fees. Those conditions would not change.

RESULTS OF ECONOMIC
IMPACT ASSESSMENT

The Department concludes (1) the proposal will not create or eliminate any jobs in the state, (2) the proposal will not create new businesses or eliminate existing businesses in the state, (3) the proposal will not result in the expansion of businesses or elimination of

existing businesses currently doing business within the state.

Benefits of the Proposed Action. The proposed regulation will benefit California by providing transponder interoperability among California tolling agencies and other states using this tolling technology. The enactment of these regulations is expected to yield benefits to both toll agencies and transponder vendors while having no negative impact on customers.

CONSIDERATION OF ALTERNATIVES

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

Caltrans invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action during the written comment period.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

Caltrans will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address during regular business hours. 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. Other related documents are also available. Copies may be obtained by contacting the Department of Transportation, Traffic Operations. Attention: Rupinder Jawanda, 1120 N Street, MS-36, Sacramento, California 95814.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, Caltrans may adopt the proposed regulations substantially as described in this notice. If Caltrans makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before Caltrans adopts the regulations as revised. Please send requests for copies of any modified regulations to the

Department of Transportation, Traffic Operations. Attention: Rupinder Jawanda, 1120 N Street, MS-36, Sacramento, California 95814. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the Department of Transportation, Traffic Operations. Attention: Rupinder Jawanda, 1120 N Street, MS-36, Sacramento, California 95814.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the proposed regulations can be accessed through <https://dot.ca.gov/programs/traffic-operations/electronic-toll>. Other related documents are also available at that website.

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

CONDITIONAL EXEMPTION FOR UNDEPLOYED AIRBAGS

DEPARTMENT OF TOXIC SUBSTANCES CONTROL REFERENCE NUMBER: R-2023-11R

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to add California Code of Regulations, title 22, division 4.5, sections 66260.10, and 66261.4(j).

WRITTEN COMMENT PERIOD

A public comment period for the rulemaking has been established commencing on May 30, 2025, and closing on July 14, 2025.

Statements, arguments, or contentions regarding the rulemaking and/or supporting documents must be submitted in writing during the public comment period (electronically or in hard copy), or presented orally or in writing at a public hearing, if a hearing is requested, for them to be considered by DTSC before it adopts this regulation. Only comments received at the DTSC office or postmarked on or before that date will be considered.

Written comments may be submitted electronically through the DTSC regulations email address at regs@dtsc.ca.gov. Please direct hardcopy written comments to the Office of Legislation and Regulatory Review, as specified below.

Office of Legislation and Regulatory Review
 Department of Toxic Substances Control
 P.O. Box 806
 Sacramento, California 95812–0806
regs@dtsc.ca.gov

DTSC has not scheduled a public hearing for this proposed rulemaking. To request a public hearing, any interested person or his or her duly authorized representative may contact the Office of Legislation and Regulatory Review, as specified above, no later than 15 days prior to the close of the written comment period.

Notice Pertaining to Accessibility and Reasonable Accommodation

All documents related to these regulations can be made available in an alternate format (i.e., braille, large print, etc.) or in another language, as requested, in accordance with state and federal law. Further, to ensure the public has equal access to all available services and information, DTSC will provide disability-related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact the Office of Legislation and Regulatory Review. Note: the range of assistive series available may be limited if requests are made less than 10 business days prior to a public hearing.

AUTHORITY AND REFERENCE

These regulations are being adopted under the following authorities: Health and Safety Code sections 25150 and 25159. These regulations implement, interpret, or make specific the following statutes: Health and Safety Code sections 25150 and 25159.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Policy Statement Overview

