



California Regulatory Notice Register

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: South Bay Regional Public
Safety Training Consortium
Mojave Desert Air Quality
Management District

A written comment period has been established commencing on June 13, 2025, and closing on July 28, 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 re-

turn 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 28, 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
FOOD AND AGRICULTURE**

**EMERALD ASH BORER
ERADICATION AREA**

The California Department of Food and Agriculture (Department) proposes to adopt Title 3, California Code of Regulations (CCR) Section 3591.33 Emerald Ash Borer Eradication Area. This regulation will allow the Department to create an eradication area for emerald ash borer which will help prevent the spread of these pests within California should it be detected within the state.

PUBLIC HEARING

A public hearing is not scheduled. However, a public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulations to the Department. Comments may be submitted by USPS, FAX or email. The written comment period closes on July 28, 2025. The Department will consider only comments received at the Department offices by that date or postmarked no later than July 28, 2025. Submit comments to:

Erin Lovig, Senior Environmental Scientist
Supervisor
California Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
(916) 654-1017
Permits@cdfa.ca.gov

Questions regarding the substance of the proposed regulation should be directed to Erin Lovig. In her absence, you may contact Rachel Avila at (916) 698-2947 or Rachel.Avila@cdfa.ca.gov.

AUTHORITY

The Department proposes to amend Section 3591.33 pursuant to the authority vested by Sections 407 and 5322 of the Food and Agricultural Code (FAC).

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5761, 5762, and 5763 of the FAC.

**INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

This regulation will allow the Department to create an eradication area for emerald ash borer which will help prevent the spread of this pest within California should they be detected within the state.

EXISTING LAWS AND REGULATIONS

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that the Secretary is directed or authorized to administer or enforce.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in their opinion necessary to circumscribe and exterminate or prevent the spread of any pest that is described in FAC Section 5321.

Existing law, FAC Section 5761, provides that the Secretary may proclaim any portion of the state to be an eradication area with respect to the pest, prescribe the boundaries of such area, and name the pest and the hosts of the pest which are known to exist within the area, together with the means or methods which are to be used in the eradication or control of such pest.

Existing law, FAC Section 5762, provides that the Secretary may proclaim any pest with respect to which an eradication area has been proclaimed, and any stages of the pest, its hosts and carriers, and any premises, plants, and things infested or infected or exposed to infestation or infection with such pest or its hosts or carriers, within such area, are public nuisances, which are subject to all laws and remedies which relate to the prevention and abatement of public nuisances.

Existing law, FAC Section 5763, provides that the Secretary, or the commissioner acting under the supervision and direction of the director, in a summary

manner, may disinfect or take such other action, including removal or destruction, with reference to any such public nuisance, which he thinks is necessary.

ANTICIPATED BENEFITS OF THE PROPOSED AMENDMENT

This regulatory action will allow the Department to eradicate and prevent the spread of emerald ash borer in California through the implementation of this regulation, which economically benefits:

- the general public.
- policies that maintain street trees.
- homeowners and community gardens.
- agricultural industry.
- the State's general fund.

There are no existing, comparable federal regulations or statutes.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of Section 3591.33 and has determined that they are not inconsistent or incompatible with existing state regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Prior to conducting any action authorized by this regulation, the Department shall comply with the California Environmental Quality Act of 1970 (Public Resources Code Section 21000 et seq. as amended) and the State CEQA Guidelines (Title 14 California Code of Regulations Section 15000 et seq.).

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code sec. 17500 et seq. (Gov. Code sec. 11346.5(a)(6).): 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 agency is not aware of any cost impacts that a representative person or business would neces-

sarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The cost impacts are expected to be none and minimal/non-consequential. The Department makes the initial determination that the proposed action will not have a significant, statewide adverse economic impact.

Significant effect on housing costs: None.

Small business determination: The proposed action will not affect small business because this action only provides authority for state quarantine activities and does not require reporting, recordkeeping, or compliance by businesses.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The adoption of this regulation is designed to create an eradication area for emerald ash borer which will help prevent the spread of this pest within California should they be detected within the state.

The Department has made an assessment that the adoption of these regulations will help maintain the economic baseline and (1) will have no significant impact on the creation or elimination of jobs in the State of California, (2) will have no impact on the creation of new businesses or elimination of existing businesses within the State of California, (3) will have no impact on the expansion of businesses within the State of California, (4) will have an impact on the health and welfare of California residents, (5) will have an impact on the state's environment, and (6) is not expected to benefit workers' safety.

Health and welfare: The proposed action will benefit the health and welfare of California residents by making it more likely that the Department can react quickly and effectively if an emerald ash borer infestation is detected. Speed of response is key to eradicating an incipient pest infestation. Programmatic delays potentially can lead to larger and more costly pest quarantines, as well as increased production costs and potential job loss.

The state's environment: The proposed action will benefit the state's environment by making it more likely that the Department can react quickly and effectively if an emerald ash borer infestation is detected. If the Department fails to act quickly and effectively to prevent the spread and eradicate an infestation, this pest could easily spread into the local environment and non-agricultural ecosystems. This could adversely impact private and commercial landscape plantings, local, regional, state and national parks, other recreational sites, open habitats, and wild lands. Affect-

ed plants could become less vigorous and may produce fewer seeds. Plants/trees with low propagule output can result in major changes to plant community structure.

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present alternatives during the written comment period.

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

The Department has prepared an initial statement of reasons for the proposed action and has made available all the information upon which its proposal is based and the express terms of the proposed action. The Department has posted the information regarding this proposed regulatory action on its Internet website (www.cdffa.ca.gov/plant/Regulations.html). A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the comment period and considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer named herein. 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 agency officer named herein.

TITLE 4. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL

RESPONSIBLE BEVERAGE SERVICE TRAINING PROGRAM UPDATE FOR DRINK SPIKING

The Department of Alcoholic Beverage Control (“ABC”) proposes to adopt the proposed regulation amendments below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

ABC has not scheduled a public hearing on this proposed action. However, the ABC 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 amendments to ABC. Comments may also be submitted by email to RPU@abc.ca.gov. The comment period begins June 13, 2025, and closes at 12:00 p.m. on July 29, 2025. ABC will only consider comments received at ABC Headquarters by that time. Submit written comments to:

Law and Policy Unit — RBS Regulation
Amendments
Department of Alcoholic Beverage Control
3927 Lennane Drive, Suite 100
Sacramento, CA 95834

AUTHORITY AND REFERENCE

Business and Professions Code Section 25681 and 25685 authorizes ABC to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific sections 25680–25686 of the Business and Professions Code.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Summary of Existing Laws and Regulations

The Legislature adopted Subsection (f) (AB 2402) to CA Business and Professions Code Section § 25681 which requires the Department of Alcoholic Beverage Control (ABC) to develop, implement, and administer a curriculum addressing drink spiking to go into effect on or before January 1, 2027. This addendum adds to the current Responsible Beverage Service Training Program (RBS) which was adopted in 2017. RBS authorized ABC to develop, implement, and administer a curriculum for a statewide RBS Program and granted ABC general authority to adopt rules necessary for the administration of program.¹

AB 2402 was passed by the Legislature on August 27, 2024, and signed by Governor Newsom on September 28, 2024. The Legislature has addressed the issue of drink spiking before, including AB 1013 and AB 2375. However, AB 2402 is the first bill to require alcohol servers to be trained on preventing and mitigating the effects of drink spiking.

The proposed regulation is presented to establish a baseline of topics for a training provider to expound upon in an RBS course regarding preventing and mitigating the effects of drink spiking.

Summary of Effect

The proposed regulation will add to California Business and Professions Code, Title 4, Article 25 in adding § 165.1–165.2, creating curriculum to be expounded upon by training providers and taught to alcohol servers in preventing drink spiking and protocol to follow if a person believes they have, or someone they know has, become the victim of drink spiking. The proposed regulation will ensure that training providers and alcohol servers in California have a better understanding of the requirements to meet the standards of responsible beverage service training to curb the harms to the California community caused by drink spiking.

Comparable Federal Statute or Regulations

ABC has determined that this proposed regulation does not have a comparable federal statute or regulation.

Policy Statement Overview

This regulation is necessary to establish a minimum baseline of topics to be expounded upon by a training provider for the prevention of drink spiking to comply with AB 2402.

Benefits Anticipated

In creating curriculum aimed at preventing drink spiking, the proposed regulation will ensure alcohol-

ic beverage servers are aware of the danger of drink spiking and the signs and symptoms to watch for. By enabling the alcohol serving community to be vigilant of these problems, the risk of drink spiking can be reduced for a safer California. The proposed regulation will ensure the continued viability and success of the RBS Training program and will be ready well before its required implementation date of January 1, 2027.

Determination of Inconsistency/Incompatibility with Existing State Regulations

ABC has determined that this proposed regulatory action is not inconsistent or incompatible with existing state regulations. The proposed regulation will establish a minimum baseline of topics that address the prevention and mitigation of drink spiking to be taught by an accredited training provider as part of the broader RBS training program, thus creating standards for training provider and alcohol server requirements.

Effect upon Small Businesses in California

Although training providers may be small business owners, this proposed regulation will have limited effect on them except for the costs of changing and modifying their programs. There will be no fees associated with the ABC review and submission of these changes because they are statutorily mandated changes pursuant to Title 4 California Code of Regulations 168.3(h). The cost per training provider should not be so great as to have a large effect upon small businesses in California, even if the training providers happen to be small businesses.

Disclosures Regarding the proposed Action

The ABC has made the following initial determinations:

1. Mandate on local agencies or school districts: None.
2. Costs or Savings to any state agency: None.
3. Cost to any local agency or school district that is required to be reimbursed by the state: None.
4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Cost impacts on housing costs: None.

Determination of Statewide Adverse Economic Impact on Business

ABC has made an initial determination that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

However, the proposed amendments do directly affect a small percentage of responsible beverage service training providers who will need to modify their training programs to include the required changes to

¹ Business and Profession Code § 25685(b).

curriculum. These training provider costs will vary depending on their process to resubmit their program to ABC, but all fees and costs for changes to existing training programs imposed by ABC are waived because these changes constitute a statutorily required change pursuant to Title 4 California Code of Regulations section 168.3(h).

Results of the Economic Impact Assessment:

ABC concludes that it is (1) unlikely that the proposal will eliminate any jobs, (2) unlikely that the proposal will create an unknown number of jobs, (3) unlikely that the proposal will create an unknown number of new businesses, (4) unlikely that the proposal will eliminate any existing businesses, and (5) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

The proposed regulation will benefit the health and welfare of California residents by ensuring alcohol servers are trained to watch for, prevent, and mitigate the harmful effects of drink spiking. By enabling the alcohol serving community to be vigilant of drink spiking problems, the risk of it can be reduced and remedied for a safer California. ABC has made the determination that the adoption of these regulations will have minimal economic impact on current and prospective training providers due to the addition of new curriculum to their already existing programs. None of these amendments or additions add or remove costs of the program not already accounted for in past regulatory actions on the Responsible Beverage Service Training Program Act (RBSTPA).

The proposed regulations will not affect worker safety because it does not address specific safety concerns for the workers, and so it will not improve worker safety. The proposed regulation will not affect the environment because the changes focus on preventing harmful effects of drink spiking.

Description of all Cost Impacts That a Representative Private Person or Business Would Necessarily Incur in Reasonable Compliance with the Proposed Action.

ABC approved responsible beverage service training providers who choose to change their current training program will not incur any cost for fees paid to ABC because this is a mandated change. The only costs that they may incur will be for the man-hours spent to make the changes to their program. However, if the training providers choose not to add the mandated information, they will be removed from participating in the Responsible Beverage Service Training Program as they will no longer meet the mandated curriculum requirements determined by the Legislature.

ABC is not aware of any cost impacts that a representative private person or business would necessarily

incur in reasonable compliance with the proposed actions

The Need to Require Report from Businesses

The proposed regulation does not require any reports from ABC licensees or any other business.

CONSIDERATION OF ALTERNATIVES

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

ABC invites interested persons to present statements or arguments with respect to alternatives to the proposed amended regulations during the written comment period.

AGENCY CONTACT PERSON

Inquiries concerning the proposed regulatory action prior to the open comment period may be directed to the agency representative Robert de Ruyter, Assistant General Counsel, (916) 419–8958, or Sarah Easter, Associate Government Program Analyst, (916) 928–7627. During the comment period, comments or questions should be addressed to RPU@abc.ca.gov.

AVAILABILITY OF DOCUMENTS

The ABC prepared an Initial Statement of Reasons for the proposed action, which includes a summary of the economic impacts of the proposal.

Copies of the Initial Statement of Reasons and the full text of the proposed regulations may be accessed on ABC’s website listed below or may be obtained from the Law and Policy Unit — RBS Regulation Amendments, Department of Alcoholic Beverage Control, 3927 Lennane Drive, Suite 100, Sacramento, CA 95834, on or after June 13, 2025.

The ABC 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.

CHANGE TO THE PROPOSED FULL TEXT OF THE REGULATION ACTION

If there is any change to the proposed full text of the regulation action in a substantial, or sufficiently related way, it will be made available for comment for

at least 15 days prior to the date on which the ABC adopts the resulting regulation.

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the Initial Statement of Reasons, and all subsequent regulatory documents, including the Final Statement of Reasons, when completed, are available on ABC’s website for this rulemaking at <https://www.abc.ca.gov/law-and-policy/regulations/>

TITLE 4. DEPARTMENT OF CANNABIS CONTROL

PESTICIDE TESTING

Notice is hereby given that the Department of Cannabis Control (Department) proposes to adopt the amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a virtual public hearing on **Tuesday, July 29, 2025**, beginning at **10:00 a.m.**

Attendees may participate via WebEx online meeting platform or telephone conferencing. To participate via WebEx online meeting platform, please contact Randy Allen at (916) 465–9025 or Randy.Allen@cannabis.ca.gov by 4:30 p.m. on Monday, July 28, 2025, to request a link to the meeting. A link to the meeting will also be posted on the Department’s website no later than 9:00 a.m. the day of the hearing.

For those who wish to attend the hearing in person, including those who require reasonable accommodations, limited seating will be available in the Department Hearing Room, 2920 Kilgore Road, Rancho Cordova, CA 95670. Please contact Randy Allen at (916) 465–9025 or Randy.Allen@cannabis.ca.gov by 4:30 p.m. on Monday, July 28, 2025, to request to attend the hearing in person or by 4:30 p.m. on Tuesday, July 15, 2025, if reasonable accommodations are necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the dates noted above until all testimony is submitted or 1:00 p.m., whichever

is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

WRITTEN COMMENT PERIOD

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

Department of Cannabis Control
Legal Affairs Division
2920 Kilgore Road
Rancho Cordova, CA 95670
Email: publiccomment@cannabis.ca.gov

The written comment period closes on **Monday, July 28, 2025**. To be considered by the Department, a comment must be received by **July 28, 2025**.

