



# 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

STATE AGENCY: Peninsula Corridor Joint Powers Board

#### ADOPTION

MULTI-COUNTY: Peninsula Clean Energy  
Central Valley Energy  
Authority

A written comment period has been established commencing on August 22, 2025, and closing on October 6, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than October 6, 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](mailto: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](mailto:aspiller-hernandez@fppc.ca.gov).

## TITLE 2. STATE ALLOCATION BOARD

### AMEND VARIOUS REGULATION SECTIONS, ALONG WITH AN ASSOCIATED FORM; ADOPT THE GRANT AGREEMENT [PROPOSITION 2] MASTER TEMPLATES, RELATING TO THE LEROY F. GREENE SCHOOL FACILITIES ACT OF 1998

#### PROPOSED AMENDMENTS TO THE FOLLOWING REGULATION SECTIONS:

- 1859.2, 1859.51, 1859.60, 1859.61, 1859.78.8, 1859.79.2, AND 1859.81.

#### PROPOSED AMENDMENTS TO THE FOLLOWING FORM:

- Form SAB 50-03, *Eligibility Determination*, (Rev. 12/10 03/25), which is incorporated by reference and referenced in Regulation Section 1859.2.

#### PROPOSED ADOPTION OF THE FOLLOWING FORM:

- *Grant Agreement [Proposition 2]*, (New 03/25), which is incorporated by reference and referenced in Regulation Section 1859.2.

NOTICE IS HEREBY GIVEN that the State Allocation Board (SAB) proposes to amend the above-referenced regulation sections, including an associated form, as well as adopt a new form, contained in Title 2, California Code of Regulations (CCR). A public hearing is not scheduled. 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 Office of Public School Construction (OPSC) no later than 15 days prior to the close of the written comment period. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, OPSC, at its own motion or at the instance of

any interested person, may adopt the proposals substantially as set forth above without further notice.

## AUTHORITY AND REFERENCE CITATIONS

The SAB is proposing to amend the above-referenced regulation sections under the authority provided by Sections 17070.35, 17075.15, 17078.64, 17078.72 and 17592.73 of the Education Code. The proposal interprets and make specific reference Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17052, 17070.15, 17070.51, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.15, 17072.18, 17072.20, 17072.33, 17073.15, 17073.20, 17073.25, 17074.10, 17074.25, 17074.30, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17078.72, 17078.72(k), 17079, 17079.10, 17079.20, 17079.30, 17280, 42268, 42270, 56026, 100420(c) and 101012(a)(8), Education Code; Section 53311, Government Code; and Sections 1771.3 in effect on January 1, 2012 through June 19, 2024 and 1771.5, Labor Code.

## INFORMATIVE DIGEST/POLICY OVERVIEW STATEMENT

The Leroy F. Greene School Facilities Act of 1998 established, through Senate Bill 50, Chapter 407, Statutes of 1998, the School Facility Program (SFP). The SFP provides a per-pupil grant amount to qualifying school districts for purposes of constructing school facilities and modernizing existing school facilities. The SAB adopted regulations to implement the Leroy F. Greene School Facilities Act of 1998, which were approved by the Office of Administrative Law and filed with the Secretary of State on October 8, 1999.

At its meeting on March 26, 2025, the SAB adopted proposed regulatory amendments, on an emergency basis, that align with provisions of Assembly Bill (AB) 247 (Muratsuchi, Chapter 81, Statutes of 2024) and include the following topics:

- 1) the maximum level of total bonding capacity a school district could have to be automatically eligible for financial hardship assistance increases from \$5 million to \$15 million (Education Code Section 17075.15). In addition to this criterion, the longstanding policy of using bridge financing to allow for interfund borrowing as a tool for school districts to use to continue with their projects while waiting for financial hardship funding has been put in regulation. This mechanism provides school districts the authorization to use temporary funding, ensuring that projects can proceed without delay caused by delays in receiving SFP

funding while waiting for a statewide general obligation bond sale or other source available to the program. Although this mechanism is not in Proposition 2, it is an important piece of the financial hardship funding to help school districts progress their projects while waiting for financial hardship funding.

- 2) the timeframe for requiring an update to small school districts' new construction enrollment projections is extended from three years to five years starting from the date the school district's eligibility is approved by the SAB (Education Code Section 17071.75).
- 3) specific assistance to school districts that have a school facility located on a military installation that is a recipient of a federal grant on the site for facilities modernization that requires a local matching share. It is stipulated that for these schools the school districts are eligible for an apportionment for the modernization of a permanent or portable building that is at least ten years old or is at least ten years old after the date of the previous modernization apportionment from state funds under this chapter (Education Code Section 17073.15).
- 4) incorporation by reference of a second *Grant Agreement [Proposition 2]* (New 03/25) used specifically for those applications received by OPSC on or after October 31, 2024 and that have received SFP grant funding. The *Grant Agreement [Proposition 2]* is not in Proposition 2; however, there are new eligible project expenditures in Proposition 2 that have been made part of the Grant Agreement.

OPSC submitted the emergency regulations to the Office of Administrative Law (OAL) and the OAL approved the emergency regulations and filed them with the Secretary of State with an effective date of June 20, 2025. Attached to this Notice is the specific regulatory language of the proposed regulatory action. The proposed regulations can also be reviewed on OPSC's website at: *Laws, Regulations for School Construction Projects*. Copies of the proposed regulations, along with the associated form and Grant Agreement [Proposition 2] master templates will be mailed to any person requesting this information by using OPSC's contact information set forth below in this Notice. The proposed regulation amends the SFP Regulations under the California Code of Regulations, Title 2, Chapter 3, Subchapter 4, Group 1, State Allocation Board, Subgroup 5.5, Regulations relating to the Leroy F. Greene School Facilities Act of 1998.

#### *Bond Funds Impacted*

- Kindergarten Through Grade 12 Schools and Local Community College Public Education Facili-

ties Modernization, Repair, and Safety Bond Act of 2024 (Proposition 2).

#### *Background and Problem Being Resolved*

At its meeting on December 3, 2024, the SAB adopted recommendations implementing provisions of Proposition 2, which are contained in AB 247. In part, Proposition 2 provides \$8.5 billion in proceeds from the sale of bonds for the construction and modernization of Transitional Kindergarten (TK) through Grade 12 school facilities. Proposition 2 specifies that the \$8.5 billion will be allocated to the SFP as follows:

- New Construction = \$3.3 billion, of which up to ten percent (\$330 million) shall be available to small school districts.
- Modernization = \$4.0 billion, of which up to ten percent (\$400 million) shall be available to small school districts **and** up to \$115 million shall be available to address the remediation of lead in water.
- Charter School Facilities Program = \$600 million, and,
- Career Technical Education Facilities Program = \$600 million.