The purpose of the proposed regulations is to permanently adopt U.S. Environmental Protection Agency’s (U.S. EPA) Interim Final Rule: Safe Management of Recalled Airbags in California. The federal airbag regulations were adopted in California through emergency regulations and expired on March 6, 2025. The proposed regulations mirror the U.S. EPA’s Interim Final Rule and will provide flexibility for airbag waste handler(s) who are responsible for removing and replacing defective airbags from vehicles. The purpose of the proposed regulations is to provide streamlined management of airbag waste, while ensuring the pub-

lic’s health, safety, and welfare by moving the point of hazardous waste generation of airbag waste from the airbag waste handler to a collection facility or a designated facility that are equipped to manage hazardous waste. The exemption relaxes the hazardous waste requirements for the generation and accumulation of airbag waste at the airbag waste handler location and during transport, if all the conditions of the exemption are met. Airbag waste would be managed as hazardous waste once it is received at a collection facility or a designated facility for proper disposal. To avoid confusion by entities removing airbags and to increase efficiency, the scope of this rule would apply to all airbag waste and not just recalled airbag inflators. Under the proposed regulations, transportation of airbag waste would not require a hazardous waste manifest or use of a registered hazardous waste transporter when transported offsite, thus reducing the cost of transportation to a collection facility and a designated facility.

Background and Effect of the Proposed Regulatory Action

Background

The 2015 Takata airbag recall constituted the largest automotive recall in United States history, with approximately 65–70 million airbag inflators recalled. The National Highway Traffic Safety Administration (NHTSA) issued a Preservation Order in 2015 which required Takata to finance the recall, including transportation and storage of all recalled airbag inflators removed from vehicles. In 2018, Takata filed for bankruptcy and could no longer finance the recall. Thereafter, the U.S. Department of Transportation (DOT) amended the Preservation Order requiring Takata to only preserve five percent of the airbag inflators collected. As a result of these changes, entities removing recalled airbags are required to either pay Takata to receive the recalled inflators or to send the recalled inflators as hazardous waste to a designated facility for disposal.

In response to DOT’s amendment to the Preservation Order, U.S. EPA issued its Interim Final Rule: Safe Management of Recalled Airbags (Interim Final Rule) on November 30, 2018, which provides a conditional exemption for airbag waste in the Code of Federal Regulations, title 40, part 261, section 261.4(j). The goal of the Interim Final Rule is to address the immediate threat to public health and safety posed by recalled airbags by facilitating expedited management and transportation of recalled Takata airbags and inflators from vehicles for safe and environmentally sound disposal. The recalled airbag inflators are an ongoing threat to public safety and have resulted in at least 26 fatalities and 400 alleged injuries in the United States as of December 2023.

DTSC adopted the U.S. EPA’s Interim Final Rule through emergency rulemaking. The emergency regu-

lations were readopted for an additional 90 days on September 5, 2024, and readopted for a second 90-day period on December 5, 2024. The emergency regulations expired on March 6, 2025. The emergency regulations, like the Interim Final Rule, exempt the airbag waste from hazardous waste accumulation and transportation requirements if the airbag waste handler meets certain conditions. This is known as a conditional exemption. Under the emergency regulations, airbag waste is conditionally exempt from hazardous waste requirements so long as the airbag waste handler:

- Accumulates no more than 250 airbag modules and airbag inflators (combined) at one time;
- Accumulates their airbag waste for no longer than 180 days;
- Packages their airbag waste in a container designated to address the risk posed by the airbag waste;
- Labels their airbag waste “Airbag Waste — Do Not Reuse”;
- Sends their airbag waste directly to either:
 - An airbag collection facility in the U.S. under the control of a vehicle manufacturer or their authorized representative, or under the control of an authorized party administering a remedy program in response to a recall under the NHTSA; or
 - A designated facility as defined in California Code of Regulations, title 22, section 66260.10;
- Ensures their airbag waste shipments comply with all applicable DOT regulations in Code of Federal Regulations, title 49, parts 171 through 180 for airbag waste during transit; and
- Maintains records for no less than three years of all offsite shipments of airbag waste and all confirmations of receipt from the receiving facility at the airbag waste handler facility.