AUTHORITY

Business and Professions Code section 26013.

REFERENCE

Business and Professions Code sections 26100, 26104, and 26110.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Effect of the Proposed Action

The Medicinal and Adult–Use Cannabis Regulation and Safety Act (MAUCRSA) (Bus. & Prof. Code, § 26000 et seq.) generally governs commercial cannabis activity in California. Business and Professions Code (BPC) section 26100 requires all cannabis goods to be tested by a licensed testing laboratory before being sold to consumers, and generally authorizes the Department to implement regulations governing required testing. BPC section 26060(c) requires the Department of Pesticide Regulation (DPR) to develop guidelines for action levels for pesticide residues in harvested cannabis. BPC section 26100(d)(2) requires the Department to consider DPR’s guidelines when establishing maximum allowable levels of contaminants, including pesticide residues, in representative samples of cannabis goods.

Existing provisions within California Code of Regulations (CCR), title 4, division 19, chapter 6 further implement, interpret, and make specific the above–referenced MAUCRSA statutes. Existing section 15719 (“Residual Pesticides Testing”) establishes

action levels for pesticide residues and related procedural testing requirements. These action levels were adopted in 2017 by the Department’s predecessor, the Bureau of Cannabis Control (BCC) under the Department of Consumer Affairs, based on guidance DPR provided to BCC at that time. Existing section 15731 establishes acceptable methods of calculating limits of detection (LOD) and limits of quantitation (LOQ), which testing laboratories must use when developing their pesticide residue test methods.

The changes proposed in this rulemaking action would revise existing action levels for currently tested pesticides and establish new action levels for additional pesticides, all of which are set according to new guidance provided by DPR in December 2024. The proposed changes would also update and refine acceptable methods of LOD and LOQ calculation.

Evaluation of Inconsistency with Federal Laws

The United States Drug Enforcement Administration lists cannabis as a Schedule 1 Drug under the Controlled Substances Act (21 U.S.C. § 812). This means that commercial cannabis activity is illegal under federal law. However, California, through the MAUCRSA and other laws, has decriminalized the cultivation, sale, and possession of cannabis goods for persons aged 21 or older and for medicinal patients.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of this proposed regulatory action are implementing improved pesticide testing protocols and harmonizing laboratory testing practices. Testing requirements that prioritize human health and mandate scientifically rigorous testing practices support the Department’s goal of a safe, well-regulated market. Consumers will benefit from reduced risk of pesticide exposure as a result of updated action levels. This is especially beneficial for medical cannabis patients who may be immunocompromised and face greater risk from exposure to residual pesticides due to underlying health conditions. Increased standardization between licensed laboratories reduces the opportunities for lab shopping, which benefits both consumers and the regulated cannabis industry. When cannabis and cannabis products sold in the legal market are reliably tested, accurately labeled, and shown to be free from contaminants, consumers have greater incentive to purchase through licensed retailers rather than risking their health on cannabis sold in the illicit market. Offering safe cannabis and cannabis products gives licensed businesses an advantage in the marketplace and incentivizes participation in the regulated cannabis market.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

After careful evaluation, the Department has determined that the proposed changes are not inconsistent or incompatible with existing regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

- Mandate on local agencies or school districts: None.
- Cost to any local agency or school district required to be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Cost or savings to any state agency: The Department will incur costs of ensuring that licensed testing laboratories are accredited to test all required pesticides and reviewing an increased number of remediation requests resulting from an increased number of failed tests. These costs are expected to be minor and will be absorbable within existing resources. The proposed regulations are not expected to have any fiscal impact on any other state agencies.
- Other nondiscretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the state: None.
- Effect on housing costs: None.
- Cost impacts on a representative private person or business: For a typical business, including a small business, one-time up-front expenses of \$935,420 and annual recurring expenses of \$427,590.

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

The Department has made an initial determination that these regulatory changes may have a significant, statewide adverse economic impact directly affecting licensed testing laboratories. Many, if not all, of these businesses would need to upgrade their instruments to be capable of testing at lower LOQs. Recalibrating their methods for lower LOQs also necessitates revalidating tests, which requires the work of highly educated analytical chemists. Achieving lower LOQs would also require additional time spent preparing samples and calibrating instruments, longer chromatographic total runtime, additional quality control checks, more frequent equipment downtime for maintenance, and more detailed data analysis.

However, these regulatory changes will not affect the ability of California businesses to compete with businesses in other states because legally produced cannabis goods cannot be transported between states; thus, goods produced in California cannot be tested by any out-of-state laboratories.

The Department 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:

- The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- Consolidation or simplification of compliance and reporting requirements for businesses.
- The use of performance standards rather than prescriptive standards.
- Exemption or partial exemption from the regulatory requirements for businesses.

Results of the Standardized Regulatory Impact Analysis (SRIA)

The Department believes that the proposal will eliminate approximately 840 existing jobs and 42 existing businesses. The Department believes that larger laboratories will be at a competitive advantage over smaller laboratories when these changes take effect. The Department believes that the proposal would result in an increase in investment in California of approximately \$20 million. The Department believes that the proposal will incentivize innovation in laboratory testing methods. The Department believes that the proposal will improve the health of California residents, worker safety, and the state's environment.

Summaries of, and Responses to, Department of Finance (DOF) Comments on the Standardized Regulatory Impact Analysis

Comment #1: All fiscal impacts must be disclosed, regardless of magnitude, and the SRIA should include a discussion of impacts on state revenue.

Response #1: The SRIA has been edited to show the estimated fiscal costs. All costs for implementing the proposed regulations would be absorbed within the existing Department budget. The Department may see minor increased costs for workload associated with updating internal laboratory test methods to align with the new action levels and additional pesticides, and for purchasing additional consumable laboratory supplies and updating training materials. The costs are expected to be no more than \$50,000 and are absorbable within existing resources.

The SRIA has been edited to further highlight and provide additional details requested by DOF regarding impacts to state tax revenues. The SRIA applies an economic model of the California cannabis market that is used to estimate the impact of the pro-

posed regulations, which includes changes in producer and consumer surplus. Mean, upper-bound, and lower-bound estimates are provided to illustrate the range of potential outcomes based on uncertainty in some of the market parameters applied to the economic model. Additional one-time and ongoing investments by labs and associated businesses will also contribute to an increase in state tax revenues. Sections 2.4, 4.5.6, and 4.6.1 of the SRIA have been revised accordingly.

Comment #2: A second regulatory alternative to the proposal must be provided.

Response #2: The Department has considered alternatives to the proposed regulations that are based on stakeholder input and grounded in available scientific evidence and data. The alternative regulation included in the SRIA for partial validation was supported by available data, science, and industry feedback. There is technology currently available to labs that would allow for testing at reduced thresholds, which would reduce economic costs as shown in the SRIA. The Department did not identify a scientific basis for a more stringent testing alternative because 1) lab testing equipment and technology cannot apply more stringent Limits of Quantitation and 2) the re-validation process is already required under the proposed regulations. Under Government Code section 11346.2(b)(4)(C), the Department is not required to “artificially construct alternatives or describe unreasonable alternatives.”

Comment #3: Clarify the number of laboratories impacted by the proposal and update the impact analysis accordingly.

Response #3: The direct cost of the proposed regulations, and alternatives, would affect all licensed laboratories that conduct compliance testing. Some of those laboratories would close (SRIA estimate is 50%); labs that remain in business would process more cannabis, and those labs would incur the direct costs calculated in the SRIA. In short, the direct cost includes the additional cost of the proposed regulations for exiting labs, and lab exits reflect the response to increased costs and changing market conditions. In the case of labs closing, new or existing labs would incur additional regulatory costs as they enter the market, expand operations to meet testing demand, and/or take over the regional market space of exiting labs. Section 4.5.3 of the SRIA has been edited to clarify these impacts.

Comment #4: Disclose indirect and induced impacts separately without netting.

Response #4: Gross and net, as well as direct, indirect, and induced economic impacts are included in the analysis and described in the SRIA. The economic impact summary tables show the net economic impact. The SRIA has been updated to include a bullet-list summary of each of the components of the

direct, indirect, and induced effects individually, as well as showing the net impact in section 4.4.

The gross impact on laboratories equals an additional \$71.21 million in gross output value, including all indirect and induced effects. The gross impact on the retail sector equals a loss of \$96.24 million in gross output value, including all indirect and induced effects. The net direct, indirect, and induced impacts are:

- Direct Effects: 969 jobs, \$32.86 million in labor income, \$42.99 million in value added, and \$83.80 million in output.
- Indirect Effects: 245 jobs, \$17.45 million in labor income, \$25.43 million in value added, and \$39.08 million in output.
- Induced Effects: 234 jobs, \$15.03 million in labor income, \$26.63 million in value added, and \$44.58 million in output.

Comment #5: Clarify the costs of compliance in the subsection for one-time material costs.

Response #5: Page 33 of the SRIA states: “method validation may fail during initial attempts and require repetition.” The following paragraph, “One-time labor costs,” describes that two chemists would conduct two validations each (i.e., one repetition per chemist). Validation of testing methods requires separate kits for LC–MS and GC–MS. Therefore, each chemist would need 4 kits (2 for LC–MS and 2 for GC–MS, for a total of 8 kits — 4 for LC–MS and 4 for GC–MS). The final sentence in “One-time materials costs” on p.33 has been corrected to read: “8 mix kits per laboratory, 4 of each type.” The analysis is unchanged.

Small Business Determination

The proposed regulations would affect approximately 5,500 businesses, approximately 97 percent of which are estimated by the Department to be small businesses. These businesses include licensed laboratories, cultivators, and retailers.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), 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, as effective and less burdensome to affected private persons than the proposed action, or more cost-effective to affected private persons and equally effective in implementing the statutory policies or other provisions of law.

Public protection remains our highest priority, which is why the Department is proposing to adopt DPR’s risk-based, health-protective action levels. At the same time, the Department is committed to en-

suring that regulatory requirements are practical and achievable for licensees. To that end, the Department welcomes timely and relevant comments on this proposal, particularly regarding the feasibility of the updated action levels and LOQs for each pesticide. Specifically, the Department seeks input on whether these levels are achievable with current equipment. If not, the Department seeks input on what levels are more reasonable, and what investments would be needed for compliance.

CONTACT PERSONS

Inquiries concerning the proposed rulemaking action may be directed to:

Nicole Niermeyer
Department of Cannabis Control
2920 Kilgore Road
Rancho Cordova, CA 95670
916–465–9025
Regulations@cannabis.ca.gov

The backup contact person for these inquiries is:

Kaila Fayne
Department of Cannabis Control
2920 Kilgore Road
Rancho Cordova, CA 95670
916–251–4544
Kaila.Fayne@cannabis.ca.gov

AVAILABILITY OF THE INITIAL STATEMENT OF REASONS, PROPOSED REGULATION TEXT, AND RULEMAKING FILE

The Department will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the proposed text of the regulations, the Initial Statement of Reasons, the STD. 399, and the documents relied upon. Please direct requests to inspect or copy the rulemaking file to the contact person(s) listed above.

AVAILABILITY OF CHANGED OR MODIFIED 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 that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly in-

licated) available to the public for at least 15 days before adopting the regulations as revised. Please direct requests for copies of any modified regulations to the contact person(s) listed above. The Department will accept written comments on the modified regulations for the duration of the period of public availability.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Department will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text and notices thereof, if any, may be accessed via the Department’s website at <https://www.cannabis.ca.gov/cannabis-laws/rulemaking/>.

TITLE 13. NEW MOTOR VEHICLE BOARD

ANNUAL BOARD FEE

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 regulations as described below, after considering all comments, objections, and recommendations regarding the proposed regulatory action.

PROPOSED REGULATORY ACTION

The Board proposes to amend sections 553 and 553.20 of Title 13 of the California Code of Regulations pertaining to the Annual Board Fee.

PUBLIC DISCUSSIONS PRIOR TO NOTICE

Prior to the publication of this notice, and at a noticed General Meeting held on November 1, 2024, the Board considered and adopted the proposed regulations. Fifteen days prior to the meeting, a detailed agenda including the consideration of the proposed text of the regulations was mailed to all individuals and entities on the Board’s Public Mailing list and Electronic Pub-

lic 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 regulations in this notice. No comments by the public were received at the November 1, 2024, 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 28, 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 regulations. The proposed regulations implement, interpret, and make specific Vehicle Code sections 3016, 3050, and 11723.

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.

Vehicle Code section 3016 authorizes the Board to charge a fee to new motor vehicle dealers and other licensees under its jurisdiction in an amount sufficient to fully fund the Board’s activities.

Section 553 sets the Board’s annual fee for new motor vehicle dealers and new motor vehicle manufacturers and distributors.

Section 553.20 specifies the method for calculating the annual fee to be paid by each manufacturer and distributor by multiplying the numerical coefficient by the number of new motor vehicles distributed by the manufacturer or distributor in the preceding calendar year. The Board also proposes to amend Section 553.20 to conform it to the proposed amendments to Section 553.

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.”

This rulemaking action makes specific the amount of fees required to be paid by licensees under the Board’s jurisdiction to fully fund the Board’s activities.

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

The Board proposes to amend Section 553 to increase the Annual Board Fee from \$300 per year to \$425 per year for new motor vehicle dealers and increase the annual fee paid to the Board by new motor vehicle manufacturers or distributors by raising the numerical coefficient, on which the fee is based, from \$0.45 to \$0.65 per new motor vehicle sold, leased or otherwise distributed in California to a consumer of such new motor vehicles during the preceding calendar year. The proposed amendment would also increase the minimum Annual Board Fee due from a manufacturer or distributor from \$300 to \$425 per year.

Section 553.20 specifies the method for calculating the annual fee to be paid by each manufacturer and distributor by multiplying the numerical coefficient (as set forth in Section 553, subdivision (b) and discussed above) by the number of new motor vehicles distributed in California to a consumer of such new motor vehicles during the preceding calendar year. The Board also proposes to amend Section 553.20 to conform it to the proposed amendments to Section 553.

Vehicle Code section 3016 authorizes the Board to charge a fee to new motor vehicle dealers and other licensees under its jurisdiction in an amount sufficient to fully fund the Board’s activities.