Proposition 2 also makes numerous changes to the SFP as follows:

- Requires the submittal of a five-year school facilities master plan as a condition of participating in the SFP;
- Establishes a points-based methodology for calculating the local contribution a school district is required to make to be eligible to receive state funding;
- Requires school districts participating in the SFP New Construction or Modernization programs after November 5, 2024, to submit an updated report of the school district's existing school building capacity;
- Authorizes additional state funding for the replacement of school buildings that are at least 75 years old;
- Establishes several new supplemental grants (minimum essential facilities, energy efficiency, career technical education, and TK);
- Authorizes the SAB to provide interim housing assistance funding or any other assistance following specified natural disasters;
- Provides specified assistance to school districts with a school facility on a military installation, small school districts, and for the testing and remediation of specified lead levels in water fountains and faucets used for drinking or preparing food on school sites; and,
- Increases the maximum level of total bonding capacity allowable for a school district to

be automatically eligible for financial hardship assistance.

It was noted at the December 3, 2024 SAB meeting that it would take time for OPSC to process applications received before October 31, 2024, but necessary for OPSC to receive early guidance from the SAB to inform school districts who submitted applications on or after October 31, 2024, or who are currently planning to submit applications for funding. OPSC also determined the need for the SAB to set some program parameters expeditiously so that Facility Hardship Program and Seismic Mitigation Program applications, which address imminent health and safety needs and receive expedited processing and funding under existing SFP regulations, are processed under Proposition 2 quickly and without delay.

The problem being resolved is not necessarily a problem but an opportunity to replenish the SFP with \$8.5 billion in bond authority and to implement Proposition 2 provisions in the SFP. As indicated on page 2, the proposed regulations provide school districts with unique opportunities to qualify for financial hardship at an increased total bonding capacity level; to have new construction eligibility locked in for five years for small school districts; and to allow school districts that have a school facility located on a military installation that is a recipient of a federal grant that requires a local matching share to receive an apportionment for the modernization of a permanent or portable building that is at least ten years old.

OPSC performed a search on whether the proposed regulatory amendments were consistent and compatible with existing State laws and regulations and did not identify any inconsistent or incompatible existing State laws or regulations. The proposed regulatory amendments are consistent with and implement several provisions of statutory changes enacted with the passage of Proposition 2. Proceeding with the implementation of the proposed regulations will provide a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. School districts will also have the ability to take advantage of the new Proposition 2 provisions. The proposed regulations will maintain equity, consistency, and the integrity of the SFP.

#### *Anticipated Benefits of the Proposed Regulations*

There are benefits associated with the proposed regulations. The SAB has the opportunity to administer the SFP with new Proposition 2 provisions that make program modifications beneficial to school districts, including small school districts and to replenish the

SFP with \$8.5 billion in bond authority. The proposed regulations also provide school districts with additional opportunities to qualify for financial hardship at an increased total bonding capacity level; to have new construction eligibility locked in for five years for small school districts; and to allow school districts that have a school facility located on a military installation that is a recipient of a federal grant that requires a local matching share to receive an apportionment for the modernization of a permanent or portable building that is at least ten years old. In addition, there is a positive impact on the state's economy, as well as the creation of an unknown number of jobs in the school construction industry. Once school districts request the release of state funds, manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries.

The proposed regulations are therefore determined to be consistent and compatible with existing State laws and regulations. Proceeding with the implementation of the proposed regulations maintains the integrity of the SFP funding process, as well as equity amongst school district projects.

#### *Summary of the Proposed Regulations*

A summary of the proposed regulations are as follows:

Existing Regulation Section 1859.2 represents a set of defined words and terms used exclusively for these regulations. The proposed amendments define an additional specific term essential to these regulations and stipulate the applicable dates when a certain Grant Agreement will be used for projects. Additionally, the Form SAB 50-03 is being amended so the revision date must change.

Existing Regulation 1859.51 outlines the criteria for adjusting a district's new construction baseline eligibility. In subsection (j), small school districts (schools with an enrollment of 2,500 students or fewer) new construction baselines will not be adjusted until three years after the district's eligibility was approved by the SAB. The proposed amendment locks in their baseline eligibility from three years to five years. This is in alignment with Education Code Section 17071.75.

Existing Regulation Section 1859.60 sets forth the criteria for a school district to calculate its modernization baseline eligibility for each school site. The proposed amendments provide specific assistance to school districts that have a school facility located on a military installation that is the recipient of a federal grant that requires a local matching share. Further, these school districts are eligible for a modernization apportionment of a permanent or portable building that is at least ten years old or is at least ten years old after the date of the previous modernization appor-

tionment. This is in alignment with Education Code Section 17073.15.

Existing Regulation Section 1859.61 sets forth specific factors which impact a district's capacity to house pupils and therefore require adjustments to the modernization baseline eligibility. The proposed amendments add a new subsection that pertains to the modernization baseline eligibility for additional facilities located on a military installation. This is in alignment with Education Code Section 17073.15(b). With the addition of the new subsection, there is renumbering of the subsections which is considered a non-substantive change.

Existing Regulation Section 1859.78.8 specifies that an additional apportionment will be provided by Education Code Section 17074.10(a) for facilities previously modernized with State funds. The proposed amendments add two new subsections that specify new eligibility criteria for permanent and portable school facilities that are located on a military installation. This is in alignment with Education Code Section 17073.15.

Existing Regulation Section 1859.79.2 sets forth guidelines for eligible and ineligible expenditures related to the use of modernization grant funds. The proposed amendments clarify that portable classroom facilities funded under Education Code Section 17073.15(b) are also included in the exception of portable classroom facilities eligible for an additional apportionment.

Existing Regulation Section 1859.81 sets forth specific criteria for school districts and county offices of education to qualify for financial hardship status. The proposed amendments increase the maximum level of total bonding capacity that a school district can have and still be automatically eligible for financial hardship assistance from \$5 million to \$15 million. This is in alignment with Education Code Section 17075.15. In addition to this proposed amendment, new subsection (i) is being added to formalize the longstanding policy/practice of allowing school districts to utilize bridge financing. This policy has been used as a tool for interfund borrowing for school districts to continue with their projects while waiting for the receipt of financial hardship project funding. Lastly, there are non-substantive changes throughout this Section that capitalizes the "F" and "H" in the term Financial Hardship as it is a defined term.

Existing Form SAB 50-03, *Eligibility Determination*, (Rev. 12/10 03/25), is used by school districts to calculate their eligibility for new construction and modernization funding under the SFP. The proposed amendments incorporate provisions of Proposition 2 related to eligibility determination for school facilities located on military installations that are a recipient of a federal grant for facilities modernization that requires a local matching share. This is in alignment

with the proposed amendments to the regulation sections noted above. There are two proposed amendments not related to Proposition 2 and that is the data and year on pages 2 and 3 of the form. The enrollment year information will help streamline the verification process and allow for a more concise verification of California Basic Educational Data System (CBEDS) enrollment being utilized on each Form SAB 50-03 as it is processed by OPSC.