Effect of the Proposed Regulatory Action

Benefits of the Proposed Regulatory Action

The main benefits of the proposed regulations are: (1) the reduction of risk to public safety, health, and welfare resulting from the expedited removal and proper management of recalled airbags as well as other defective airbags from vehicles; and (2) prevention of hazards associated with long-term storage. The proposed regulations address the increased safety risk posed by the recalled airbag inflators as they age by removing regulatory impediments, expediting removal and decreasing storage time of the airbag waste. The conditional exemption moves the point of generation of airbag waste from the airbag waste handler to a collection or a designated facility. It encourages airbag waste

handlers, such as automobile dealerships, to expedite transport of airbag waste offsite to a designated facility for proper end of life management. Additionally, the exemption will continue to remove certain financial burdens airbag handlers would normally incur managing airbag waste as hazardous waste.

Existing Laws and Regulations

California’s hazardous waste management requirements are set forth in the Hazardous Waste Control Law (“HWCL”) (Health & Safety Code, §§ 25100 et seq.) and its implementing regulations (Cal. Code Regs., title 22, division 4.5). Management of airbag waste is subject to regulation under the HWCL. Within the HWCL, Health and Safety Code section 25150 grants DTSC the authority to adopt, and revise when appropriate, standards and regulations for the management of hazardous wastes to protect against hazards to public health, domestic livestock, wildlife, or the environment. The proposed amendments to California Code of Regulations, title 22, sections 66260.10 and 66261.4 protect against hazards to public health, safety, and the environment from the danger posed by recalled airbags.

Existing California Code of Regulations, title 22, section 66261.4 provides the current waste and/or hazardous waste classification exclusions which are consistent with the HWCL and its implementing regulations. The proposed regulations permanently amend California Code of Regulations, title 22, section 66261.4 by adding subsection (j) and creating an exemption for airbag waste from regulation as a hazardous waste for the purposes of accumulation and transportation, provided certain conditions are met.

Under current state law, Public Resource Code (PRC) section 42175 states that “materials that require special handling” (MRSH) shall be removed from major appliances and vehicles prior to crushing for transport or transferring to a baler or shredding for recycling. PRC section 42167 defines MRSH which includes sodium azide canisters in unspent airbags that are determined to be hazardous. The proposed regulation impacts how airbag waste is managed once removed from vehicles; therefore, it is consistent with existing state requirements.

The proposed amendments to California Code of Regulations, title 22, chapter 10 and 11, sections 66260.10 and 66261.4 represent additions to the current State regulations for hazardous waste management. The proposed amendments would strengthen protection of public health and the environment and create uniform standards for management, record-keeping, transportation, and disposal of airbag waste. Therefore, the proposed regulations will not be inconsistent or incompatible with existing State regulations.

Related State Laws and Regulations

Under the Interim Final Rule, U.S. EPA determined that the conditional exemption would apply to all airbag waste collected for the purpose of disposal. Under the exemption, the point of generation of airbag waste moves from the airbag waste handler to the designated facility or airbag waste collection facility. The condition limits the quantity and accumulation times that airbag waste handlers can accumulate airbag waste onsite, which reduces the potential hazards posed by airbag waste. Additionally, the airbag waste must be transported in compliance with DOT regulations and packaged in containers that address the risks posed by the waste. Additionally, airbag waste handlers must maintain certain records at the handler facility for a period of three years that document offsite shipments of airbag waste. Those records must be available for inspection. The recordkeeping requirement may be fulfilled by ordinary business records, such as bills of lading, including electronic records. Reuse of a recalled airbag is prohibited because it would place another person in imminent danger of death or serious injury.

The proposed regulations adopt U.S. EPA’s conditional exemption for undeployed airbags, which the now-expired emergency regulations mirror. The proposed regulations are identical to the emergency regulations. Therefore, the proposed regulations will not be inconsistent or incompatible with existing state or federal laws and regulations.