The Board conservatively forecasts that if the subject fees remain at current levels, the Board will lack sufficient operating funds, and by the end of the 2028–29 fiscal year, the Board’s cash reserves will be depleted.

BROAD OBJECTIVES AND SPECIFIC BENEFITS OF THE PROPOSED RULEMAKING

The broad objective of the regulations is to ensure that the Board receives funds adequate to maintain a reserve fund that will, in turn, make certain that the Board has funds adequate to fulfill its statutory mandate.

The specific benefit anticipated from the regulation is assurance of the continued operation of the Board, which, in turn, promotes the expeditious and economical resolution of statutorily enumerated disputes between new motor vehicle dealers (franchisees) and their manufacturers or 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. Lastly, through its Consumer Mediation Program, the Board offers, at no cost to the consumer, an informal means for efficiently resolving disputes between members of the public and any new motor vehicle dealer, manufacturer, or distributor.

DETERMINATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board has determined that the proposed regulations are not inconsistent or incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that authorize the Board’s collection of annual fees that are the subject of the proposed regulations.

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:

The proposed regulations raise fees by modest amounts. Although the proposed action will directly affect a limited, discreet class of businesses statewide, including small businesses and individuals, the Board has initially determined that the adverse economic impact, including the ability of California businesses to compete with businesses in other states, would not be significant. In making this initial determination, the Board relied on the following documents:

- (1) Fiscal Committee Memorandum dated October 10, 2024 pertaining to amendments to sections 553 and 553.20;
- (2) Policy and Procedure Committee Memorandum dated October 16, 2024, pertaining to amendments to sections 553 and 553.20.

The Board relied upon the following historical documents for background information on its annual fee collection, and its revenue and expenditures from fiscal years 2019–20 to the present:

- (1) California New Car Dealers Association 2016 Economic Impact.
- (2) California New Car Dealers Association 2017 Economic Impact.
- (3) California New Car Dealers Association “California Auto Outlook” released August 2020 covering 2nd quarter 2020.
- (4) California New Car Dealers Association “California Auto Outlook” released February 2023 covering 4th quarter 2022.
- (5) Fund Condition Statement [FY 19_20 Expenditure Revenue] 2021–22 State Budget.
- (6) Fund Condition Statement [FY 20_21 Expenditure Revenue] 2022–23 State Budget.
- (7) Fund Condition Statement [FY 21_22 Expenditure Revenue] 2023–24 State Budget.
- (8) Fund Condition Statement [FY 22_23 Expenditure Revenue] 2024–25 State Budget.
- (9) Fund Condition Statement [FY 23_24 Expenditure Revenue] 2024–25 State Budget.
- (10) Department of Motor Vehicles, Expenditure Management Plan — 1st Qtr. (Jul–Sep), New Motor Vehicle Board, FY 2024/25.

- (11) Department of Motor Vehicles, Expenditure Management Plan — 2nd Qtr. (Oct–Dec), New Motor Vehicle Board, FY 2024/25.
- (12) DMV Expenditure Report; Report Date: 20–Mar–25 [New Motor Vehicle Board].
- (13) Department of Motor Vehicles, Revenue Summary Year to Date, Month Ending Jun 30, 2020, New Motor Vehicle Board, Dealer Fees.
- (14) Department of Motor Vehicles, Revenue Summary Year to Date, Month Ending Jun 30, 2021, New Motor Vehicle Board, Dealer Fees.
- (15) Department of Motor Vehicles, Revenue Summary Year to Date, Month Ending Jun 30, 2022, New Motor Vehicle Board, Dealer Fees.
- (16) Department of Motor Vehicles, Revenue Summary Year to Date, Month Ending Jun 30, 2023, New Motor Vehicle Board, Dealer Fees.
- (17) Department of Motor Vehicles, Revenue Summary Year to Date, Month Ending Jun 30, 2024, New Motor Vehicle Board, Dealer Fees.
- (18) DMV Expenditure Report; Report Date: 02–Sept–22 [New Motor Vehicle Board], Rent.
- (19) DMV Expenditure Report; Report Date: 30–Aug–23 [New Motor Vehicle Board], Rent.
- (20) Governor’s Proposed Budget, Fund Condition, Statement fiscal year 2025–26.

- Significant effect on housing costs: None.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The Board concludes that the proposed regulations 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 Board resolves disputes between motor vehicle dealers (franchisees) and their manufacturers or distributors (franchisors), helping to reduce congestion in the courts. This amendment will enable the Board to continue its statutory mandate and fund its operations and activities.

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 be-

cause it does not change any applicable environmental standards.

BENEFITS OF THE REGULATION

The proposed regulations will promote the expeditious and economical resolution of disputes between new motor vehicle dealers and their manufacturers or distributors. Also, the proposed regulations benefit the public or consumer at no cost through the Board's Consumer Mediation Program, an informal means in efficiently resolving disputes between the public and any new motor dealer, manufacturer, or distributor.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulations will have a minimal effect on small business, in that the proposed regulations will marginally increase fees paid by a minor number of small businesses that are within the Board's limited jurisdiction.

The Board's operations concern franchised new motor vehicle dealers and their franchisors (new motor vehicle manufacturers or distributors) within the Board's jurisdiction.

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 regulations, 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 regulations, the initial statement of reasons, the modified text of the regulations, 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 regulations, 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 regulations 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 regulations 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 regulations 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 regulations in underline and strikeout font can be accessed through the Board’s website at www.nmvb.ca.gov.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

SERVING SIZE AND AGE FOR INDUSTRIAL HEMP

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulation permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

The Department is conducting a 45–day written public proceeding during which time any interested person or such person’s duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in the Informative Digest/Policy Statement Overview section of this notice.

To request copies of the regulatory proposal in an alternate format, please write or call: Dawn Basciano, Office of Regulations, 1415 L Street Suite 500, Sacramento, CA 95814, at (916) 558–1710, email to dawn.basciano@cdph.ca.gov or use the California Relay Service by dialing 711.

PUBLIC HEARING

The Department has scheduled public hearings to accept comments on the proposed action. Any person may present statements or arguments described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Date: Monday, July 28, 2025

Time: 10:00 a.m. to 12:00 p.m.

Location: On–line (link below):

https://teams.microsoft.com/l/meetup-join/19%3ameeting_MjdlMjU0NDgtYjUxZi00ODQzLTk1YmItNDhkMTQxNjhhM2E5%40thread.v2/0?context=%7b%22Tid%22%3a%221f311b51-f6d9-4153-9bac-55e0ef9641b8%22%2c%22Oid%22%3a%2227998457-1579-4714-af3e-322cf7da3ca6%22%7d

Dial in by phone:

+1 916–306–8051,,818135213# United States,
Sacramento

Phone conference ID: 818 135 213#

An agenda for the public hearing will be posted at the time and place of hearing location.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by the Office of Regulations on July 28, 2025, which is hereby designated as the close of the 45–day written comment period. Comments received after this date will not be considered timely.

Written Comments must be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier “DPH–24–005” in the subject line to facilitate timely identification and review of the comment.
2. By fax transmission to: (916) 636–6220.
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier, DPH–24–005 Serving Size and Age Industrial Hemp, along with your name and your mailing address or email address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

ASSISTIVE SERVICES

For individuals with disabilities, the Department will provide assistive services such as conversion of written materials into Braille, large print, audio format, and computer disk. For public hearings, assistive services can include sign–language interpretation, real–time captioning, note takers, reading, or writing assistance. To request these assistive services,

please call (916) 558–1710 or (California Relay at 711 or 1–800–735–2929), email Regulations@cdph.ca.gov or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to public hearing.

AUTHORITY AND REFERENCE

The Department is proposing to adopt the proposed rulemaking under the authority provided in sections 100275, 110065, 111921.3, 111922, 111925, and 131200 of the Health and Safety Code.

The Department is proposing to make permanent sections 23000, 23005, 23015, and 23100 to Subchapter 2.6 of Chapter 5 of Division 1 of Title 17, California Code of Regulations in order to implement, interpret, or make specific sections 110045, 110085, 110095, 110100, 110390, 110395, 110398, 110400, 110660, 110680, 110760, 110765, 111920, 111921, 111921.3, 111922, 111925, 111925.2, 111926, 111926.2, 131095, and 131100 of the Health and Safety Code; Section 15731, Title 4 California Code of Regulations; and Part 101, Title 21 Code of Federal Regulations.

INFORMATIVE DIGEST

SUMMARY OF PROPOSAL

The proposed regulations specify the (1) serving size limit for total tetrahydrocannabinol (THC), and package size limit, for industrial hemp final form food products intended for human consumption, and (2) age requirement for offering or sale of industrial hemp final form food products intended for human consumption. The proposed regulations will protect public health and safety by protecting consumers especially youth under 21 years of age and reducing risk of illness, injury, or death.

Currently, the California Department of Public Health (Department) is enforcing emergency regulations (DPH–24–005E), which became effective on September 23, 2024, under statutory authority of Assembly Bill (AB) 45 (Chapter 576, Statutes of 2021). This proposed rulemaking action will make sections 23000, 23005, 23015, and 23100 of the emergency regulations permanent and also includes edits for consistency with the Department of Cannabis Control (DCC). Please note that section 23010 “List of Intoxicating Cannabinoids” in the emergency regulations remains in effect for 18 months from September 23, 2024, pursuant to Health and Safety Code section 111921.7(d). Thus, section 23010 is not included in this regulatory action.

BACKGROUND AND SUMMARY OF EXISTING LAWS AND REGULATIONS

Background:

Existing state law

AB 45 requires the Department to implement statutory requirements, codified in Health and Safety Code sections 111920 et seq., to regulate industrial hemp in extracts, food, beverages, dietary supplements, processed pet food, cosmetics, and inhalable products. AB 45 established the Industrial Hemp Enrollment and Oversight Fund for the collection of fees to pay for the new regulatory work, including establishing and maintaining an industrial hemp enrollment and authorization, registration, and inspection program for industrial hemp manufacturers who produce raw hemp extract or who produce industrial hemp final form products.

AB 45 requires that all industrial hemp products that are sold or distributed in California shall conform with all applicable state laws and regulations. AB 45 also requires that industrial hemp products cannot include more than 0.3% total THC (delta–8 THC, delta–9 THC, delta–10 THC, and THC acid). Industrial hemp products cannot include THC isolate as an added ingredient; cannabinoids produced through chemical synthesis are also prohibited. Manufacturers must include a certificate of analysis to confirm allowable total THC concentration and product content, and they must provide proof that the industrial hemp product in its final form or extract was from an approved industrial hemp growing program. The Department conducts licensure and compliance activities statewide to ensure these facilities and their products meet state and federal laws. To implement AB 45, the Department added industrial hemp firms into its existing registration structure, including licensing, inspecting, and conducting enforcement. The Department must separately license and evaluate the operations of firms that manufacture industrial hemp extracts out–of–state for import into California, as well as California firms that manufacture industrial hemp inhalable products for sales out–of–state. Industrial hemp inhalable products may be manufactured in California for the sole purpose of sale in other states; sale in California is prohibited until the Legislature establishes a tax on industrial hemp inhalable products.

The Department may investigate misbranding, adulteration, food manufacturing safety, unapproved drug products, and other issues to determine compliance with AB 45 or other laws, pursuant to authority in AB 45 and under the Sherman Food, Drug, and Cosmetic Law (Sherman law). Enforcement may include:

- Regulatory warnings
- Public health advisories or warnings

- Administrative and civil penalties
- Criminal penalties including imprisonment
- Recall of products
- Seizure and embargo of products
- Condemnation of embargoed products

Health and Safety Code sections 111922(a) and 111925(b) state that the Department “may determine maximum serving sizes for hemp-derived cannabinoids, hemp extract, and products derived therefrom, active cannabinoid concentration per serving size, the number of servings per container, and any other requirements for foods and beverages,” and may “regulate and restrict the cap on extract and may cap the amount of total THC concentration at the product level based on the product form, volume, number of servings, ratio of cannabinoids to THC in the product, or other factors, as needed.”

Health and Safety Code section 111921.3 states that the Department “may adopt regulations imposing an age requirement for the sale of certain industrial hemp products upon a finding of a threat to public health.”

Additionally, the Department promulgated emergency regulations to specify the serving size for total THC, and package size limit, for industrial hemp final form food products intended for human consumption; an age requirement for offering or sale of industrial hemp industrial hemp final form food products intended for human consumption; and intoxicating cannabinoids included in the definition of THC or “THC or comparable cannabinoid.”

Federal law

Under the federal 2018 Farm Bill, industrial hemp is defined as the *Cannabis sativa* Linnaeus plant with a delta-9 THC concentration of not more than 0.3% (United States Code, Title 7, Section 5940(b)(2)). Industrial hemp regulation under AB 45 is stricter than federal law by limiting THC acid, delta-8 THC, delta-9 THC, and delta-10 THC and any intoxicating cannabinoid as defined by the Department to 0.3% or less. In addition, industrial hemp cannot be synthetically derived or contain any THC isolates.

The Food and Drug Administration (FDA), whose authority was not affected by the 2018 Farm Bill, has deemed hemp in food as prohibited in interstate commerce (other than FDA-recognized hemp ingredients Generally Recognized As Safe (GRAS), which are hulled hemp seed, hemp seed protein powder, and hemp seed oil). When hemp other than GRAS is found in food, the hemp is considered an unapproved additive, regardless of the source. Federally unapproved products are illegal to enter interstate commerce.

Establishment of permanent regulations

This proposed rulemaking action will make permanent sections 23000, 23005, 23015, and 23100 of the emergency regulations and include edits for consistency

with DCC. Specifically, the Department proposes the following revisions to the emergency text:

- In proposed section 23000, the Department replaces the definition of limit of detection with a reference to DCC’s related regulation at Title 4, California Code of Regulations, section 15700(jj) to clarify that the Department is aligned with DCC’s definition. Additionally, the Department removes the letter and number hierarchy for ordering definitions.
- In proposed section 23100(b), the Department replaces specific methods with a reference to DCC’s related regulation at Title 4, California Code of Regulations, section 15371 to clarify that the Department is aligned with DCC’s regulations so that an independent testing laboratory must use DCC’s method to calculate and establish the limit of detection (LOD).

Key policy elements of the proposed action

The Department’s policy focus for the proposed regulations is on improving product safety and protecting consumers, especially protecting youth. The Department has explicit authority to establish regulations regarding age and serving size related to industrial hemp food products, and the proposed regulations all work toward enhancing and protecting the public’s health.