As discussed earlier, the proposed *Grant Agreement [Proposition 2]* (New 03/25) master templates are used for projects submitted to OPSC on or after October 31, 2024 and incorporate some of the new provisions of Proposition 2. The Grant Agreement [Proposition 2] is entered into for every future funding application that is processed; therefore, each Grant Agreement will contain the relevant program's sections. The Grant Agreements were developed to address the Office of Statewide Audits and Evaluation's audit findings by improving program oversight and expenditure accountability. The Grant Agreements serve as binding documents and key resources that define the responsibilities of the state and school districts from the determination of the amount of eligible state funding to the reporting of all project funds, including any savings achieved. This ensures transparency and accountability for the program grants being awarded under the SFP.

#### *Statutory Authority and Implementation*

Education Code Section 17070.35. (a) In addition to all other powers and duties as are granted to the board by this chapter, other statutes, or the California Constitution, the board shall do all of the following: (1) Adopt rules and regulations, pursuant to the rulemaking provisions of the Administrative Procedure Act, Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, for the administration of this chapter.

Government Code Section 15503. Whenever the board is required to make allocations or apportionments under this part, it shall prescribe rules and regulations for the administration of, and not inconsistent with, the act making the appropriation of funds to be allocated or apportioned. The board shall require the procedure, forms, and the submission of any information it may deem necessary or appropriate. Unless otherwise provided in the appropriation act, the board may require that applications for allocations or apportionments be submitted to it for approval.

#### *Determination of Inconsistency or Incompatibility with Existing State Regulations*

At the December 3, 2024 SAB meeting, it was noted that it would take time for OPSC to process applications received before October 31, 2024, but necessary for OPSC to receive early guidance from the SAB to inform school districts who submitted applica-

tions on or after October 31, 2024, or who are currently planning to submit applications for funding. OPSC also determined the need for the SAB to set some program parameters expeditiously so that Facility Hardship Program and Seismic Mitigation Program applications, which address imminent health and safety needs and receive expedited processing and funding under existing SFP regulations, are processed under Proposition 2 quickly and without delay.

The SFP is replenished with \$8.5 billion in bond authority and Proposition 2 provisions are/will be implemented in the SFP. The proposed regulations provide school districts with unique opportunities to qualify for financial hardship at an increased total bonding capacity level; to have new construction eligibility locked in for five years for small school districts; and to allow school districts that have a school located on a military installation that is a recipient of a federal grant that requires a local matching share to receive an apportionment for the modernization of a permanent or portable building that is at least ten years old.

After conducting a review, the SAB has concluded that these are the only regulations on this subject area, and therefore, the proposed regulations are neither inconsistent nor incompatible with existing State laws and regulations. The proposed regulations are within the SAB's authority to enact regulations for the SFP under Education Code Section 17070.35 and Government Code Section 15503.

#### *Documents Incorporated by Reference*

- *Form SAB 50-03*, (Rev. 12/10/03/25), referenced in Regulation Section 1859.2 and is incorporated by reference.
- *Grant Agreement [Proposition 2]*, (New 03/25), referenced in Regulation Section 1859.2 and is incorporated by reference.

#### **IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The Executive Officer of the SAB has determined that the proposed regulations do not impose a mandate or a mandate requiring reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. It will not require local agencies or school districts to incur additional costs in order to comply with the proposed regulations.

#### **DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION**

The Executive Officer of the SAB has made the following initial determinations relative to the required statutory categories:

- The SAB has made an initial determination that there will be no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The SAB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- There will be no non-discretionary costs or savings to local agencies.
- The proposed regulations create no costs to any local agency or school district requiring reimbursement pursuant to Section 17500 et seq., or beyond those required by law, except for the required district contribution toward each project as stipulated in statute.
- There will be no costs or savings in federal funding to the State.
- The proposed regulations create no costs or savings to any State agency beyond those required by law.
- The SAB has made an initial determination that there will be no impact on housing costs.

#### **RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

##### *Impact to Businesses and Jobs in California*

The proposed regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings. The SAB has the opportunity to administer the SFP with new Proposition 2 provisions that make program modifications beneficial to school districts, including small school districts and replenishes the SFP with \$8.5 billion in bond authority. The proposed regulations also provide school districts with additional opportunities to qualify for financial hardship at an increased total bonding capacity level; to have new construction eligibility locked in for five years for small school districts; and to allow school districts that have a school facility located on a military installation that is a recipient of a federal grant that requires a local matching share to receive an apportionment for the modernization of a permanent or portable building that is at least ten years old. In addition, the proposed regulations will not negatively impact the creation of jobs, the creation of new businesses, and the expansion of businesses in California. It is not anticipated that the proposed regulations will result in the elimination of existing businesses or jobs within California. Additionally, the proposed regulations expand the SFP while aligning with

the statute, as well as maintain program integrity and equity amongst school district projects.

*Benefits to Public Health and Welfare, Worker's Safety, and the State's Environment*

- The proposed regulations promote transparency because school districts and the school district community have been collaborating on the proposed regulations through a series of stakeholder meetings. The SAB has the opportunity to administer the SFP with new Proposition 2 provisions that make program modifications beneficial to school districts, including small school districts and replenishes the SFP with \$8.5 billion in bond authority.
- There are continued benefits to the health and welfare of California residents and worker safety. School districts, charter schools, and local educational agencies utilize construction and trades employees to work on school construction projects and although this proposed regulation does not directly impact worker's safety, existing law provides for the availability of a skilled labor force and encourages improved health and safety of construction and trades employees through proper apprenticeship and training. Further, public health and safety is enhanced because a properly paid and trained workforce will build school construction projects that are higher quality, structurally code-compliant and safer for use by pupils, staff, and other occupants on the site.
- There is no impact to the State's environment from the proposed regulatory amendments.

The SAB finds the proposed regulations fully consistent with the stated purposes and benefits.

**EFFECT ON SMALL BUSINESSES**

It has been determined that the proposed regulations will not have a negative impact on small businesses in the ways identified in subsections (a)(1)–(4) of Section 4, Title 1, CCR. The proposed regulations only apply to school districts and local education agencies for purposes of funding school facility projects. Manufacturing and construction-related industries such as architecture, engineering, trades and municipalities may expand based on the demand on these industries. This may include new [small] businesses, or the expansion of [small] businesses, which has a positive impact on the state's economy and may also create an unknown number of jobs.

**SUBMISSION OF COMMENTS,  
DOCUMENTS AND  
ADDITIONAL INFORMATION**

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, email or fax, relevant to the proposed regulatory action. Written comments submitted via U.S. mail, email or fax must be received at OPSC no later than October 6, 2025 end of day. The express terms of the proposed regulations as well as the Initial Statement of Reasons are available to the public.

Written comments, submitted via U.S. mail, email or fax, regarding the proposed regulatory action, requests for a copy of the proposed regulatory action or the Initial Statement of Reasons, and questions concerning the substance of the proposed regulatory action should be addressed to:

Lisa Jones, Regulations Coordinator  
Mailing Address: Office of Public School  
Construction  
707 Third Street, 3<sup>rd</sup> Floor  
West Sacramento, CA 95605  
Email Address: [lisa.jones@dgs.ca.gov](mailto:lisa.jones@dgs.ca.gov)  
Fax Number: (916) 375–6721

**AGENCY CONTACT PERSONS**

General or substantive questions regarding this Notice of Proposed Regulatory Action may be directed to Ms. Lisa Jones at (279) 946–8459. If Ms. Jones is unavailable, these questions may be directed to the backup contact person, Mr. Michael Watanabe, Deputy Executive Officer, at (279) 946–8463.