DOCUMENTS RELIED ON

This proposal relied on the following document(s):

- National Highway Traffic Safety Administration, “Coordinated Remedy Order,” November 3, 2015, Docket No. NHTSA–2015–0055.
- National Highway Traffic Safety Administration, Amendment to the February 25, 2015 “Preservation Order and Testing Order Control Plan,” April 12, 2018, EA15–001 (formerly PE14–016).
- The Independent Monitor of Takata and the Coordinator Remedy Program, “The State of the Takata Airbag Recalls,” November 15, 2017.
- U.S. Environmental Protection Agency, “Safe Management of Recalled Airbags,” November 30, 2018 (83 Fed. Reg. 61552).
- U.S. Environmental Protection Agency, Memorandum, “Regulatory Status of Automotive Airbag Inflators and Fully Assembled Airbag Modules,” July 19, 2018.
- U.S. Environmental Protection Agency, Office of Inspector General, “Incomplete Oversight of State Hazardous Waste Rule Authorization Cre-

ates Regulatory Gaps and Human Health and Environmental Risks,” July 31, 2018.

- U.S. Environmental Protection Agency, “Resource Conservation and Recovery Act (RCRA) State Authorization Performance Measures,” September 26, 2019.
- California StATS Data, March 31, 2020.
- National Highway Traffic Safety Administration, “Takata Recall Spotlight,” <https://www.nhtsa.gov/equipment/takata-recall-spotlight> (accessed on March 16, 2023).
- Communications with National Highway Traffic Safety Administration, June 27, 2023.
- Notice of proposed action; Conditional Exemption for Undeployed Airbags, DTSC reference number R–2023–21–E; OAL reference number 2024–0305–02E; OAL approval date March 15, 2024.
- Notice of proposed action; Conditional Exemption for Undeployed Airbags, DTSC reference number R–2023–21–EE; OAL reference number 2024–0305–02E; OAL approval date December 5, 2024.

California Environmental Quality Act (CEQA) Compliance

Pursuant to California Code of Regulations, title 14, section 15187(a), DTSC is required, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment, establishing a performance standard, or establishing a treatment requirement, to perform an environmental analysis of the reasonably foreseeable methods by which compliance with that rule or regulation will be achieved.

The proposed regulations will not result in a significant change in any of the physical conditions within the environmental factors that are analyzed under CEQA. DTSC prepared a Notice of Exemption as the appropriate CEQA document for the proposed adoption of these regulations pursuant to the CEQA Guidelines (Cal. Code Regs., title 14, §15164(b)) as none of the conditions described in the CEQA Guidelines (Cal. Code Regs., title 14, §15162) apply.

Peer Review Compliance

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulations do not establish a regulatory level, standard, or other requirement subject to scientific peer review. The requirements of Health and Safety Code section 57004(e) also do not apply to emergency regulations.

LOCAL MANDATE

DTSC has determined that adoption of these regulations will not impose a local mandate or result in

costs subject to state reimbursement pursuant to part 7 of division 4, commencing with section 17500, of the Government Code or other nondiscretionary costs or savings to local agencies.

FISCAL IMPACT ASSESSMENT

DTSC estimated that the potential loss of Generation and Handling (G&H) Fees with the regulations could be \$8,259 over the lifetime of this regulation using the 2024–25 G&H Fee rates set by the Board of Environmental Safety if airbags are conditionally exempt from being hazardous waste. There is no expected impact on other DTSC fees as a result of the proposed regulation.

Costs or Savings to Any State Agency

DTSC determined that the proposed regulations will not result in any costs or savings for any state agency.

Cost or Savings to Local Agencies and Other Non-Discretionary Cost or Savings

Any impact on local government would be through the permit fees that are collected by the Certified Unified Program Agencies (CUPAs) from hazardous waste generators. CUPAs have the authority to require permits, inspect facilities, issue violations and perform enforcement actions on businesses that generate hazardous waste. DTSC reached out and surveyed CUPAs to determine if there will be any impact on the permit fees they collect because of the regulation changes. The CUPAs that did respond stated that most facilities that generate airbag waste were already captured as hazardous waste generators, so there would be little to no change in collected fees as a result of the regulations.

School Districts

DTSC determined that the proposed regulations will not result in any costs or savings for any school districts.

Federal Funding to the State

DTSC determined that the proposed regulations will not result in any changes to federal funds that the state of California receives.

Impacts on Businesses and Individuals

The proposed exemption 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.