Prior to the emergency regulations, anyone of any age could purchase these products containing excessive concentrations of cannabinoids with limited safety data. Some manufacturers marketed their products to children with graphics and labeling which mimicked brands of conventional candies and snacks. Because industrial hemp food products are consumed and widely available, clear and effective regulations are needed to protect the public health.

Establishing a minimum age of 21 to purchase industrial hemp final form food products through this regulation helps the Department address consumption of cannabinoids by youth. This action protects them from the potential negative effects to their still developing bodies and brains.

Establishing a maximum of five servings per package helps the Department address accidental overconsumption by adults and consumers with little experience with cannabinoids.

Requiring each package of industrial hemp food products to contain no detectable amount of total THC helps protect purchasers of industrial hemp products who only want to consume non-intoxicating cannabinoids.

These actions combined allow the Department to protect consumers from accidental consumption of intoxicating cannabinoids and provide a clear regulatory framework for the industry to follow.

POLICY STATEMENT OVERVIEW

Problem Statement: Prior to the implementation of the emergency regulations, access to industrial hemp food products with excess levels of cannabinoids was unconstrained and underregulated. After AB 45 allowed for the lawful manufacturing and sale of some products, novel items began to appear in the marketplace that were not contemplated when the law was adopted. Specifically, food products with intoxicating and synthetic cannabinoids were being marketed to youth. As a result, youth and the public in general experienced illness and injury from these products, and a death of a child occurred.

Objectives: The broad objective of this proposed regulatory action is to protect the public health and safety from injury, illness, or death through regulation of industrial hemp food products. The regulatory action will assure consumers that products sold as industrial hemp meet a consistent standard and that extractors, manufacturers, and retailers are following standards to ensure the quality and safety of their products.

The proposed regulations focus on protecting our youth and the public in general by setting the serving size limit for total THC, package size limit, and age requirement for industrial hemp final form food products intended for human consumption, including food, food additives, beverages, and dietary supplements.

Benefits: Setting serving size limit for total THC and package size limit. AB 45 allows for up to 0.3% of total THC for extracts in industrial hemp final form products with no limits on the serving size of total THC and no limits on servings per package. Currently, the Department’s emergency regulations require that industrial hemp final form food products intended for human consumption must have no detectable amount of total THC per serving and require no more than five servings per package.

Prior to the emergency regulations, many hemp-derived food and beverage products were produced and sold with intoxicating levels of total THC, and some caused illness, injury, and death. Depending on the size of the product serving and how many servings are packaged together, an individual could receive significantly more THC in an industrial hemp food or beverage than in a cannabis product, which could impair a person, particularly youth. Many firms actively marketed their hemp products as having the same effect as cannabis, using statements such as a “full body buzz that’ll have you feel like you’re floating in zero gravity,” “[t]he same potency edibles you’d find at a dispensary,” “designed for the THC connoisseur craving that cosmic high without the hassle,” “satisfy even the most experienced cannabis connoisseurs,” and “[e]njoy a euphoric headspace.”

The proposed regulations permanently clarify a serving size limit for total THC, and package size limit, for these products. These requirements mean the products are not psychoactive, significantly decreasing the risks associated with the products.

Age requirement for human food

AB 45 does not set an age requirement for the sale of industrial hemp products. Currently, the Department’s emergency regulations require a minimum age of 21 for the sale of industrial hemp final form food products intended for human consumption. Prior to the emergency regulations, anyone could purchase these products with no restrictions. By permanently setting a minimum age requirement of 21 years, it will be clear that industrial hemp final form food products intended for human consumption, including food, food additives, beverages, and dietary supplements, are not intended for sale to youth and may not be safe for youth to consume.

EFFECT OF REGULATORY ACTION

Currently, the California Department of Public Health (Department) is enforcing emergency regulations (DPH–24–005E), which became effective on September 23, 2024, under statutory authority of Assembly Bill (AB) 45 (Chapter 576, Statutes of 2021). This proposed rulemaking action will make sections 23000, 23005, 23015, and 23100 of the emergency regulations permanent and also includes edits for consistency with the Department of Cannabis Control (DCC). Please note that section 23010 “List of Intoxicating Cannabinoids” in the emergency regulations remains in effect for 18 months from September 23, 2024, pursuant to Health and Safety Code section 111921.7(d). Thus, section 23010 is not included in this regulatory action.

EVALUATION AS TO WHETHER THE REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Department has made a determination that these regulations are not inconsistent or incompatible with existing state regulations. As the oversight of industrial hemp activity is a newly created state responsibility, no other state regulations are already in existence that address the same topics. In addition, the Department must ensure that its regulations must not conflict with the Food and Agriculture Code, Alcoholic Beverage Control Act, and division 9 (commencing with Section 23000) of the Business and Professions Code (see Health and Safety Code section 110040). This evaluation included a review of the Department’s existing state regulations and those regulations spe-

cific to California Department of Public Health, Food and Drug Branch regulations. An internet search of other state agency regulations was also performed, and it was determined that no other state agency regulation addressed the same subject matter and that this proposal is not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that the regulations is not inconsistent or incompatible with existing state regulations.

DOCUMENTS INCORPORATED BY REFERENCE

The Department has made a determination these regulations are not proposing any incorporation by reference.

MANDATED BY FEDERAL LAW OR REGULATIONS

The Department has made a determination that this proposal is not mandated by federal law or regulations.

OTHER STATUTORY REQUIREMENTS

None.

LOCAL MANDATE DETERMINATION

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

HOUSING COSTS

The Department has determined that the proposed regulations would not have a significant economic impact on California housing costs.

DISCLOSURES REGARDING THE PROPOSED ACTIONS

FISCAL IMPACT ASSESSMENT

- A. Cost to Any Local Agency or School District: None.
- B. Cost or Savings to Any State Agency: None.
- C. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.
- D. Cost or Savings in Federal Funding to the State: None.

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

The Department has determined that the proposed regulatory action would have significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This regulation is considered a Major Regulation with a statewide impact of over \$50 million.

The Department 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 that 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.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses

The following businesses will be affected:

- Retailers, including alternative or herbal medicine stores, smoke shops, grocery and food stores, wine stores, liquor stores, supermarkets, convenience stores, and superstores.
- Hemp growers, distributors and wholesalers.
- Hemp manufacturers.
- Restaurants, bars, and cafés.
- Licensed cannabis retailers.

STATEMENTS OF THE RESULTS OF THE STANDARDIZED REGULATORY IMPACT ASSESSMENT (SRIA)

The Department has determined that the proposed regulatory action would have a significant economic impact on California business enterprises and individuals.

The Department prepared a Standardized Regulatory Impact Analysis (SRIA), which is required for major regulations by the California Administrative Procedure Act. Due to its extensive length and in the interest of ease-of-reading, the SRIA is available as Attachment 1 of this document.

The Department has determined that the regulations affect the following as described:

- A. **The creation or elimination of jobs within the State of California.** The proposed regulations will create some jobs but eliminate others in

California. See Attachment 1, SRIA, for further details.

- B. The creation of new businesses or the elimination of existing businesses within the State of California.** The proposed regulations will eliminate some existing businesses in California. See Attachment 1, SRIA, for further details.
- C. The competitive advantages or disadvantages of businesses currently doing business within the State of California.** The proposed regulations will create competitive advantages for some businesses and competitive disadvantages for other businesses currently doing business in California. See Attachment 1, SRIA, for further details.
- D. The increase or decrease of investment in the state.** The proposed regulations are likely to decrease investment in California. See Attachment 1, SRIA, for further details.
- E. The incentive for innovation in products, materials, and processes.** The proposed regulations could induce innovation. See Attachment 1, SRIA, for further details.
- F. The benefits of the regulations, including but not limited to, benefits to the health, safety, and wellbeing of California’s residents, worker safety, and the state’s environment and quality of life.** The proposed regulations will benefit public health and safety of California residents. See Attachment 1, SRIA, for further details.

SUMMARY OF DEPARTMENT OF FINANCE REVIEW OF SRIA AND DEPARTMENT RESPONSE

Department of Finance comment #1: “[T]he SRIA estimates that total economic impacts would result in a loss of \$173 million in hemp market revenues in the first 12-month period following full implementation in 2025 for manufacturers, wholesalers, retail stores and delivery services, and decrease by \$897 million in the five-year period following full implementation (2025–2029).”

Department response: The numbers referenced do not reflect the actual estimates of decreases in California hemp market revenues. Below, for clarity, we state the correct numbers for estimates of decreases in revenues collected by all California businesses in the 12-month and five-year time period following implementation of the Proposed Regulations, compared with the AB 45 baseline:

Estimates (as shown in SRIA Table A2.0, p. 108), are as follows:

- Total revenue decrease of \$602 million in the first 12 months.

- Total revenue decrease of \$3.14 billion in the first five years.

Estimated direct revenue impacts on different categories of California businesses due to the Proposed Regulations, compared with the AB 45 baseline (see SRIA Table A2.0, p. 108):

- Manufacturers: Revenue decrease of \$120 million in the first 12 months and decrease of \$615 million in the first five years.
- Wholesalers: Revenue decrease of \$42 million in the first 12 months and decrease of \$227 million in the first five years.
- Carry-out retailers: Revenue decrease of \$392 million in the first 12 months and decrease of \$2.02 billion in the first five years.
- Food service retailers: Revenue decrease of \$47 million in the first 12 months and decrease of \$268 million in the first five years.
- All California businesses (sum of four categories): Total revenue decrease of \$602 million in the first 12 months and decrease of \$3.14 billion in the first five years. (These numbers correspond to the total revenue impacts stated above.)

To clarify further, \$173 million and \$897 million referenced in the comment are not estimated revenue impacts or total market impacts, but rather Type II (induced) impacts on economy-wide *earnings* (corresponding roughly to corporate profits or net income), one of the estimates estimated by RIMS II models whose results (including impacts on value added and jobs as well as earnings) are shown in SRIA Table 4.2, p. 88.

Type II induced earnings estimates are one of several impacts and indirect economic “ripple effects” reported in the SRIA. Earnings impacts are not typically used as a primary indicator of economic impacts, and are not one of the central results of the SRIA.

Department of Finance comment #2: The Department of Finance requests “a fiscal impact analysis on how the proposed regulation impacts state and/or local government funding and enforcement and compliance costs,” and asks to “quantify any possible state revenue impacts, such as losses in sales tax revenue that may result from the business revenue losses.”

Department response: The primary fiscal impacts of the Proposed Regulations are losses in tax revenue resulting from revenue losses at businesses in California. These include impacts on sales and use tax revenue, cannabis excise tax revenue, and corporate income tax revenue.

Estimates of retail revenue impacts under the Proposed Regulations, as shown in SRIA Table 3.7, and economy-wide earnings impacts, as shown in SRIA table 4.2, are used to generate estimates of the impacts on state tax revenue.

Tax revenue impacts are calculated assuming a statewide average sales and use tax rate of 8.375% (including the 7.25% state sales tax plus a statewide average local sales tax rate of 1.125%), the current California cannabis excise tax of 19%, and the current California corporate income tax of 8.84%.

Retail revenue estimates are as follows: In the first 12 months after implementation, California retail revenue from hemp food and beverage products decreases by \$445 million, and revenue from licensed cannabis increases by \$6 million, for a net retail revenue decrease of \$439 million. In the first five years after implementation, retail revenue from hemp food and beverage products decreases by \$2.37 billion, and retail revenue from licensed cannabis increases by \$78 million, for a net retail revenue decrease of \$2.29 billion.

Earnings impact estimates are as follows: In the first 12 months after implementation, earnings decrease by \$173 million. In the first five years after implementation, earnings decrease by \$897 million.

Estimates of tax impacts of the Proposed Regulations, using the above estimates and tax rates as inputs, are as follows:

- Sales and use tax impacts:
 - Decrease of $(\$439 \text{ million} \times 8.375\%) = \37 million in the first 12 months.
 - Decrease of $(\$2.29 \text{ billion} \times 8.375\%) = \192 million in the first five years.
- Cannabis excise tax impacts:
 - Increase of $(\$6 \text{ million} \times 19\%) = \1 million in the first 12 months.
 - Increase of $(\$78 \text{ million} \times 19\%) = \15 million in the first five years.
- Corporate income tax impacts:
 - Decrease of $(\$173 \text{ million} \times 8.84\%) = \15 million in the first 12 months.
 - Decrease of $(\$897 \text{ million} \times 8.84\%) = \79 million in the first five years.
- Total state tax impacts:
 - Decrease of \$51 million in the first 12 months.
 - Decrease of \$256 million in the first five years.

The other fiscal impacts of the Proposed Regulations are limited to Department costs of administration, enforcement and other aspects of ensuring compliance with the Proposed Regulations. Given the limited consumer demand for hemp products with no detectable total THC, costs to State enforcement and compliance of enforcing the minimum age of 21 or no-detectable-total-THC standard are negligible.

- Total State Enforcement and Compliance Costs:
 - \$758,000 per year.

Department of Finance comment #3: “The SRIA states that 100 of the 115 manufacturers are assumed to be eliminated, while it also states that 50 businesses are estimated to need to comply with packaging redesign. The SRIA should clarify the number of manufacturers that would remain active in California and would be required to comply with the proposed regulations.”

Department response: The group of 50 businesses that must comply with packaging redesign (at an average cost of about \$20,000 per business, and an aggregate cost of \$1 million) is not the same group of businesses as the 15 manufacturers (of 115 current manufacturers) that would remain active with the Proposed Regulations in place.

In the California hemp market, as in the national hemp market, many manufacturers and distributors that package hemp products (e.g. gummies or beverages) are out of state and not required to be licensed with the Department. The majority of the 50 businesses facing relabeling costs due to the Proposed Regulations, at an average of \$20,000 per business, are out of state distributors/manufacturers rather than Department-licensed manufacturers.

Therefore, while there is some overlap between the 15 remaining Department-licensed hemp manufacturers and the 50 businesses that must comply with packaging redesign, these are two different and only partially overlapping groups, as some hemp manufacturers produce packaged products that are ready to sell at retail, whereas others do not. In some cases, distributors or retailers package the products, and thus are the businesses that would incur repackaging costs. Of the 15 Department-licensed manufacturers remaining in the market, approximately 10 are expected to incur relabeling costs.

These estimates come with a particularly high degree of uncertainty, as the Department did not have access to information about the internal strategies, product assortments, or future contingency plans of hemp manufacturers.