**ADOPTION OF REGULATIONS**

Please note that, following the public comment period, the SAB may adopt the regulation substantially as proposed in this notice or with modifications, which are sufficiently related to the originally proposed text and notice of proposed regulatory activity. If modifications are made, the modified text with the changes clearly indicated will be made available to the public for at least 15 days prior to the date on which the SAB adopts the regulations.

The modified regulation(s) will be made available and provided to: all persons who testified at and who submitted written comments at the public hearing, all persons who submitted written comments during the public comment period, and all persons who requested notification from the agency of the availability of such changes. Requests for copies of any modified regulations should be addressed to the agency's regulation coordinator identified above. The SAB will accept

written comments on the modified regulations during the 15-day period.

### **SUBSTANTIAL CHANGES WILL REQUIRE A NEW NOTICE**

If, after receiving comments, the SAB intends to adopt the regulation with modifications not sufficiently related to the original text, the modified text will not be adopted without complying anew with the notice requirements of the Administrative Procedure Act.

### **RULEMAKING FILE**

Pursuant to Government Code Section 11347.3, the SAB is maintaining a rulemaking file for the proposed regulatory action. The file currently contains:

1. A copy of the text of the regulations for which the adoption is proposed in strikeout/underline.
2. A copy of this Notice.
3. A copy of the Initial Statement of Reasons for the proposed adoption.
4. The factual information upon which the SAB is relying in proposing the adoption.

As data and other factual information, studies, reports or written comments are received they will be added to the rulemaking file. The file is available for public inspection at OPSC during normal working hours. Items 1 through 3 are also available on OPSC's Internet Web site at: *Laws, Regulations for School Construction Projects* then scroll down to School Facility Program, Pending Regulatory Changes, and click on the links entitled 45-day Public Notice, Initial Statement of Reasons and Proposed Regulation Text.

### **ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), the SAB 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 alternative to these proposed regulations would be the SAB take no action and be in violation of the statute (AB 247). The SAB is charged with ensuring that the provisions of Proposition 2 are implemented timely in the SFP.

### **AVAILABILITY OF THE FINAL STATEMENT OF REASONS**

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

## **TITLE 2. OFFICE OF DATA AND INNOVATION**

### **NOTICE OF INTENTION TO ADOPT A CONFLICT-OF-INTEREST CODE**

NOTICE IS HEREBY GIVEN that the California Office of Data and Innovation, pursuant to the authority vested in it by section 87300 of the Government Code, proposes its conflict-of-interest code. A comment period has been established commencing on August 22, 2025, and closing on October 6, 2025.

The California Office of Data and Innovation proposes to adopt its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure categories is available.

The California Office of Data and Innovation drives innovation across California state government, using data, technology, and human centered design to achieve exceptional, equitable outcomes for all Californians. The California Office of Data and Innovation collaborates with leaders and communities throughout California and the world. The California Office of Data and Innovation partners to build empathy for the people it serves and create a government that is easy to interact with and solves big problems. Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than October 6, 2025, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than September 21, 2025, by contacting the Contact Person set forth below.

The California Office of Data and Innovation has determined that the proposed code:

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

All inquiries should be directed to:

Michael Palmisano  
1304 O Street, Suite 300  
Sacramento, California 95814  
(916) 938-0813  
[Michael.Palmisano@govops.ca.gov](mailto:Michael.Palmisano@govops.ca.gov)

## TITLE 14. FISH AND GAME COMMISSION

### COMMERCIAL BULL KELP HARVEST RESTRICTIONS

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 6653, 6653.5, 6700 and 6701 of the California Fish and Game Code and to implement, interpret or make specific sections 51, 6650, 6651, 6652, 6653, 6653.5, 6654, 6656, 6680, 6700, 6701, 6701.5, 6702, 6703, 6704, 6705, 6706, and 6707 of said Code, proposes to amend sections 165 and 165.5, Title 14, California Code of Regulations, relating to commercial bull kelp harvest restrictions and lease of kelp beds for exclusive harvest of giant and bull kelp.

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), Commission refers to the California Fish and Game Commission, and Department refers to the California Department of Fish and Wildlife.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### Current Regulations

The current regulations in Section 165 provide the general licensing provisions for the commercial harvest of kelp and other aquatic plants. The section also establishes harvest reporting and harvest royalty fee requirements, establishes geographical limitations

on bull kelp harvesting, establishes harvesting method limitations on giant kelp, bull kelp, agar-bearing marine plants, and edible seaweed and prohibits the disturbance of certain aquatic plants. Although Section 165 provides regulations for kelp and other aquatic plants overall, it also contains subsections which provide more nuanced regulations depending on the species harvested and/or use of the harvest, including temporary harvest restrictions and weekly reporting for bull kelp which sunset on January 1, 2026.

The existing regulations in Section 165.5 define procedures for leasing administrative kelp beds for the exclusive right to harvest giant or bull kelp. In addition, the regulation spatially describes the existing 87 administrative kelp beds under the following management categories: open, closed, leaseable, and lease only. The designations were designed for optimal harvest, while ensuring sustainable management of the resource and the species that depend upon kelp. Administrative kelp beds 308, 309, and 312 in Mendocino, Humboldt, and Del Norte counties are designated as lease only beds wherein only harvest by lease holders is allowed; however, current regulations allow limited harvest for human consumption of the lease only and closed beds within the limits specified in subsection 165(e). Section 165.5 also provides information on temporary lease closures for bull kelp beds 308, 309, and 312 which sunset on January 1, 2026.

#### Proposed Amendments

Subsection 165(c): The Department recommends temporary prohibitions, limits, weekly reporting, and lease restrictions for commercial harvest of bull kelp (*Nereocystis luetkeana*).

- The proposed amendment to subsection 165(c)(9) extends the sunset date pertaining to the current harvest restrictions and weekly reporting for bull kelp in Del Norte and Humboldt counties from January 1, 2026 to January 1, 2029.
- Two options are provided for Mendocino and Sonoma counties.
  - Under Option 1 (Department recommendation), the proposed amendment to subsection 165(c)(9) extends the sunset date pertaining to the closure of commercial bull kelp harvest in Mendocino and Sonoma counties from January 1, 2026 to January 1, 2029.
  - Under Option 2, the proposed amendment to subsection 165(c)(9) implements an annual fishery quota, from 1 to 2,000 pounds wet weight, in Mendocino and Sonoma counties combined with the amount to be determined by the Commission; mandatory weekly reporting for bull kelp harvesters in Mendocino and Sonoma counties; authorization for the Department to temporarily close

harvest in order to obtain an accurate tally of the harvest; the potential for individual harvester allotments to ensure the quota is not exceeded; the mathematical formula to calculate the fishery allotments if the fishery is temporarily closed and reopened; the process by which the Department will notify the public and harvesters of the attainment of the quota; the harvesters' responsibility to monitor the Department's website to be kept informed of the remaining annual fishery quota; and the requirement that harvest in excess of the annual overall fishery quota or allotments shall be disposed of or used in a manner determined by the Department by forfeiting the excess harvest to the Department. These provisions would sunset on January 1, 2029.