DTSC estimated the total statewide dollar costs that businesses and individuals may incur to comply with the proposed regulations over a five-year lifetime analysis to be \$1,080,159. The costs are due to airbag waste handlers' shipment of the airbag waste to a designated facility for disposal, shipment of the waste to collection facilities, and fees charged to the handlers by collection facilities. Handlers incur costs mainly

due to the quantity of airbag waste they manage due to the recall. When the regulations are adopted as proposed, handlers will need to familiarize themselves with the requirements associated with the conditional exemption as a one-time requirement. Under the conditional exemption, handlers still incur labeling and recordkeeping costs.

DTSC estimated the annual ongoing costs that a small and typical business may incur to comply with the regulations over five-year lifetime analysis, to be \$124.

While there will be costs to implement the proposed regulations, these costs will be lower than under the baseline (no regulation) scenario. The proposed regulations exempt handlers from full hazardous waste management requirements associated with managing hazardous waste airbags and make it more affordable to dispose of airbag waste directly to designated facilities. The net lifetime savings from the regulation is estimated at \$31,657.

Types of Businesses Affected

The proposed regulations will directly affect entities that remove airbags from vehicles in California. The regulations have a statewide impact on entities in the automobile industry and related sectors such as automobile dealerships, waste transporters, vehicle repair facilities, automobile dismantlers and scrap metal facilities.

Projected Reporting, Recordkeeping, or other Compliance Requirements

Under the proposed regulations, airbag waste is exempt from full hazardous waste management requirements, and any airbag waste handlers that are not already captured as hazardous waste generators potentially may not become generators as a result of airbag waste. These handlers that generate airbag waste already incur regulatory compliance costs associated with hazardous waste regulations since they already are generator of other auto shop related hazardous wastes.

Cost Impacts on Representative Private Persons or Businesses

The regulations will likely have potential cost savings for approximately 1,748 businesses that, through the conditional exemption, avoid hazardous waste management costs associated with airbags that they would otherwise be subject to without the regulations.

Effect on Housing Costs

DTSC has determined that the proposed regulation will not have a direct impact on housing costs.

Effect on Small Businesses

DTSC has determined that the proposed regulations will not have additional effect on small businesses. DTSC assumes that impacted businesses already are a generator of other auto shop related hazardous waste,

such as used engine oil and antifreeze, and are already in compliance with hazardous waste management requirements.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

DTSC does not expect that the proposed regulations will result in the creation or elimination of jobs, creation or elimination of businesses, or affect the expansion of existing businesses.

Benefits to the Health and Welfare of California Residents, Worker Safety, and the State’s Environment

Recalled airbags present hazardous ignitability and reactivity risks to worker safety when processed or recycled. The conditional exemption of airbags from hazardous waste regulations allows businesses that handle airbags to properly manage and dispose of airbag waste more efficiently, while protecting the public. The proposed exemption will incentivize the expedited, safe removal of defective airbags, decrease storage time, ensure proper transport and disposal, and prevent recalled airbags from being diverted back into vehicles. The proposed exemption will likely reduce business costs on dealerships, potentially reduce fatalities and injuries related to defective airbags, and consequently reduce costs on the public.

The proposed regulations are intended to make the existing hazardous waste generator regulations clearer thus improving compliance but are not expected to have any impact on the quantity of businesses that exist in California beyond the normal rate of businesses opening and closing due to other reasons.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative considered, or that has otherwise been identified and brought to the attention of DTSC, 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.

A detailed discussion of the proposed regulations, including the Consideration of Alternatives, is presented in the Initial Statement of Reasons for these regulations.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS, INITIAL STATEMENT OF REASONS, AND OTHER RULEMAKING DOCUMENTS

Copies of the Notice of Proposed Action, Initial Statement of Reasons, all the information upon which its proposal is based, and the express terms of the proposed regulations (also known as the proposed regulatory text) are posted to DTSC’s website at <https://dtsc.ca.gov/dtsc-proposed-regulations/> and will be made available for viewing at the Office of Legislation and Regulatory Review, as specified below.