Department of Finance comment #4: “Currently, the SRIA quantifies the total cost as equal to the revenue losses from the elimination of manufacturers, however, the SRIA should also include the total compliance costs for the manufacturers that will need to comply with the proposed regulation (separate from the revenue losses, but as part of the total economic cost analysis, without netting).”

Department response: Neither the age limit of 21 nor the no-detectable-total-THC standard in the Proposed Regulations imposes any costs on businesses manufacturing, distributing, or retailing, aside from the \$1 million ($\$20,000 \times 50$ businesses, as described in SRIA Section 2.5 and clarified in Section 2 above) in aggregate costs of designing and manufacturing

compliant packaging, and phasing out non-compliant packaging.

A small number of non-psychoactive cannabidiol (CBD) products will likely remain on the California market with the Proposed Regulations in place, resulting in the need for manufacturers of those products to reduce total THC content from current total THC levels (less than 0.3%) to a non-detectable level of total THC.

As discussed in the SRIA, CBD isolate and other cannabinoid isolates that contain no detectable total THC are costly. It is estimated that there were not any pre-existing hemp products in the California market, prior to the Emergency Regulations, that would have reliably complied with the no-detectable-total-THC standard. Many products previously available that were marketed as “CBD” had very low levels of total THC, but would still have been non-compliant with the Proposed Regulations due to trace amounts of total THC that would still be detectable at some level.

To comply with the Proposed Regulations (and Emergency Regulations), manufacturers need to use a purified CBD isolate that eliminates traces of total THC. Given that consumers who buy CBD products do not demand that they have no detectable total THC, producers had no reason to use the purified CBD isolate prior to the Emergency Regulations. Products that would be able to reliably comply with the Proposed Regulations would thus be newly designed products.

The need to use more costly ingredients to comply with the no-detectable-total-THC standard will not result in any direct economic costs to manufacturers, distributors, or sellers. The large majority of producers, distributors, and retailers will not enter the market for such products. In cases where businesses alter existing products to create new no-detectable-total-THC products, it is estimated that such products will be offered at correspondingly higher prices to consumers at the wholesale and retail level; thus economic costs will not be imposed on hemp manufacturers, distributors, or sellers. Products, if any, that may have had non-detectable total THC levels prior to the regulations would not need to change their manufacturing processes and thus would not be expected to change their prices.

At this time, limited consumer demand exists for these new products at the higher price points that would be necessary for businesses (manufacturers, distributors, or retailers) to break even on manufacturing these products. Some businesses may nonetheless choose to manufacture, distribute, or retail no-detectable-total-THC products.

An estimated 100 of 115 businesses in the manufacturing segment will exit the California hemp manufacturing market, either by shutting down their busi-

nesses or by moving their businesses to another state. This is where some costs will arise.

Businesses incur certain costs (including legal costs, lease obligations, employee severance, service fees, moving and transportation costs, etc.) when they shut down or leave the California market for another state. In many cases, businesses that close must sell off their assets below market value, resulting in additional economic losses or take their assets out of state. Shut-down and dissolution costs are not currently covered in the SRIA, so estimates are added below.

It is estimated that no retail businesses will shut down as a direct result of the Proposed Regulations because hemp products are not the primary source of income for legal retail businesses in California.

Hemp manufacturing businesses in California vary widely by size, and financial information is not available for private companies (all businesses in the sector are currently private), so these estimates come with an unusually high degree of uncertainty. Closing and shut-down costs are estimated to range between \$5,000 and \$1 million per business, with an average of about \$75,000 per business, for a total of \$7.5 million in total costs for the 100 manufacturing businesses that will exit the market due to the Proposed Regulations.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

1. Compliance costs to businesses in California

As detailed in the SRIA, costs of re-labeling new compliant products are estimated at an average of \$20,000 per business for 50 businesses that will re-label such products, a total of \$1 million in costs in the first 12 months.

Closing and shut-down costs are estimated to average \$75,000 per business for 100 businesses that close, for a total of \$7.5 million in costs for the 100 manufacturing businesses that will exit the market due to the Proposed Regulations.

2. Compliance costs to private individuals in California

Consumers of certain hemp products with THC will substitute a significant portion of their in-state hemp purchases (e.g. purchases of hemp beverages) with purchases by mail order from out-of-state providers (prohibited products within California). Market prices are not significantly different for such products in other states, so it is estimated that there is no additional direct cost of purchasing hemp. However, such consumers will incur additional shipping costs from ordering out-of-state.

About 70,000 California residents (1% of California’s 7 million regular cannabis users) who regularly consume hemp products would be likely to order hemp products by mail order, and would receive ship-

ments about once per month (6 times per year), at an average shipping cost of \$7.50 per order, for a total cost of \$45 per year per hemp consumer, or \$3.15 million per year.

3. *Enforcement compliance costs*

The Department will incur costs of administration and enforcement, in compliance with the Proposed Regulations. The Department estimates these costs at \$758,000 per year.

4. *Costs of revenue, earnings, and tax losses*

As detailed in the SRIA, in addition to the direct out-of-pocket costs listed above, compliance and enforcement of the Proposed Regulations results in losses that are not direct “costs” in the sense of being necessary out-of-pocket *spending* of dollars on compliance or enforcement by businesses or individuals in California, but rather are direct, indirect, and induced costs incurred by businesses, individual, and the state.

The Proposed Regulations are estimated to result in first-year revenue losses of \$602 million to California businesses (\$120 million in losses to manufacturers, \$42 million in losses to wholesalers, and \$439 in losses to retailers) resulting the Proposed Regulations in the first 12 months; losses of \$173 million in earnings, which transfer from businesses to private individuals holding shares in California businesses; and losses of \$51 million in state and local tax collections.

BUSINESS REPORTING REQUIREMENTS

The proposed regulations do not impose a new reporting or recordkeeping requirement, as there already is an existing process. Currently, absent the proposed regulations, manufacturers are required to show a product is compliant with the industrial hemp program by submitting a Certificate of Analysis (COA) to the Department. THC is one of multiple cannabinoids on the COA that already is required. The proposed regulations now require a certain amount of total THC, which is a nondetectable amount, on the COA. Thus, the proposed regulation requires a certain result on the COA and is not a new reporting or recordkeeping requirement.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulatory action may affect small businesses.

The proposed regulations, compared with the AB 45 baseline, affects the following categories of small businesses as follows:

- Independent general-purpose small retailers (alternative or herbal medicine stores, smoke shops, grocery and food stores, wine shops, liquor stores, convenience store franchisees): Will lose

an aggregate of \$1.9 billion in revenue and 5,567 jobs over 5 years.

- Small hemp growers, distributors and wholesalers: Will lose an aggregate of \$204 million in revenue and 112 jobs over 5 years. Ninety percent are small businesses.
- Small hemp manufacturers (About 111 of 115 industrial hemp businesses licensed by CDPH): Will lose an aggregate of \$586 million in wholesale revenue and 1,049 jobs over 5 years.
- Small restaurants, bars, and cafes: Will lose an aggregate of \$242 million in wholesale revenue and 2,449 jobs over 5 years.
- Licensed cannabis retailers: Will gain an aggregate of \$69.8 million in revenue and 232 jobs over 5 years. These numbers are comparatively low to retail sales lost in other sectors because demand for THC beverages are low through the licensed cannabis channel (1% of all licensed cannabis retail sales).

Small businesses, compared with larger businesses, are more sensitive (especially in terms of the risk of closing) to the types of revenue impacts above as well as the overall revenue impacts for the following reasons: (1) they are typically operating with less working capital reserves than larger businesses, (2) have a higher proportion of fixed to variable costs, and (3) thus face more direct threats of having to shut down due to a change in revenue.

Of all categories mentioned above, it is estimated — with the caveat that individual businesses vary widely in each of their financial stability — that retail businesses, particularly restaurants, bars, and small food stores, are the most sensitive to short-term changes in monthly revenue. Impacts to these businesses would be reflected in impacts estimated for revenue, jobs, and value added, but not in income.

MANDATED USE OF SPECIFIC TECHNOLOGIES, EQUIPMENT, ACTIONS, OR PROCEDURES

The Department has determined the proposed regulations will have no mandated use of specific technologies, equipment, actions, or procedures.

DETERMINATION OF SIGNIFICANT STATEWIDE ADVERSE IMPACT DIRECTLY AFFECTING PRIVATE PERSONS OR BUSINESSES, INCLUDING ABILITY TO COMPETE

The Department has made an initial determination that the proposed regulations would have a significant economic impact on California business enterprises

and individuals. This regulation is considered a Major Regulation with a statewide impact of over \$50 million. The required SRIA is included as Attachment 1 to this document.

There are significant statewide adverse economic impacts directly affecting private persons and businesses in California, including ability to compete.

Statewide adverse economic impact directly affecting private persons or businesses

- The estimate is a total of \$3.14 billion in lost revenue to California businesses; \$1.19 billion in lost value added, \$666 million in lost earnings, and 13,522 jobs from Type 1 indirect impacts; and \$1.64 billion in lost value added, \$897 million in lost earnings, and 17,875 jobs from Type 2 induced impacts, in the 5 years after implementation.
- It is estimated a total of 115 businesses will close and 18,478 jobs will be lost in the 5 years after implementation.
- Impacts on revenue affect the ability of businesses to remain financially stable and economically viable, and to have sufficient monthly cash flow to cover overhead and operating costs. These impacts disproportionately affect small businesses.
- Impacts on value added directly affect businesses and represent the economic value in the supply chain that is eliminated by the proposed regulations.
- Impacts on earnings directly affect individuals in California, including owners and investors in businesses, and people with investment or savings accounts.
- Economic “ripple effects” estimated by Type 1 and Type 2 impacts, as discussed above, have financial impacts on a wide variety of private persons, across all regions of California, who work in a wide variety of industries.
- Businesses affected by Type 1 and Type 2 impacts are not limited to the categories mentioned above, but include a wide variety of businesses across industries in California.

Ability to compete

- All the businesses affected will experience a decrease in competitiveness, and manufacturing and processing of hemp products will move out of state.
- Out-of-state businesses and the illegal market will supply the California THC hemp market.
- About 100 CDPH-licensed hemp businesses will close or exit the California hemp manufacturing market.

Types of businesses affected

- Retailers, including alternative or herbal medicine stores, smoke shops, grocery and food

stores, wine stores, liquor stores, supermarkets, convenience stores, and superstores.

- Hemp growers, distributors and wholesalers.
- Hemp manufacturers.
- Restaurants, bars, and cafés.
- Licensed cannabis retailers.

INVOLVEMENT WITH AFFECTED PARTIES

The proposed regulations do not involve complex proposals or a large number of proposals that cannot easily be reviewed during the comment period. Instead, the proposed regulations are limited to only four subjects, one of which is a severability provision.

The Department sought public input on the Emergency Regulations. As part of the emergency rulemaking process, a 5-day public comment period was provided for the first emergency promulgation and for the readoption, during which the Department received public feedback from stakeholders, industry representatives, and the general public.

The Department later conducted informal stakeholder engagement between April 4, 2025, and April 18, 2025, and received approximately 20 comments. The Department also will hold a 45-day public comment period during which the public may submit comments regarding the proposed regulations.

EVALUATION AS TO WHETHER THE REGULATIONS ARE INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Department has made a determination that these regulations are not inconsistent or incompatible with existing state regulations. As the oversight of industrial hemp activity is a newly created state responsibility, no other state regulations are already in existence that address the same topics. In addition, the Department must ensure that its regulations must not conflict with the Food and Agriculture Code, Alcoholic Beverage Control Act, and division 9 (commencing with Section 23000) of the Business and Professions Code (see Health and Safety Code section 110040). This evaluation included a review of the Department’s existing state regulations and those regulations specific to California Department of Public Health, Food and Drug Branch regulations. An internet search of other state agency regulations was also performed and it was determined that {no} other state agency regulation addressed the same subject matter and that this proposal *is not* inconsistent or incompatible with other state regulations. Therefore, the Department has de-

terminated that the regulations *is not* inconsistent or incompatible with existing state regulations.

SUBSTANTIAL DIFFERENCE FROM FEDERAL REGULATION OR STATUTE

The Department has determined these regulations are not substantially different from either a federal regulation or statute.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department considered reasonable alternatives as addressed in related sections, specifically in section 23005 (Age Requirement for Human Food) and section 23100 (Serving and Package Requirements).

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Ashley Mills, Food and Drug Branch at: Ashley.mills3@cdph.ca.gov.

All other inquiries concerning the action described in this notice may be directed to Dawn Basciano, Office of Regulations, at (916) 558–1710 or to the designated backup contact person, Michael Boutros at (916) 949–3514.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH–24–005.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the custodian of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 558–1710, or the California Relay Service at 711, send an email to

regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audio format, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FINAL STATEMENT OF REASONS:

A copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations.

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at: *DPH–24–005E Emergency Regulations for Serving Size, Age, and Intoxicating Cannabinoids for Industrial Hemp* - <https://www.cdph.ca.gov/Programs/OLS/Pages/DPH-24-005E-Emergency-Regulations-for-Industrial-Hemp.aspx>

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

MANIFEST EXEMPTION

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend California Code of Regulations, title 22, division 4.5, chapter 12 section 66262.20.

WRITTEN COMMENT PERIOD

A public comment period has been established commencing on June 13, 2025, and closing on July 28, 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 hard-copy 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

This regulation is being adopted under the following authorities: Health and Safety Code sections 25150, 25159, and 25161. This regulation implements, interprets, or makes specific the following statutes: Health and Safety Code sections 25159, 25159.5 and 25160; and 40 Code of Federal Regulations section 262.20.

INFORMATIVE DIGEST

Policy Statement Overview:

On February 12, 1997, the U.S. EPA promulgated regulations that allowed generators to transport hazardous waste without a manifest for transport between noncontiguous properties when the properties are owned and controlled by the same person and connected by a right-of-way or road. The regulations would also exempt any persons transporting hazardous waste from the requirements of the California Code of Regulations, title 22, division 4.5, chapter 13, except for sections 66263.30 and 66263.31 as they pertain to accidental release. DTSC proposes to adopt the manifest exemption into the California Code of Regulations to parallel the analogous manifest exemption

found in federal regulations. In addition, DTSC intends to amend the existing authority and references cited by deleting the repealed Health and Safety Code sections and replacing them with updated, analogous sections in the Health and Safety Code.

California, as an authorized state, and DTSC, as the implementing agency, is authorized by U.S. EPA to administer the federal hazardous waste program on behalf of U.S. EPA. As an authorized state, California's hazardous waste program cannot be less stringent than the federal hazardous waste program and must be at least equivalent to the federal hazardous waste program to maintain its authorization.