Subsection 165.5(c): The proposed amendment to subsection 165.5(c) extends the temporary closure and lease prohibition of the lease only administrative kelp beds 308, 309, and 312 from January 1, 2026 to January 1, 2029 and amends the availability to lease administrative kelp beds 308, 309, and 312 from "on or after January 2, 2026" to "on or after January 2, 2029."

The Department is also recommending correcting a coordinate error for administrative kelp bed 109.

Subsection 165.5(k)(2)(I): The proposed amendment to subsection 165.5(k)(2)(I) corrects the second coordinate in the description of administrative kelp bed 109 from  $34^{\circ} 58.999'$  North latitude  $119^{\circ} 29.556'$  West longitude to  $33^{\circ} 58.999'$  North latitude  $119^{\circ} 29.556'$  West longitude. A typographical error was introduced in rulemaking file 2013-1205-01S that placed the coordinate on land; this proposed amendment will correct the coordinate to that which was originally noticed in that rulemaking.

Minor edits are proposed for clarity and consistency.

### **Benefits of the Regulations**

Under the Marine Life Management Act (MLMA), it is the policy of the state to ensure the conservation, sustainable use, and restoration of California's living marine resources for the benefit of all citizens of the state (Fish and Game Code (FGC), Section 7050). Furthermore, FGC defines a fishery as one or more populations of marine fish or marine plants that may be treated as a unit for purposes of conservation and management and that are identified on the basis of geographical, scientific, technical, recreational, and economic characteristics (FGC, Section 94).

Kelp is therefore considered a fishery and is subject to the policy of the state that programs for the conservation and management of the marine fishery resources of California shall be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure conservation, to facilitate long-term

protection, and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources [subdivision 7055(b), FGC] and that fisheries are conducted sustainably so that long-term health of the resources is not sacrificed in favor of short-term benefits [subdivision 7056(a), FGC].

To meet the goals of these policies, the Department has determined that a precautionary approach is warranted to protect and maintain the remaining bull kelp along the northern California coast.

The changes to the bull kelp regulations are proposed with the goal to protect and maintain the remaining bull kelp beds in Sonoma, Mendocino, Humboldt, and Del Norte counties.

The temporary nature of the proposed bull kelp regulations provides an interim management measure to protect the resource while allowing for the Department, Tribes, industry, and interested stakeholders to continue to collaboratively develop the Kelp Restoration and Management Plan, a comprehensive management framework for kelp.

The proposed regulations will provide benefits to the sustainable management of kelp resources and will provide regulatory clarity and enforceability.

### **Business Reporting Requirements**

The Commission finds it is necessary for the welfare of the people of the state that the proposed reporting requirements apply to business.

### **Consistency and Compatibility with Existing Regulations**

The proposed regulatory changes are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing the harvest of kelp and other aquatic plants for profit (FGC, Section 6653). No other state agency has the authority to adopt regulations governing the harvest of kelp and other aquatic plants for profit. Commercially manufactured and processed food for human consumption in California is regulated by the California Department of Public Health (CDPH); however, CDPH regulations do not address the harvesting of kelp. The Commission has reviewed its own regulations and finds that the proposed regulatory changes are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR and has found no other state agency regulations pertaining to the commercial harvest of kelp and other aquatic plants; therefore, the Commission has concluded that the proposed regulatory changes are neither inconsistent nor incompatible with existing state regulations.

## PUBLIC PARTICIPATION

## Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before September 26, 2025 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on October 7, 2025. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

## Meetings

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the East End Complex Auditorium, 1500 Capitol Avenue, Sacramento, California, which will commence at 8:00 a.m. on October 8, 2025 and may continue at 8:00 a.m., on October 9, 2025. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in-person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

## AVAILABILITY OF DOCUMENTS

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

**ment of Fish and Wildlife, who can be reached at [kelp@wildlife.ca.gov](mailto:kelp@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

## AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION/  
RESULTS OF THE ECONOMIC  
IMPACT ASSESSMENT

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

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

The proposed action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with business in other states.

The proposed amendments extend the current temporary regulatory amendments established through OAL rulemaking file 2022-1014-04SR that closed all commercial bull kelp harvest in Sonoma and Mendocino counties and imposed an annual fishery quota and weekly reporting for bull kelp harvest in Humboldt and Del Norte counties.

The temporary four ton (8,000 lbs) annual fishery quota restriction that expires on January 1, 2026 for Del Norte and Humboldt counties combined has not restricted the industry from harvest in these counties. Weekly reporting of commercial harvest of bull kelp in the combined counties reflected 1,620.2 lbs in 2023 and 2,926.2 lbs in 2024. Extending the current annual fishery quota in Del Norte and Humboldt counties combined would maintain current use and harvest post-2014. Due to the temporary closure, no commercial harvest of bull kelp was reported in Sonoma and Mendocino counties in 2023 and 2024.

Commercial harvesters in Mendocino and Sonoma counties did not shift their harvest to Del Norte and Humboldt counties during the temporary closure in 2023 and 2024. Under Option 2, the reopening of Mendocino and Sonoma counties to harvest could potentially yield an annual monetary benefit of approximately \$21,406 if the full 2,000-pound wet weight harvest quota is met while also introducing approximately \$120 in reporting costs per harvester. See the Addendum to the economic and fiscal impact statement (STD 399) for further details.

Commercial harvest of wild marine algae is not allowed in nearby states of Oregon and Washington. Therefore, the industry is not competing with nearby markets for harvested kelp.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses or the expansion of businesses in California. Under Option 2 harvesters in Sonoma and Mendocino counties may resume their harvesting activities, but it is anticipated that this will reactivate existing harvesters from that area who did not move to Del Norte or Humboldt counties.

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

The Commission anticipates benefits to the state's environment in the sustainable management of this resource. As a foundational species forming the physical structure of kelp forest habitats, bull kelp supports fisheries, cultural and ceremonial traditions, and tourism.

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

The current long-standing monthly harvest reporting requirement for all commercially harvested marine alga will continue. The proposed extension of the current weekly reporting requirement for bull kelp harvest would continue to introduce additional time for harvesters in Del Norte and Humboldt counties, which is estimated to be about \$200 annually per harvester (see Table 1. Bull Kelp Harvester Weekly Reporting Costs for Del Norte and Humboldt Counties in the STD 399 Addendum). If Option 2 is selected, it is estimated that harvesters in Sonoma and Mendocino counties would face annual reporting costs of approximately \$120 per harvester (see STD 399 Addendum for further details).