Office of Legislation and Regulatory Review
Department of Toxic Substances Control
1001 I Street
Sacramento, California 95814–2828

The text of the proposed regulations contains the following formatting features:

- The symbol “***” means that intervening text not proposed for amendment is not shown.
- Single Underline: Proposed additions are indicated in single underlining to show where the new text is being added.
- Single Strikeout: Proposed deletions (repeal) are indicated ~~strike through~~ to show where the existing text is being removed.

After the close of the comment period, DTSC may adopt the proposed regulations. If substantial, sufficiently related changes are made to the regulatory text, the modified full text (with the changes clearly indicated) will be made available for comment for at least 15 days prior to adoption. Only persons who request to be notified of any modifications to the proposed text, submit written or oral comments (comments submitted at a hearing, if one is held, or comments submitted to DTSC), will be sent a copy of the modified text, if substantial, sufficiently related changes are made.

Once DTSC finalizes the regulatory text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials. A copy of the Final Statement of Reasons will also be posted on DTSC’s website at <https://dtsc.ca.gov/dtsc-proposed-regulations/>, along with the date the regulation is filed with the Secretary of State and the effective date of the regulation.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulations may be directed to Chosu Khin at (916) 324–2428 or Kareem Taylor at (916) 445–9553, or if unavailable, the Office of Legislation and

Regulatory Review, as specified above, or call (279) 895-5179; TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service. However, such oral inquiries are not part of the rulemaking record. Statements, arguments, or contentions regarding the rulemaking and/or supporting documents must be submitted in writing for them to be considered by DTSC before it adopts, amends, or repeals these regulations.

**ALL OTHER QUESTIONS/COMMENTS/
INQUIRIES/UPDATES**

Please direct all written comments, procedural inquiries, and requests for documents by mail or email to the Office of Legislation and Regulatory Review, as specified above. To be included in this regulation package’s mailing list and to receive updates for this rulemaking, please e-mail your request to regs@dtsc.ca.gov

GENERAL PUBLIC INTEREST

**DEPARTMENT OF
FISH AND WILDLIFE**

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR HONEY LAKE WILDLIFE
AREA WATER DELIVERY IMPROVEMENT
PROJECT (TRACKING NUMBER:
1653-2025-159-001-R1)
LASSEN COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on May 8, 2025, that CDFW proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves improving water delivery to enhance approximately 130 acres of managed wetlands. The proposed project will be carried out in the Honey Lake Wildlife Area, located 20 miles southwest of Susanville, Lassen County, California.

On February 24, 2025, the Lahontan Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401

Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Honey Lake Wildlife Area Water Delivery Improvement Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 6A182504004) for coverage under the General 401 Order on 5/1/2025.

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

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

**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.

Division of Workers’ Compensation
File # 2025-0415-02
Medical Treatment Utilization Schedule

This file and print action by the Division of Workers’ Compensation (Division) of the Department of Industrial Relations adopts one section and amends one section in title 8 of the California Code of Regulations to make evidence-based updates to the

medical treatment utilization schedule (MTUS) pursuant to Labor Code section 5307.27.

Title 08
 Adopt: 9792.24.8
 Amend: 9792.24.2
 Filed 05/20/2025
 Effective 06/01/2025
 Agency Contact:
 Nicole L. Richardson (510) 286–0656

Board of Barbering and Cosmetology
 File # 2025–0404–01
 Technical Clean–Up

In this action without regulatory effect, the Board of Barbering and Cosmetology adopts gender neutral language and to update cross references.

Title 16
 Amend: 910, 918, 919, 926, 941, 965.2, 971, 974.1, 974.2, 983, 984
 Filed 05/15/2025
 Agency Contact: Noel Cassens (279) 236–2834

Board of Registered Nursing
 File # 2025–0403–03
 Public Health Nurse Renewal Fee

This action without regulatory effect by the Board of Registered Nursing (“Board”) amends section 1417 of title 16 of the California Code of Regulations (“CCR”). Specifically, this action repeals the “Biennial Public Health Nurse Renewal Fee” in Section 1417 in response to Assembly Bill 2471 (Stats. 2024, c. 717) (“AB 2471”) and Senate Bill 1526 (Stats. 2024, c. 497) (“SB 1526”), which amended Business and Professions Code (“BPC”) section 2816 by deleting provisions relating to renewal of a public health nurse certificate and adding a provision that states that a public health nurse certificate is not subject to renewal.