Background and Effect of the Proposed Regulatory Action:

Current manifest requirements for the transport of hazardous waste to adjacent properties owned and operated by the same person, or contiguous properties, impose undue administrative burdens without increasing protection of public health, safety, or the environment; this increases the potential exposure to hazardous waste. Hazardous waste generators with large properties, such as military bases and universities, are divided by public roads or right-of-ways that they do not control. Metropolitan university campuses, for example, are frequently constructed on multiple adjoining city blocks where the various campus buildings are separated by publicly accessible streets, but the buildings may be connected by tunnels or overhead walkways. Under current regulations, unless hazardous waste is shipped directly across the road, hazardous waste being transported from one campus building to another building, where the sites are divided by a public road, requires the use of a registered hazardous waste transporter and a manifest. If the public has access to a right-of-way, it is not considered a single property unless the entrance and exit between the properties is at a crossroads intersection and accessed by crossing as opposed to going along the right-of-way. This means that generators may not transport unmanifested waste along the public right-of-ways that bisect their contiguous properties. DTSC seeks to alleviate this manifesting burden while maintaining existing protections during the transportation of hazardous waste by adopting the U.S. EPA's manifest exemption found in 40 Code of Federal Regulations subpart 262.20(f) into the California Code of Regulations.

These regulations provide an exemption from manifesting requirements for generators that own and operate a property that is bisected by public right-of-ways and seek to transport their hazardous waste throughout their property. Where the manifest exemption is applicable, generators would not be required to use a registered hazardous waste transporter to transport their hazardous waste. However, should an accidental discharge occur on public right-of-ways during trans-

portation, the hazardous waste spill management regulations remain in effect. Transportation of hazardous waste, regardless of manifest exemption, will continue to adhere to the Department of Transportation's hazardous material shipping regulatory requirements.

Benefits of the Proposed Regulatory Action:

The proposed manifest exemption would encourage generators with large properties that are bisected by public roads to reduce the number of central accumulation areas they maintain onsite and ideally locate these areas in remotely located areas or areas that increase access for emergency responders. This, in turn, would increase overall public and environmental safety. Fewer central accumulation areas in optimal locations are easier to control than numerous central accumulation areas. Furthermore, if generators do not have to maintain as many central accumulation areas, they may divert more resources to build safer hazardous waste accumulation sites, allowing generators to exceed regulatory requirements due to reduced site responsibility.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. After conducting a review for any other regulations in this area, DTSC has found that these are the only regulations concerning manifest exemptions for generators of hazardous waste.

Comparable Federal Regulation or Statute:

The proposed regulation will not conflict with current federal hazardous waste regulations. This proposal will align state hazardous waste regulations pertaining to manifesting hazardous waste between properties owned and operated by the same person to analogous federal requirements.

OTHER APPLICABLE REQUIREMENTS
PRESCRIBED BY STATUTE

California Environmental Quality Act (CEQA) Compliance:

DTSC has determined there is no possibility that the proposed regulation will result in a significant environmental effect. Consistent with California Code of Regulations, title 14, section 15061(b)(2), DTSC has determined the proposed regulation is exempt from CEQA under the "categorical exemption". If the proposed regulation package is finalized, a Notice of Exemption will be filed with the State Clearinghouse for public inspection.

Peer Review Compliance:

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulation does not establish a regulatory

level, standard, or other requirement subject to scientific peer review.

DISCLOSURES REGARDING THE
PROPOSED ACTION

DTSC determined that adoption of this regulation will not impose a mandate on local agencies; will not impose any cost to any local agency or school district that is required to be reimbursed pursuant to part 7 of division 4, commencing with section 17500 of the Government Code; will not impose other nondiscretionary costs or savings imposed on local agencies, and will not impose costs or savings in federal funding to the state.

Costs or Savings to Any State Agency:

DTSC anticipates during the first year of implementation, DTSC will primarily be impacted from initial outreach and training of the regulated community, DTSC, and Certified Unified Program Agencies (CUPA) inspectors. These costs are absorbable within the scope of established standards and existing staff duties. The Generation and Handling Fee is the only fee that could reasonably be impacted by the manifest exemption. The potential impact of the manifest exemption on the Generation and Handling Fee was analyzed, and a discussion of it is included in the attachment to the form 399 to illustrate that the Generation and Handling Fee and fee liability of the generator will remain the same.

Types of Businesses Affected:

The proposed regulation is anticipated to affect the following types of businesses and were used for the basis of analysis using North American Industry Classification System (NAICS code):

1. Junior colleges
2. Colleges and universities
3. Miscellaneous chemical businesses
4. Military affiliated businesses
5. Other general government businesses

Facilities that generate hazardous waste, not included in the five NAICS codes listed above, may also be impacted by the adoption of the manifest exemption. Transporters will also be impacted with variability based on the applicability of this regulation on generators.

Projected Reporting, Recordkeeping, or other Compliance Requirements:

DTSC has made an initial determination that the proposed regulation will not result in the addition of any new reporting, recordkeeping, or compliance requirements to generators.

Impacts on Representative Private Persons or Businesses/Significant, Statewide Adverse Impact:

The proposed regulation will impact businesses that generate hazardous waste and hazardous waste transporters in different ways. The process of transporting hazardous waste to an offsite hazardous waste disposal facility, with a registered hazardous waste transporter, remains the same, with or without the proposed regulation. However, the manner that eligible businesses manage their hazardous waste onsite will save them money. The cost savings will be from decreasing the number of onsite hazardous waste pickups by a hazardous waste transporter. This will likely cause a decrease in revenue for the hazardous waste transporter; however, it will not result in a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Effect on Housing Costs:

None.

Effect on Small Businesses:

None.

DTSC does not anticipate any of the businesses impacted by the proposed regulation to be small businesses because the classifications of businesses that are likely to be impacted by this regulation (e.g. the military and universities) are not small businesses as defined in Government Code section 11342.610.

RESULTS OF THE ECONOMIC
IMPACT ASSESSMENT

Creation of New Jobs or Elimination of Existing Jobs:

DTSC does not anticipate jobs being created or eliminated because of this regulation.

Creation of New Businesses or Elimination of Existing Businesses:

DTSC does not anticipate any business being created or eliminated because the proposed regulation would not change any other hazardous waste management standards, nor industry practices. Hazardous waste would still be subject to the full requirements of regulated hazardous waste, including but not limited to using a registered hazardous waste transporter when transporting hazardous waste offsite.

DTSC estimates that approximately 235 hazardous waste generators could be impacted by the proposed regulation. A generator can qualify for this exemption based on the geography of their property and the respective locations of their hazardous waste generation sites. Because the proposed regulation is an exemption, it is optional for generators to use, and they can continue to follow existing hazardous waste requirements for the transportation of their hazardous

waste between properties owned and operated by the same person. DTSC estimates that the estimated 235 qualifying generators could have cost savings of \$5,347,695.25 to \$20,036,565.06 over a five-year time period, while transporters could lose the same amount in revenue across the same time period.

Expansion of Businesses Currently doing Business:

None.

Benefits to the health and welfare of California residents, worker safety, and the state's environment:

The proposed regulation would exempt qualifying generators and treatment, storage, and disposal facilities (TSDFs) from completing a manifest and using a hazardous waste transporter for transporting hazardous waste between contiguous properties under the control of the same person. This is anticipated to result in fewer central accumulation areas operated by one business that are situated more remotely and in more accessible locations fit for emergency access and response in case of discharge or spill. The proposed regulation will have the added benefit of encouraging generators to build safer central accumulation areas. The regulations would ensure clear, consistent guidelines for handlers of hazardous waste or military munitions, local regulators, and the public.

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 discussion of alternatives that the agency itself considered is included in the Initial Statement of Reasons.

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 this proposal is based, and the express terms of the proposed regulation (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 strikethrough to show where the existing text is being removed.

After the close of the comment period, DTSC may adopt the proposed regulation. 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 regulation may be directed to Megan Melnick at (279) 895–5079 or Ricardo Rivera at (916) 327–4061, 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, email, or fax 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 of this rulemaking, please email: regs@dtsc.ca.gov.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION REQUEST FOR DOWDELL EXTENSION PROJECT 2080–2025–001–03 SONOMA COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on May 27, 2025 that the City of Rohnert Park proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves extending Dowdell Avenue between Golf Course Drive West and Business Park Drive for Emergency Vehicle Access and utility extension. Proposed activities will include, but are not limited to, removal of existing asphalt, paving of a 1,600-foot section of road with sidewalk and water main. The proposed project will occur in northern Rohnert Park, Sonoma County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal programmatic biological opinion (PBO) (Service Ref. Number 81420–2008–F–0261–R002) in a memorandum to the U.S. Army Corps of Engineers on June 11, 2020. On November 19, 2024, the Service issued a letter appending the project to the PBO, which considered the effects of the proposed project on state threatened and federally endangered species, the Sonoma County Distinct Population Segment of California tiger salamander (*Ambystoma californiense*).

Pursuant to California Fish and Game Code section 2080.1, the City of Rohnert Park is requesting a determination that the Incidental Take Statement (ITS) and its associated PBO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated PBO are consistent with CESA for the proposed project, the City of Rohnert Park will not be required to obtain an incidental take permit un-

der Fish and Game Code section 2081 subdivision (b) for the proposed project.

DEPARTMENT OF FISH AND WILDLIFE

CALIFORNIA ENDANGERED SPECIES ACT CONSISTENCY DETERMINATION FOR GLENN–COLUSA IRRIGATION DISTRICT NUMBER 2080–2025–004–02 COLUSA COUNTY

Project: Lurline Creek Check and Siphon
Replacement

Location: Colusa County

Applicant: Glenn–Colusa Irrigation District

Background

Glenn–Colusa Irrigation District (Applicant) will remove and replace the current, degraded, check and siphon structure on its main irrigation water supply canal where it crosses under Lurline Creek. The Lurline Creek Check and Siphon Replacement Project (Project) includes: 1) Construction of a temporary bypass channel for Lurline Creek during construction activities, including clearing and grubbing vegetation; 2) Removal of two concrete vehicle crossing bridges over Lurline Creek, the existing check and siphon structures, and the existing overflow spillway; 3) Placement of rock slope protection underlain with geotextile fabric within the bed of Lurline Creek which will replace the existing concrete lining; 4) Placement of rock slope protection along the banks of Lurline Creek above the ordinary high water mark; and 5) Construction of a concrete, low water vehicle crossing on the banks and bed of Lurline Creek immediately downstream of the new check and siphon structure.

The Project is located at the intersection of Lurline Creek and the Applicant’s Main Canal approximately 3.5 miles west of the town of Cortena in Colusa County (Latitude 39.21718° North, Longitude 122.25386° West). The site is located on land owned by the Applicant and is accessed by a gravel road running along the top of the bank of the Main Canal. Neighboring land parcels are used for agricultural purposes, including orchards to the northwest and irrigated rice fields in all other directions.

The Project activities described above are expected to incidentally take¹ giant garter snake (*Thamnophis gigas*) where those activities take place within the upland and aquatic habitats present on the Project site. In particular, giant garter snake could be incidentally taken as a result of construction activities including, but not limited to, excavation; crushing or entombment of individuals on the surface or in burrows by vehicles or equipment; and increased risk of mortality resulting from predation, injury, or stress with capture and relocation efforts or vegetation clearing. Giant garter snake is listed as threatened under both the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 et seq.) and the California Endangered Species Act (CESA) (Fish & Game Code, § 2050 et seq.). (See Cal. Code Regs., title 14, § 670.5, subdivision (b)(4)(E).)

Giant garter snake individuals have been documented as present within five miles of the Project site and there is suitable giant garter snake habitat within and adjacent to the Project site. Because of the proximity of the nearest documented occurrence of the giant garter snake, the connection of Lurline Creek through areas of documented occurrence, and the presence of suitable giant garter snake aquatic and upland habitats within the Project site, the United States Fish & Wildlife Service (Service) determined that giant garter snakes are reasonably certain to occur within the Project site and that Project activities are expected to result in the incidental take of the species.

Because the Project is expected to result in take of a species designated as threatened under the federal Environmental Species Act (ESA), the U.S. Army Corps of Engineers (USACOE) consulted with the Service as required by the ESA. On April 8, 2025, the Service issued a biological opinion (file Number 2024–0043207–S7–001) (BO) to the USACOE. The BO describes the Project, requires the Applicant to comply with terms of the BO and its incidental take statement (ITS), and incorporates additional measures. According to the Service, the Project will result in the temporary loss of 0.85 acres of giant garter snake habitat. Construction of the Project will also result in the permanent loss of 0.101 acres of aquatic and upland giant garter snake habitat.

On April 18, 2025, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from Shaylea Stark, on behalf of the Applicant, requesting a determination pursuant to Fish and Game Code section 2080.1 that the ITS and accompanying

¹ Pursuant to Fish and Game Code section 86, “‘Take’ means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill.” See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), “‘take’...means to catch, capture or kill”).

BO are consistent with CESA for purposes of the Project and giant garter snake. (Cal. Reg. Notice Register 2025, Number 18–Z, p. 584.)

Determination

CDFW has determined that the ITS, along with its accompanying BO, is consistent with CESA as to the Project and giant garter snake because the mitigation measures contained in the ITS and accompanying BO meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of giant garter snake will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the ITS and accompanying BO will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of giant garter snake. The mitigation measures in the ITS and accompanying BO include, but are not limited to, the following:

Avoidance, Minimization, and Mitigation Measures

- 1) Prior to initiating construction activities, including staging and mobilization, all personnel associated with Project construction will attend a mandatory Worker Environmental Awareness Program training, conducted by a designated biologist, to aid workers in identifying special status resources that may occur in the action area.
- 2) Prior to the start of any preconstruction surveys, the resumes and relevant experience of qualified biologists (a person who has demonstrated knowledge and experience with the relevant species and their habitats and possesses the appropriate collecting/handling permits or a biologist working under the direct supervision of a biologist possessing the appropriate collecting/handling permits) will be submitted to CDFW for approval. Approved biologists will be able to implement the measures described below and will have authority to stop work authority when necessary to address issues related to protection of giant garter snake and other special status species encountered in the Project area.
- 3) Prior to the start of any activities in the Project area, a Giant Garter Snake Exclusion Fence and Rescue and Relocation Plan will be prepared and submitted to the Service and CDFW for approval. It will contain exclusion fence design and location, the locations of relocation sites on a map, the number of giant garter snakes that may require relocation, and quality of suitable habitat (aquatic and terrestrial) including invasive and

non-native species present, available upland burrows, suitable prey items, and potential barriers for movement.