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

Management of bull kelp harvest quota and weekly reporting of harvest will continue for an additional three years for the Department. Management tasks in counties with a harvest quota will include: weekly compiling and tracking of harvest and posting status updates on the Department webpage, comparison of weekly to monthly reporting and communications with license holders as needed if discrepancies occur in the reports, determining status of harvest toward the quota as needed, drafting and emailing notices to license holders prior to implementation of restrictions triggered by the quota, posting notice of temporary closure or closures on the Department webpage, and ensuring any harvest in excess of any established quota is forfeited to the Department through a Release of Property form. The continuation of these activities by the Department does not represent a new cost to the state as it has already been budgeted. However, under Option 2 the Department could see up to \$24 in additional annual revenue from the collection of the edible seaweed royalty in the reopened Sonoma and Mendocino counties, see STD 399 Addendum for further details.

**(e) Nondiscretionary Costs/Savings to Local Agencies:**

None.

**(f) Programs Mandated on Local Agencies or School Districts:**

None.

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

None.

**(h) Effect on Housing Costs:**

None.

**(i) Business Reporting Requirements:**

The current long-standing monthly harvest reporting requirement for all commercially harvested marine alga will continue. The proposed regulations extend the current weekly reporting requirements for commercial harvest of bull kelp in Humboldt and Del Norte counties for three years and, under Option 2, implement weekly reporting requirements for commercial harvest of bull kelp in Sonoma and Mendocino counties for three years. The data provided in the weekly reports will help the Department to monitor bull kelp harvest in order to obtain an accurate tally of harvest and avoid exceeding the annual harvest quota. Without these weekly reporting requirements for commercial harvester businesses, the Department's ability to closely monitor bull kelp harvest in order to obtain

an accurate tally of harvest and to avoid exceeding the annual harvest quota would not be realized.

It is the policy of the state to ensure the conservation, sustainable use, and restoration of California's living marine resources for the benefit of all citizens of the state and that programs for the conservation and management of the marine fishery resources be established and administered to prevent overfishing, to rebuild depressed stocks, to ensure conservation, to facilitate long-term protection, and, where feasible, restoration of marine fishery habitats, and to achieve the sustainable use of the state's fishery resources and that fisheries are conducted sustainably so that long-term health of the resources is not sacrificed in favor of short-term benefits. Therefore, the Commission finds it is necessary for the welfare of the people of the state that the proposed reporting requirements apply to business.

#### EFFECT ON SMALL BUSINESS

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

#### CONSIDERATION OF ALTERNATIVES

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

### TITLE 14. FISH AND GAME COMMISSION

#### INVASIVE NON-NATIVE MUSSELS AND GREEN CRAB

**NOTICE IS HEREBY GIVEN** that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 2118 and 2120 of the California Fish and Game Code and to implement, interpret or make specific sections 1002, 2116, 2118, 2118.2, 2118.4, 2119, 2120, 2122, 2123, 2124, 2125, 2126, 2127, 2150, 2190 and 2271 of said Code, proposes to amend Section 671, Title 14, California Code of

Regulations, to add invasive non-native mussels and green crab to the list of live restricted animals.

Unless otherwise specified, all section references in this document are to Title 14 of the California Code of Regulations (CCR), Commission refers to the California Fish and Game Commission and Department refers to the California Department of Fish and Wildlife.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Section 671 contain the list of restricted species that are unlawful for any person to import, transport, or possess except as authorized in a permit issued by the Department. Under emergency regulatory authority, golden mussel (*Limnoperna fortunei*) was added to the list of restricted animals in December 2024 (Office of Administrative Law File Number 2024-1213-03E).

The proposed changes will add green crab (*Carcinus maenas*), an invasive, non-native crustacean species, and the *Limnoperna*, *Sinanodonta* and *Xenostrobus* genera which are invasive, non-native bivalve species, to the list of restricted animals consistent with California Fish and Game Code sections 2118 and 2120.

#### Background

##### Green Crab (*C. maenas*)

The green crab (*C. maenas*), also known as the European green crab, native to the northeast Atlantic Ocean and northern Africa, is an invasive non-native species in California.

Green crab was first detected in California in 1989 in the southern San Francisco Bay. It is suspected that the green crab arrived in seaweed-wrapped bait shipments from the East Coast of the U.S. Since then, green crab has been identified in many California bays and estuaries including, but not limited to, San Francisco Bay and Bay Delta, Elkhorn Slough, Bolinas Lagoon, Bodega Bay, Tomales Bay, Morro Bay and Humboldt Bay. There is concern that green crab can continue to expand beyond currently established populations in California and cause extensive damage to recreational and commercial fishery resources, aquaculture, native fisheries, and sensitive habitat.

On July 7, 2017, the Commission received a petition for regulatory change (Petition 2017-006) from Mr. Joshua Russo, President of the Watermen's Alliance, requesting that regulations be adopted to list green crab as an invasive aquatic species. The Department evaluated the petition and provided a recommendation to the Commission to grant the petition.

At its April 2018 meeting, the Commission agreed with the Department's recommendation and granted the petition for consideration in a future rulemaking.

### **Golden Mussel (genus *Limnoperna*)**

On October 17, 2024, golden mussel (*L. fortunei*), an invasive, freshwater bivalve native to rivers and creeks of China and Southeast Asia, was discovered in the Port of Stockton by California Department of Water Resources (DWR) staff while conducting routine operations. This was the first known occurrence of this highly invasive species in North America. Additional discoveries of golden mussel have occurred throughout the Delta and interconnected waters, including the lower reach of the San Joaquin River (San Joaquin County), and at several points in the California Aqueduct including, from north-to-south, Bethany Reservoir (Alameda County), O'Neill Forebay (Merced County), Dos Amigos Pumping Plant (Merced County), Pleasant Valley Pumping Plant (Fresno County), Las Perillas Pumping Plant on the Coastal Branch Aqueduct (Kings County), and Check 24 (Kings County). Without actions to prevent further spread, golden mussel is also likely to spread overland on trailered watercraft and equipment out of the Delta and to nearby and distant fresh and brackish waters, including rivers, lakes, and reservoirs within California and the rest of North America.

Golden mussel is known to be established outside of its native range in Hong Kong, Japan, Taiwan, Brazil, Uruguay, Paraguay, and Argentina. Impacts in these invaded regions include heavy encrustations of golden mussels forming dense reef-like structures that block municipal and industrial water supplies, agricultural irrigation, and power plant operations, necessitating ongoing biofouling removal. In most cases, the invaded range has expanded upstream from the point of introduction, and inland from ports through local, human-mediated pathways. Within the invaded range, significant impacts resulting from the dense colonization of golden mussels on hard surfaces are widely documented.

At its December 11, 2024 meeting, the Commission approved an emergency rulemaking to add golden mussel (*L. fortunei*) to the list of restricted animals in Section 671 (Office of Administrative Law File Number 2024-1213-03E). The proposed rulemaking will serve as the certificate of compliance for the addition of *L. fortunei* to the list of restricted animals.