Title 16
 Amend: 1417
 Filed 05/14/2025
 Agency Contact: Ras Siddiqui (916) 574–7922

Bureau of Household Goods and Services
 File # 2025–0407–03
 Reorganization of Definitions and Technical Clean–Up

This action without regulatory effect by the Bureau of Household Goods and Services reorganizes and renumbers multiple sections within title 4 of the California Code of Regulations which house universal definitions and labeling terms of use. Additionally, this action corrects spelling and format errors as well as updating outdated references.

Title 04
 Adopt: 1137
 Amend: 1101, 1103, 1104, 1105, 1135, 1137, 1181, 1182, 1209, 1210, 1211, 1238, 1247, 1251, 1300, 1316, 1329, 1330
 Repeal: 1136
 Filed 05/19/2025
 Agency Contact: Eileen Yap (916) 224–0692

Department of Motor Vehicles
 File # 2025–0411–02
 Secondary Review Referral Form

This action by the Department of Motor Vehicles makes changes without regulatory effect by amending the Secondary Review Referral Notice, form DL 209A, incorporated by reference in title 13, section 16.06, to allow applicants for driver’s licenses to request a secondary review online in addition to the existing phone request option.

Title 13
 Amend: 16.06
 Filed 05/21/2025
 Agency Contact: Randi Calkins (916) 282–7294

Bureau for Private Postsecondary Education
 File # 2025–0408–02
 Expired Approvals

Through this regulatory action, the Bureau for Private Postsecondary Education seeks to amend sections 71475 and 71480 of title 5, regarding expired approvals to operate for non–accredited and accredited institutions.

Title 05
 Amend: 71475, 71480
 Filed 05/20/2025
 Effective 07/01/2025
 Agency Contact:
 Parker Strohmeyer (279) 666–5844

California Architects Board
 File # 2025–0407–04
 Re–Examination

In this action, the California Architects Board repeals their regulation on conditional credit and re–examination.

Title 16
 Repeal: 120
 Filed 05/15/2025
 Effective 07/01/2025
 Agency Contact: Timothy Rodda (279) 895–1246

Commission on Peace Officer Standards and Training
File # 2025-0411-04
Employment Status Notifications

In this regular rulemaking action, the Commission on Peace Officer Standards and Training seeks to amend regulation section 1003 of Title 11 to incorporate a revised version of the Affidavit of Separation, POST 2-357, and update how agencies shall report to POST serious misconduct by peace officers.

Title 11
Amend: 1003
Filed 05/21/2025
Effective 05/21/2025
Agency Contact: Katelynn Poulos (916) 227-4894

Commission on Peace Officer Standards and Training
File # 2025-0411-05
Reg 1005 — Minimum Standards for Training, Jail Deputies

This regular rulemaking action by the Commission on Peace Officer Standards and Training amends the minimum training requirements for jail deputies. The amendments distinguish several things: that training in arrest and training in firearms may be taken as separate courses or jointly as a single course; that training in arrest must be completed before appointment to a classification exercising peace officer powers; that training in firearms is necessary if the jail deputy's duties include the use of firearms, and; that if training in firearms is necessary then the training in firearms must be completed before appointment to a classification exercising peace officer powers.

Title 11
Amend: 1005
Filed 05/20/2025
Effective 05/20/2025
Agency Contact: Katelynn Poulos (916) 227-4894

Department of Transportation
File # 2025-0404-02

Airport Grant Eligibility

This regular rulemaking action by the California Department of Transportation ("Caltrans") seeks to add new categories of acquisition and development projects eligible for grant funding through the Caltrans Acquisition and Development Program.

Title 21
Amend: 4061
Filed 05/15/2025
Effective 07/01/2025
Agency Contact: Tarek Tabshouri (916) 879-2965

**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.