- 4) During the active season for giant garter snakes (between May 1 and September 30), a designated biologist will conduct two giant garter snake pre-construction surveys within the Project area and within 200 feet of the Project area with the first survey occurring 15 days before the second survey. These surveys will occur during the day when water temperatures are at 68°F or more and air temperatures are at 75°F or more when giant garter snakes would be considered most active. The information collected from the first pre-construction survey will serve primarily to alert the biologist of the general level of giant garter snake activity in the action area, and the second survey will serve to minimize potential for take of giant garter snake when installing exclusion fencing. These surveys will be completed prior to the start of construction, installation of the exclusion fence, burrow excavation, and dewatering of aquatic habitat.
- 5) At least 14 days prior to the start of burrow excavation and relocation, dewatering aquatic habitat, and construction activities, and at least 14 days prior to the giant garter snake's inactive season (i.e., by September 17), a giant garter snake exclusion fence will be installed around the Project area. The intent of the exclusion fence is to allow the giant garter snake to leave the area prior to the start of construction activities. The design of the fence will include, and is not limited to, one-way exit doors or exit funnels at ground level; burying the fence a minimum of 6 inches below ground surface; placing the fence a minimum of 24 inches away from any vegetation or solid surfaces (i.e., rocks or tree trunks) that could be used as a ladder by the giant garter snake; extending the fence to a height of not less than 3 feet above the ground surface; and turning all open ends of the fence by 180-degrees for at least 10 feet. Fence design and location must be approved by the Service and CDFW prior to installation. Fence installation will be supervised by a designated biologist and the exclusion fence will be monitored daily.
- 6) At least 14 days after the exclusion fence is installed and prior to the start of the Project and the inactive season, burrows and other upland refugia that have the potential to be impacted by Project activities will be excavated by hand under the supervision of a designated biologist. Designated biologists will have discretion to determine which specific burrows and other upland refugia will be excavated, and burrows and upland refugia that

do not have the potential to be impacted will not be excavated. If needed, equipment will be used to assist with excavation. The primary intent of the excavation is for a designated biologist to salvage any giant garter snakes within the exclusion fence and relocate them to an approved area outside of the Project area and exclusion fence. The secondary intent of the excavation is to remove any potential upland refugia for the giant garter snake to deter them from using the Project during construction.

- 7) Suitable giant garter snake aquatic habitat (e.g., canal, drainages, and ditches) will be dewatered prior to any Project construction activities in suitable aquatic habitat, which will all occur during the giant garter snake's inactive season (October 1–April 30). The aquatic habitat will be dewatered for a minimum of three consecutive days prior to the start of construction and will be monitored by the designated biologist. Dewatering will be limited to the immediate Project area and shall ensure that alternative aquatic habitat is available. Prior to the placement of any fill, a designated biologist will visually survey the area for giant garter snake.
- 8) Vehicles will observe a 15–mph speed limit while on unpaved access routes.
- 9) Workers will inspect areas beneath parked vehicles, equipment, and materials prior to mobilization. If a giant garter snake is detected, the individual will either be allowed to leave of its own volition or will be captured by a designated biologist and relocated out of harm's way to the nearest suitable habitat beyond the influence of the Project area.
- 10) All open trenches, holes, sumps, and other excavations more than 6 inches deep will be provided with one or more escape ramps constructed of earth fill or wooden planks at the end of each workday. If escape ramps cannot be provided, then holes or trenches will be covered with plywood or similar materials. If at any time a trapped giant garter snake is discovered, a designated biologist will be notified to move the individual outside of the Project area.
- 11) Temporary impacts will be mitigated on-site through habitat improvements. Approximately 238 square feet of snake berms will be constructed along the northeast side of the site, which will provide additional and improved upland refugia once small mammals burrow within it. Additionally, hydroseed made of approximately 70–80 percent native grass seeds (such as annual fescue, California brome, blue wild rye, and needle grass), and approximately 20–30 percent

native forb seeds (such as yarrow, tomcat clover, and Spanish lotus) will be installed over 8,826 square feet of upland habitat above the ordinary high–water mark, not including roadways.

- 12) The permanent loss or degradation of suitable habitat for the giant garter snake will be compensated for by purchasing 0.187 acres of conservation credits for giant garter snake at a Service– and CDFW–approved conservation bank with a service area that covers the Project.

Monitoring and Reporting Measures

- 1) A designated biologist or monitor will conduct a pre–activity clearance survey each day and remain onsite during initial vegetation clearing and ground disturbing activities conducted within suitable habitat for giant garter snake. If a giant garter snake is observed within the action area, the contractor will stop work and allow the individual to leave the Project area of its own volition, or it will be captured by the designated biologist and relocated out of harm's way to an approved area.
- 2) For those components of the action that will result in habitat degradation or modification whereby incidental take in the form of harm is anticipated, the USACOE shall provide a precise accounting of the total acreage of habitat impacted to the Service after completion of construction.
- 3) The USACOE shall immediately contact the Service to report direct encounters between giant garter snake and Project workers and their equipment whereby incidental take in the form of, harm, injury, or death occurs. If the encounter occurs after normal working hours, the USACOE shall contact the Service at the earliest possible opportunity the next working day. When injured or killed individuals of the listed species are found, the USACOE shall follow the steps outlined in the Salvage and Disposition of Individuals section in the BO.
- 4) For those components of the Project that will require the capture and relocation of giant garter snake, the USACOE shall immediately contact the Service to report the action. If capture and relocation need to occur after normal working hours, the USACOE shall contact the Service at the earliest possible opportunity the next working day.
- 5) The presence of any federal special status species will be reported to a designated biologist, who will submit the occurrence to the California Natural Diversity Database.

If necessary, the Designated Biologist will report the occurrence to CDFW and the Service.

Although not a condition of the BO, CDFW requests a copy of all monitoring reports. The reports should include dates of when construction occurred and the restoration activities performed.

Financial Security

Prior to the start of the Project and any ground disturbing activities, the Applicant will submit a financial security in an amount and method approved by CDFW equal to the entire cost to install the berm, hydroseed the 8,826 square feet of upland habitat described above, and purchase the 0.187 conservation bank credits if not already purchased. The financial security will be in the form of an irrevocable letter of credit, or another form of security approved in advance in writing by CDFW.

Conclusion

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of giant garter snake, provided the Applicant implements the Project as described in the BO, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the ITS and accompanying BO. If there are any substantive changes to the Project, including changes to the mitigation measures, or if the Service amends or replaces the ITS and accompanying BO, the Applicant shall be required to obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & Game Code, §§ 2080.1, 2081, subdivisions (b) and (c)).

CDFW's determination that the Service's ITS and accompanying BO are consistent with CESA is limited to giant garter snake.

DEPARTMENT OF FISH AND WILDLIFE

FISH AND GAME CODE SECTION 1653
CONSISTENCY DETERMINATION
REQUEST FOR SNOWSTORM CREEK
PROJECT (TRACKING NUMBER:
1653–2025–164–001–R1)
LASSEN COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 3, 2025, that Five Dot Ranch proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves building up to 70 beaver dam analogs, 10 bank-attached post-assisted log structures, and 10 mid-channel post-assisted log structures. The proposed project will be carried out on Snowstorm

Creek, located off of Horse Lake Road, Lassen County, California.

On April 25, 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 Snowstorm Creek 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 6A182505001) for coverage under the General 401 Order on 5/29/2025.

Five Dot Ranch 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, Five Dot Ranch 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, Five Dot Ranch will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF FISH AND WILDLIFE

CONSISTENCY DETERMINATION
STEPPING STONE WETLAND
ENHANCEMENT PROJECT
HABITAT RESTORATION AND
ENHANCEMENT ACT
NUMBER 1653–2025–160–001–R3
SANTA CLARA COUNTY

Project: Steppingstone Wetland Enhancement Project

Location: Santa Clara County

Applicant: Rachel Clemons, Santa Clara Valley Open Space Authority

Background

Project Location: The Steppingstone Wetland Enhancement Project (Project) is located at latitude 37.212876, longitude –121.753542, in the City of San Jose, California, 95141, west of Santa Teresa Boule-

vard, at a property owned by Santa Clara Valley Open Space Authority, Assessor Parcel Number (APN) 70830018, and affects the Laguna Seca wetland and Fisher Creek. The Laguna Seca wetland and Fisher Creek supports populations of California red-legged frog (*Rana draytonii*), California tiger salamander (*Ambystoma californiense*), northwestern pond turtle (*Actinemys marmorata*), and migratory birds.

Project Description: The Santa Clara Valley Open Space Authority (Applicant) proposes to enhance or restore habitat within the Laguna Seca wetland and Fisher Creek to provide a net conservation benefit for California red-legged frog, California tiger salamander, northwestern pond turtle, and migratory birds. The Project will implement small-scale process-based restoration actions that increase the frequency, depth, and duration of inundation in Laguna Seca. These actions include investigating the location and status of subsurface tile drains in Laguna Seca, severing and plugging the tile drains at key points, as well as installing two beaver dam analogues (BDAs).

Historically, the Laguna Seca wetland consisted of 1,000 acres of small perennial ponds, freshwater marshes, and willow groves, providing habitat to many native species. Over the last century, the natural hydrology of Laguna Seca has been modified for agricultural and commercial development, thereby degrading the wetland habitat. These modifications included the installation of irrigation canals, drainage ditches, subsurface tile drains, and the creation of the Fisher Creek channel (artificial drainage channel) to convey surface and groundwater flows more effectively into Coyote Creek. The Project's goals include the restoration of some of the natural hydrology and aquatic habitat within the Laguna Seca by decommissioning the subsurface tile drains and modifying the artificial drainage channel.

To investigate and decommission the subsurface tile drains, the Applicant will excavate 13 pre-selected locations. Once located, the subdrain pipes will be disconnected and sealed with compacted native clay soil or bentonite clay. Excavated areas will be backfilled with native soil, compacted, and re-seeded with native grass species. It is anticipated that plugging the tile drains in several locations will reduce the chance of water bypassing a singular plug and continuing to flow into the open drainage channels.

Two BDAs will be placed in the artificial drainage ditch, approximately 150 feet apart. The BDAs will be designed and adaptively managed to persist for one to five years, and will be constructed with a mixture of logs, willow branches, and native sod. While the exact dimension of the BDAs will be determined in the field, the upstream BDA will have a maximum height of 5 feet, and the downstream BDA will have a maximum height of 4 feet. To protect the base of the BDAs from

scour, sticks and brush will be placed on the downstream side of each BDA, and locally sourced sediment will be placed on the upstream face of each BDA.

Project Size: The total area of ground disturbance associated with the Project is approximately 0.183 acres (0.093 acres to wetland habitat and 0.090 acres to stream habitat) and 100 linear feet to stream habitat. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) 89 cubic yards (cy) of biodegradable material (locally collected logs, willow branches, and native sod).

Project Timeframes: Start date: May 2025, Completion date: June 2025

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and increase the frequency, depth, and duration of inundation in the Laguna Seca wetland, the San Francisco Bay Regional Water Quality Control Board Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number CW460040, RM Number 460040, CIWQS Place ID 899867) for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to California tiger salamander, California red-legged frog, northwestern pond turtle, bay checkerspot butterfly (*Euphydryas editha bayensis*), monarch butterfly (*Danaus plexippus*), white-tailed kite (*Elanus leucurus*), burrowing owl (*Athene cunicularia*), yellow-breasted chat (*Icteria virens*), tricolored blackbird (*Agelaius tricolor*), loggerhead shrike (*Lanius ludovicianus*), yellow warbler (*Setophaga petechia*), dusky-footed woodrat (*Neotoma fuscipes annectens*), American badger (*Taxidea taxus*), Sacramento hitch (*Lavinia exilicauda exilicauda*), and Central California roach (*Lavinia symmetricus symmetricus*).

Receiving Water: Laguna Seca wetland, tributary to Fisher Creek; Fisher Creek, tributary to Coyote Creek.

Filled or Excavated Area: Permanent area impacted: none.

Temporary area impacted: 0.093 acre of wetland habitat, 0.090 acre of stream habitat.

Length temporarily impacted: 100 linear feet of stream habitat.

Dredge Volume: None.

Discharge Volume: 89 cy of biodegradable material (locally collected logs, willow branches, and native sod).

Project Location: Latitude 37.212876 and Longitude -121.753542 (NAD 83); APN: 70830018.

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

On May 12, 2025, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on May 12, 2025, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z2025–0512–01) on May 23, 2025. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

Determination

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

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

Avoidance and Minimization Measures

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Planned Avoidance and Minimization Measures — Wildlife; (2) Planned Avoidance and Minimization Measures — Water Quality; (3) Condition 1 — Avoid direct impacts on legally protected plant and wildlife species; (4) Condition 3 — Maintain hydrologic con-

ditions and protect water quality; (5) Condition 12 — Wetland and pond avoidance and minimization; (6) Condition 17 — Tricolored blackbird; (7) Condition 21 — Surveys for species not covered by the Habitat Plan; (8) Habitat/species; (9) Disturbance/sediment/erosion; (10) Spills/waste; (11) Vehicles/equipment; and (12) Vegetation. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Steppingstone Wetland Enhancement Project, Special Status Species Table and Habitat Plan Condition Compliance Checklist*, prepared by Santa Clara Valley Open Space Authority.

Monitoring and Reporting

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the Monitoring and Reporting Plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in an attachment to the NOI, *Steppingstone Wetland Enhancement Project, Project Description*, prepared by Santa Clara Valley Open Space Authority.

Notice of Completion

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

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number, RM Number, and CIWQS Place ID indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, RM Number, and California Integrated Water Quality System (CIWQS) Place ID with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: Michael.Stuhldreher@wildlife.ca.gov.

Project Authorization

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6

(commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

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

DEPARTMENT OF FISH AND WILDLIFE

CONSISTENCY DETERMINATION REQUEST FOR WALTERS CREEK STREAMFLOW AND HABITAT ENHANCEMENT PROJECT (TRACKING NUMBER: 1653-2025-165-001-R4) SAN LUIS OBISPO COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on June 3, 2025, that The Bay Foundation of Morro Bay proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves installing Beaver Dam Analogues and Post-Assisted Log Structures in Walters Creek. The proposed project will be carried out on Walters Creek, located near San Luis Obispo, San Luis Obispo County, California.