Beyond the immediate threat of *L. fortunei*, the other five species within the genus *Limnoperna* mussels have the potential to be inadvertently introduced to California, and likely to have similar negative impacts to California as *L. fortunei*. Other species within the genus *Limnoperna* include *L. siamensis*, *L. ngoengai*, *L. bogani*, *L. sambasensis*, and *L. taprobanensis*. *Limnoperna* mussels are native to Asia, primarily Southeast Asia. Most *Limnoperna* species can be found in freshwater to estuarine habitats, although it is hypothesized that *L. taprobanensis* is a marine species.

Outside of *L. fortunei*, there are few records of invasions outside of their native ranges by other species of *Limnoperna*; however, available literature indicates they may have similar biology and impacts as *L. fortunei*.

### **Pond Mussels (genus *Sinanodonta*)**

Pond mussels (*Sinanodonta*) (also known as Asian pond mussels) are freshwater unionid bivalves of 26 species that are fast-growing and can reach high densities. Species within *Sinanodonta* are difficult to morphologically identify, which has led to extensive misidentification of species. Additionally, the molecular taxonomy within the genus is still being resolved.

Native to Eastern Asia including China and eastern Russia, Japan and Korea, three species of *Sinanodonta* (*S. woodiana*, *S. lauta*, and *S. pacifica*) have been documented to be invasive outside of their native ranges and have spread rapidly to other countries including Kazakhstan, Uzbekistan, Iran, South Korea, Myanmar, Indonesia, Malaysia, Philippines, Borneo, Dominican Republic, Costa Rica, Spain, France, Italy, Germany, Austria, Slovakia, Hungary, the Czech Republic, Poland, Croatia, Serbia, Romania, Moldova, Belgium, Ukraine and Sweden.

In 2010, *S. woodiana* was detected for the first time in the United States within aquaculture ponds in Franklin Township, New Jersey. Pond mussel has not been detected in California, or any other U.S. state with the exception of New Jersey.

Based on the establishment of *S. woodiana* in North America, potential vectors of introduction, and anticipated impacts to native species and the environment, prohibiting all species in the genus *Sinanodonta* is warranted.

### **Axe-Head Mussel (genus *Xenostrobus*)**

Axe-head mussel (*Xenostrobus securis*), a small, non-native, invasive, biofouling brackish water bivalve, was discovered on December 6, 2024, just north of the Port of Long Beach and Port of Los Angeles in the lower reaches of Dominguez Channel, Los Angeles County. This detection was made by Department staff conducting early detection monitoring for invasive mussels. This is the first known occurrence of the invasive species in North America. Shortly after, axe-head mussels were detected in high densities at additional sites including the lower reaches of San Gabriel River (February 21, 2025) and Los Angeles River (February 27, 2025).

Axe-head mussel is one of eight extant species of the genus *Xenostrobus*. These species include *X. pulex* and *X. securis* from Australia and New Zealand, *X. inconstans* from Australia, *X. balani*, *X. mangle* and *X. sambasensis* from Southeast Asia, *X. hepatica* from Fiji, and *X. atratus* from Japan, Korea, and China. Axe-head mussel (*X. securis*) has been introduced

and established outside of its native ranges in Japan, China, Korea, Hong Kong, Italy, France, and Spain.

Globally axe-head mussel was likely introduced by ballast water discharge and biofouling on ships. Without containment, axe-head mussel is likely to spread via watercraft in the marine environment to other estuaries, brackish waters, and ports of California, other U.S. states and territories, and internationally, and overland on trailered vessels and equipment in North America.

Beyond the immediate threat of axe-head mussel, the other seven species of *Xenostrobus* mussels have the potential to be inadvertently introduced to California, and are likely to have similar negative impacts to California as axe-head mussel.

### PROPOSED CHANGES

The proposed regulations add green crab, and the *Limnoperna*, *Sinanodonta*, and *Xenostrobus* genera to the list of live animals restricted from importation, transportation and possession: Section 671. Importation, Transportation and Possession of Live Restricted Animals.

Amend subsection (c)(8) from Class Crustacea to Class Malacostraca to update and correct the Class for the species in this subsection. The Class Crustacea has been reclassified by The International Commission on Zoological Nomenclature to a higher level and is now a subphylum of the phylum Arthropoda.

Add subsection (c)(8)(C) *Carcinus maenas* (green crab) (D).

Adding green crab, which causes harm to native species and the ecosystems they depend on to survive, to the list of restricted animals is necessary to protect against the spread of this invasive species in California. Prohibiting importation, transportation, and possession of this species will prevent further introductions and slow the spread within and outside of California.

Amend subsection (c)(10) Class Bivalvia–Bivalves to move “All members of the genus *Dreissena* (zebra and quagga mussels) (D.)” under subsection (A) to allow for the addition of other species under this class.

Add subsection (c)(10)(B) All members of the genus *Limnoperna* (golden mussel) (D).

Adding all members of the genus *Limnoperna* (golden mussel), which can cause harm to native species and the ecosystems they depend on to survive, as well as infrastructure, to the list of restricted animals is necessary to protect against the spread of these invasive species in California. Prohibiting importation, transportation, and possession of the species will prevent further introductions and slow the spread within and outside of California.

Add subsection (c)(10)(C) All members of the genus *Sinanodonta* (pond mussel, Asian pond mussel) (D).

Adding all members of the genus *Sinanodonta* (pond mussel), which can cause harm to native species and the ecosystems they depend on to survive, to the list of restricted animals is necessary to protect against the spread of these invasive species in California. Prohibiting importation, transportation, and possession of the species will prevent further introductions and slow the spread within and outside of California.

Add subsection (c)(10)(D) All members of the genus *Xenostrobus* (axe-head mussel) (D).

Adding all members of the genus *Xenostrobus* (axe-head mussel), which can cause harm to native species and the ecosystems they depend on to survive, as well as infrastructure, to the list of restricted animals is necessary to protect against the spread of these invasive species in California. Prohibiting importation, transportation, and possession of the species will prevent further introductions and slow the spread within and outside of California.

### BENEFITS OF THE REGULATION

The California Legislature has declared that some wild animals are a threat to native wildlife or the agricultural interests of the state and that some wild animals are a threat to public health and safety. It is the Legislature's intention that the importation, transportation and possession of wild animals be regulated to protect the native wildlife and agricultural interests of the state against damage from the existence at large of certain wild animals and to protect the health and safety in this state. The proposed regulations will help to prevent the new introductions of species within the *Limnoperna*, *Sinanodonta*, and *Xenostrobus* genera to waterbodies of the state and the translocation of green crab, and members of the *Limnoperna* and *Xenostrobus* genera to other waterbodies in the state and beyond, thereby protecting native wildlife, the agricultural interests of the state and public health and safety.

### CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

Article IV, Section 20 of the California Constitution specifies that the Legislature may delegate to Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate the importation, transportation and possession of wild animals to protect the native wildlife, agricultural interests of the state, and the health and safety in this state (California Fish and Game Code Section 2118). The Commission has reviewed its own regulations and finds that the proposed regulations are

consistent with other regulations in Title 14, CCR, and therefore finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to species on the list of restricted animals.