On 4/9/2025, the Central Coast 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 Walters Creek Streamflow and Habitat Enhancement 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 34025WQ06) for coverage under the General 401 Order on 4/24/2025.

The Bay Foundation of Morro Bay 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, The Bay Foundation of Morro Bay will not be required to obtain an incidental take per-

mit 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, The Bay Foundation of Morro Bay will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF FISH AND WILDLIFE

CONSISTENCY DETERMINATION REQUEST FOR WHEELER GORGE CAMPGROUND AQUATIC ORGANISM PASSAGE AND STREAM RESTORATION PROJECT (TRACKING NUMBER: 1653-2025-163-001-R5) VENTURA COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on May 27, 2025, that the Los Padres National Forest proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves removing four concrete low-water crossings and constructing two free span bridges to improve stream habitat and connectivity. The proposed project will be carried out on North Fork Matilija Creek and Bear Creek, located at Wheeler Gorge Campground, northwest of the city of Ojai, Ventura County, California.

On December 3, 2024, the Los Angeles 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 Wheeler Gorge Campground Aquatic Organism Passage and Stream Restoration 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 4WQC40124093) for coverage under the General 401 Order on 5/5/2025.

The Los Padres National Forest 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, the Los Padres National Forest 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, the Los Padres National Forest will have the opportunity to submit under Fish and Game Code section 1652.

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

PROPOSED SETTLEMENT AGREEMENT FOR FORMER MILLER'S CLEANERS, MILLER'S CLUB CLEANERS (FORMER COUNTRY CLUB CLEANERS) FORMER VILLAGE CLEANERS, AND VISALIA DRY CLEANER INVESTIGATION, VISALIA

What is being proposed? The Department of Toxic Substances Control (DTSC) invites the public to review and comment on a proposed settlement regarding the Former Miller's Cleaners, Miller's Club Cleaners (former Country Club Cleaners), Former Village Cleaners, & Visalia Dry Cleaner Investigation Sites, located in Visalia, California (Site).

Site History:

Since 2005, DTSC has been investigating releases of hazardous substances at the Site and adjacent properties. The proposed settlement resolves DTSC's claims against the following parties for their liability for contamination at the Site, subject to the conditions in the Settlement Agreement: Greg Miller, Karen Miller, Harley Miller, Miller's CV Properties, LLC, a California limited liability company, and Miller's CV, Inc., a California corporation. This proposed settlement applies to the property located at 2235 W. Whitendale Avenue, Visalia, CA, identified as Assessor Parcel Number (APN) 121-090-065, the property located at 2000 W. Whitendale Avenue, Visalia, CA identified as APN 122-011-024, and the property located at 2615 S. Mooney Blvd., Visalia CA, identified as APN 121-070-080. Under the proposed settlement, DTSC will record a statutory lien in the amount of \$200,000.00 on the following properties: APN 121-090-065 and APN 122-011-024. The settlement includes contribution protection for the parties pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 113(f)(2), 42 U.S.C.

§ 9613(f)(2). The parties also agree to provide DTSC with access to the following properties to take all necessary complete or partial response actions: APN 121-090-065 and APN 122-011-024.

DTSC will consider comments received during the public comment period. DTSC may modify or withdraw its consent to the proposed settlement if such comments disclose facts or considerations that indicate that this proposed settlement is inappropriate, improper or inadequate. The public comment period begins on June 13, 2025 and ends on July 14, 2025. All comments must be postmarked or emailed by July 14, 2025 to:

Ryan Mitchum, Unit Chief
1515 Tollhouse Road
Clovis, CA 93611
Email: Ryan.Mitchum@dtsc.ca.gov
Phone: (559) 297-3958

Learn more about the project: The proposed settlement agreement and related documents can be found at: https://www.envirostor.dtsc.ca.gov/public/profile_report.asp?global_id=60000403

For Additional Information, please contact:

For the Project:

Ryan Mitchum
Tel: (559) 297-3958
Email: Ryan.Mitchum@dtsc.ca.gov

For Public Participation:

Anita Chun
Tel: (747) 249-1129
Email: Anita.Chun@dtsc.ca.gov

OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

NOTICE OF PUBLIC MEETING AND BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board ("Board") of the State of California has set the time and place for a Public Meeting and Business Meeting:

QR Code for Access:



On **July 17, 2025**, at 10:00 a.m. in Room 310 of the County Administration Center, 1600 Pacific Highway, San Diego, California, as well as via the following:

- Videoconference at <https://tkoworks.zoom.us/j/87501250331>
- Teleconference at (669) 444-9171 (Webinar ID 875 0125 0331)
- Live video stream and audio stream (English and Spanish) at <https://videobookcase.com/california/oshsb/>

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

At the Business Meeting, the Board will conduct its monthly business.

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the state-wide Disability Accommodation Coordinator at 1 (866) 326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735-2929 (TTY) or 1 (800) 855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

DECISION NOT TO PROCEED

DEPARTMENT OF PUBLIC HEALTH

DPH-07-011 GACH CLINICAL LAB,
PHARMACEUTICAL, DIETETIC SERVICES

Pursuant to Government Code Section 11347, The California Department of Public Health hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register, (CNCR) July 26, 2024, Notice Register 2024 30Z. The proposed rulemaking concerned GACH Clinical Lab, Pharmaceutical, Dietetic Services.

Any person interested in with questions concerning this rulemaking should contact Anita Shumaker at either 916-440-7718 or Anita.Shumaker@CDPH.ca.gov.

The Department will also publish this Notice of Decision not to proceed on its website.

RULEMAKING PETITION DECISIONS

FISH AND GAME COMMISSION

NOTICE OF REGULATION PETITION
DECISIONS, MAY 2025

April 30, 2025

Richard Montre

[address on file]

Sent via email to [address on file]

Re: Petition for regulation change (Tracking Number 2020-016AM1)

Dear Mr. Montre:

The California Fish and Game Commission (Commission) recently took action on the petition for regulation change you submitted to the Commission (Tracking Number 2020-016AM1) regarding authorization to use a crossbow with a scope for those with visual disabilities.

Your petition requested that Section 354 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as sections 200 and 203 of the California Fish and Game Code.

At its April 16-17, 2025 meeting, the Commission denied your petition as no regulation change is nec-

essary. The Department determined that the requested activity (using scopes on crossbows) is already allowed under current regulations (see Department memo available at the link below for the April 2025 meeting materials).

Your original petition and written materials in support of the Commission’s decision, may be found in the meeting materials for April 2025 at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=231148&inline>. You may also find a link to a video recording of the April 2025 meeting on the Commission website at <https://fgc.ca.gov/Meetings/2025>. Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,
/s/
Melissa Miller–Henson
Executive Director

April 30, 2025

Cheryl Wilen [address on file]

Sent via email to [address on file]

Re: Petition for regulation change (Tracking Number 2025–01)

Dear Ms. Wilen:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2025–01) to modify language to allow a flexible blade or knife, e.g. “putty knife” for the take of limpets. Your petition requested that Section 29.10 of Title 14, California Code of Regulations, be amended. You cited the Commission’s authority to take the requested action as sections 200, 205, 219, 265 and 275 of the California Fish and Game Code.

At its April 16–17, 2025 meeting, the Commission denied your petition. In its consideration, the Commission supported a staff recommendation that, while the proposed method could support harvest effectiveness, it also might increase harvest efficiency, raising concerns regarding potential impacts on limpet populations and the sustainability of harvest levels. The number of people harvesting from the intertidal zone, which increased and has continued since the COVID pandemic, coupled with the potential for a more efficient harvesting method, creates a heightened risk of

unsustainable take under the existing daily bag limit of 35 individuals per day. Currently, there is insufficient data on the population status of harvested limpet species to assess the risk or determine whether the existing daily bag limit of 35 individuals remains appropriate. Given these constraints, and the potential for increased harvest pressure, the Commission determined that a precautionary approach is warranted.

Your original petition and written materials in support of the Commission’s decision may be found in the materials for the April 2025 meeting at <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=231241&inline>. You may also find a link to a video recording of the meeting on our website at <https://fgc.ca.gov/Meetings/2025>. Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at <https://fgc.ca.gov/Regulations/Petition-for-Regulation-Change>. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,
/s/
Melissa Miller–Henson
Executive Director

SUSPENSION OF ACTION REGARDING UNDERGROUND REGULATIONS

BOARD OF PAROLE HEARINGS

On March 7, 2025, the Office of Administrative Law (OAL) received a petition challenging as an underground regulation the Board of Parole Hearing’s policy prohibiting the submission of photographs by parole hearing stakeholders as found on page 28 of The California Parole Hearing Process Handbook, dated March 8, 2024.

On May 13, 2025, the Board of Parole Hearings certified to OAL that they would not issue, use, enforce, or attempt to enforce the challenged rule. Therefore, pursuant to title 1, section 280 of the California Code of Regulations, OAL must suspend all action on this petition.

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.

State Allocation Board

File # 2025–0425–01

Leroy F. Greene School Facilities Act of 1998; Public Schools on Military Installations

In this Certificate of Compliance, the State Allocation Board (the “Board”) is amending regulations regarding the process for releasing disbursements to school districts with approved applications for modernization. Specifically, these regulations permit the Board to extend the deadline to submit the Grant Agreement and the Fund Release Authorization, Form SAB 50–05, to the Board for a period not to exceed 18 months from the date of Apportionment if the Apportionment is made for an Application pertaining to a school facility located on a military installation, as specified.

Title 02

Amend: 1859.90

Filed 06/03/2025

Effective 06/03/2025

Agency Contact: Lisa Jones (279) 946–8459

Department of Corrections and Rehabilitation

File # 2025–0512–02

Health Care Allegations of Staff Misconduct

This re-adoption action by the Department of Corrections and Rehabilitation is submitted to OAL as an emergency based on operational necessity pursuant to Penal Code section 5058.3. This action adopts procedures regarding reporting and reviewing allegations of health care staff misconduct.

Title 15

Adopt: 3999.239

Amend: 3999.231

Filed 05/29/2025

Effective 06/24/2025

Agency Contact: Robin Hart (916) 896–6780

Department of Insurance

File # 2025–0425–03

Low Cost Auto Plan of Operations

This request for filing and printing, pursuant to Government Code section 11343.8, amends the California Automobile Insurance Low Cost Program Plan of Operations. This action is exempt from the Administrative Procedure Act pursuant to California Insurance Code section 11620(c).

Title 10

Amend: 2498.6

Filed 06/03/2025

Effective 06/03/2025

Agency Contact: Michael Riordan (415) 538–4226

Department of Public Health

File # 2025–0424–01

18 Month Postponement of Fee Increase for BabyBIG

This action by the California Department of Public Health delays the \$12,000 increase in the per patient fee for Botulism Immune Globulin from January 1, 2024 to July 1, 2025. This action is exempt from the Administrative Procedure Act and submitted for filing with the Secretary of State and printing in the California Code of Regulations pursuant to Health and Safety Code section 123702(d).

Title 17

Amend: 3030

Filed 06/02/2025

Effective 06/02/2025

Agency Contact: Anita Shumaker (916) 440–7718

Department of Resources Recycling and Recovery

File # 2025–0424–05

CEW Payment Rates for Video Display Devices

This action amends the payment rates for recovering and recycling video display devices as covered electronic waste (CEW). This action is submitted to OAL for filing and printing only because it is exempt from the Administrative Procedure Act pursuant to the exemption for regulations that establish or fix rates (Government Code section 11340.9(g)).

Title 14

Amend: 18660.24, 18660.25, 18660.33, 18660.34

Filed 05/29/2025

Effective 07/01/2025

Agency Contact: Emma Cervantes (916) 341–6274

Bureau of Automotive Repair

File # 2025–0429–01

Omnibus Clean Up of Related Regulations 2025

This change without regulatory effect filing by the Bureau of Automotive Repair amends sections within

title 16 of the California Code of Regulations, regarding brake and lamp adjusting stations and their respective inspectors. This action repeals sections 3312.1.1, 3314.1.1, 3315, 3316, 3320, 3321, and amends section 3340.50 to add an internal cross reference for the defined term “Responsible Managing Employee.”

Title 16
Amend: 3340.50
Repeal: 3312.1.1, 3314.1.1, 3315, 3316, 3320, 3321
Filed 05/29/2025
Agency Contact: Holly Helsing (916) 403–8600

Bureau of Automotive Repair

File # 2025–0416–01

Tear Down Disclosure Requirements for ARDs

This action by the Bureau of Automotive Repair amends tear down disclosure regulations for automotive repair dealers (ARDs) to further specify estimate requirements related to the repair of a vehicle and payment by third-party vendors.

Title 16
Amend: 3303, 3352, 3353
Filed 05/29/2025
Effective 07/01/2025
Agency Contact: Kayla Shelton (916) 403–0307

Office of the State Fire Marshal

File # 2025–0422–01

Automatic Extinguishing Systems, Fee Increase

This regular rulemaking by the Office of the State Fire Marshall adopts a new fee structure for the Automatic Fire Extinguishing Systems certification and licensing.

Title 19
Amend: 905.3, 925.1
Filed 06/02/2025
Effective 07/01/2025
Agency Contact: Jena Garcia (916) 531–7650

Department of Corrections and Rehabilitation

File # 2025–0421–01

Developmental Disability Program

This resubmittal action implements the Developmental Disability Program (DDP) concerning the care and treatment of incarcerated persons with developmental disabilities. The regulations provide for related definitions, orientation procedures, accessibility standards, security protocols, housing determination standards, disciplinary measures, and supports.

Title 15

Adopt: 3269.5, 3312.1, 3335.5, 3369.5, 3369.6, 3369.7, 3369.8, 3369.9, 3369.10, 3369.11, 3369.12, 3369.13, 3376.2

Amend: 3000, 3004, 3031, 3040, 3041, 3041.1, 3044.1, 3120, 3192, 3220, 3269, 3303, 3317.1, 3318, 3344, 3370

Filed 06/03/2025

Effective 10/01/2025

Agency Contact: Sarah Pollock (279) 223–2308

Department of Health Care Access and Information

File # 2025–0424–04

Hospital Equity Measures Reporting Program

In this resubmittal of this regular rulemaking action, the Department of Health Care Access and Information seeks to adopt regulations implementing the Hospital Equity Measures Reporting Program pursuant to the Medical Equity Disclosure Act, Health and Safety Code section 127370 et seq.

Title 22

Adopt: 95300, 95301, 95302, 95303, 95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311, 95312, 95313, 95314, 95315, 95316

Filed 06/04/2025

Effective 06/04/2025

Agency Contact: Elizabeth Ballart (916) 326–3748

**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.