### PUBLIC PARTICIPATION

#### Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before September 26, 2025 at the address given below, or by email to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on October 7, 2025. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244-2090.

#### Meetings

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the East End Complex Auditorium, 1500 Capitol Avenue, Sacramento, California, which will commence at 8:00 a.m. on October 8, 2025 and may continue at 8:00 a.m., on October 9, 2025. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in-person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at [www.fgc.ca.gov](http://www.fgc.ca.gov) in advance of the meeting or may be obtained by calling 916-653-4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

### AVAILABILITY OF DOCUMENTS

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulation in underline and strikeout format can be accessed through the Commission website at [www.fgc.ca.gov](http://www.fgc.ca.gov). The regulations as well as all related documents upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Melissa Miller-Henson, Executive

Director, Fish and Game Commission, 715 P Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Melissa Miller-Henson or Sherrie Fonbuena at [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov) or at the preceding address or phone number. **Environmental Program Manager, Martha Volkoff, Department of Fish and Wildlife, who can be reached at [Invasives@wildlife.ca.gov](mailto:Invasives@wildlife.ca.gov), has been designated to respond to questions on the substance of the proposed regulations.**

### AVAILABILITY OF MODIFIED TEXT

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

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

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

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are not expected to impact businesses, as adding a species to the list of restricted animals in Section 671 does not impose any actions that should be taken by businesses to comply, nor does it impose fees or fines upon them. Because these effects are economically neutral, it is not anticipated that any businesses will experience adverse economic impacts that would affect their ability to compete with businesses from other states as a result of these regulations.

- (b) **Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the**

Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The proposed regulations are not expected to impact businesses, as adding a species to the list of restricted animals in Section 671 does not necessitate that any actions should be taken by businesses to comply, nor does it impose fees or fines upon them. Because these effects are economically neutral, it is not anticipated that any businesses will experience adverse economic impacts that would affect the creation or elimination of jobs within the state, create new businesses or eliminate existing businesses, affect the expansion of existing businesses, or benefit worker safety as a result of these regulations. The proposed changes are sought to protect native wildlife and the agricultural interests of the state and public health and welfare and the state's environment.

The Commission anticipates benefits to the health and welfare of California residents from better protection of the state's natural resources. The proposed regulations will help to prevent the introduction and/or translocation of members of the *Limnoperna* (golden mussel), *Sinanodonta* and *Xenostrobus* genera to other waterbodies in the state and beyond, which may help to protect water conveyance and hydroelectric power systems.

The Commission anticipates benefits of the regulation to the state's environment. The California Legislature has declared that some wild animals are a threat to native wildlife or the agricultural interests of the state and that some wild animals are a threat to public health and safety. It is the Legislature's intention that the importation, transportation and possession of wild animals be regulated to protect the native wildlife and agricultural interests of the state against damage from the existence at large of certain wild animals and to protect the health and safety in this state. The proposed regulations will help to prevent the new introductions of species within the *Limnoperna*, *Sinanodonta*, and *Xenostrobus* genera to waterbodies of the state and the translocation of green crab, and members of the *Limnoperna* and *Xenostrobus* genera to other waterbodies in the state and beyond, thereby protecting native wildlife, and the agricultural interests of the state.

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

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

The proposed regulations are not expected to create direct cost impacts for businesses or individuals, as adding a species to the list of restricted animals

in Section 671 does not necessitate that any actions should be taken by businesses or individuals to comply, nor does it impose fees or fines upon them.

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

Including the species and genera proposed on the list of restricted animals does not necessarily compel a requirement to act upon state agencies, but rather enables existing programs to include the species in their enforcement actions for detection and prevention. As such, the Commission does not anticipate any direct costs or savings to the Department or other state agencies as a result of this action. There may be future complementary authorities or requirements for managing the species proposed that will come from elsewhere, such as legislation, compelling costs associated with preventing the spread of these invasive species.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

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

None.

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

None.

(h) Effect on Housing Costs:

None.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

## EFFECT ON SMALL BUSINESS

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

## CONSIDERATION OF ALTERNATIVES

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

**TITLE 14. DEPARTMENT  
OF RESOURCES  
RECYCLING AND RECOVERY**

**PLASTIC POLLUTION  
PREVENTION AND PACKAGING  
PRODUCER RESPONSIBILITY ACT**

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (CalRecycle) proposes to add to the California Code of Regulations, Title 14, Division 7, Chapter 11.1 (commencing with section 18980.1) and Chapter 11.5 (commencing with section 18981). The proposed regulations interpret, make specific, and implement the requirements of Senate Bill Number 54 (2021–2022 Reg. Sess.), the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Stats. 2022, chapter 75) (the Act), and establish various elements of CalRecycle's oversight and enforcement responsibilities under the Act. The proposed regulations will also establish the criteria and procedures necessary to implement the requirement established by Assembly Bill Number 1201 (2021–2022 Reg. Sess.) (Stats. 2021, chapter 504) (AB 1201) that products labeled “compostable” must be certified by third-party entities according to certain technical standards.

After considering all comments, objections, and recommendations regarding the proposed action, CalRecycle may adopt the proposals substantially as described in the below Informative Digest or may modify such proposals if such modifications are sufficiently related to the original text.

**PUBLIC HEARING**

CalRecycle will hold a hybrid public hearing starting at 10:00 a.m. (PDT) on October 7, 2025 and concluding upon submission of any public hearing comments. The public hearing will be accessible in person in the Byron Sher Auditorium located on the 2<sup>nd</sup> floor of the CalRecycle headquarters at 1001 I Street, Sacramento, California. The Byron Sher Auditorium room is wheelchair accessible. The public hearing will also be accessible virtually via Zoom for direct participation and via Webcast for observation only. Instructions for how to access the Zoom public hearing (registration required) or Webcast (no registration required), can be found on CalRecycle's website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

Please note that Webcast participants will not be able to provide comments during the public hearing. To participate remotely and provide comments, it is recommended to join via Zoom, or to email any com-

ments to [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov). No registration is necessary to view the Webcast.

At the public hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action. CalRecycle requests, but does not require, that any person who makes oral comments also submit a written copy of their testimony at the hearing. All comments at the public hearing will be collected and recorded.

**INTERPRETATION SERVICES**

Interpretación simultánea del inglés al español será disponible para todos los participantes al taller, sea en persona, o remotamente a través de Zoom, o por transmisión en vivo en línea. Para los participantes en persona que requieren servicios de interpretación del inglés al español, habrá audífonos disponibles que serán proporcionados por el personal de CalRecycle antes o durante el taller.

If interpretation services are needed in a language other than Spanish, contact CalRecycle at [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov) by September 26, 2025, and CalRecycle staff will do their best to accommodate this request.

**WRITTEN COMMENT PERIOD**

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or support the proposed amendments, should indicate the amended section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the written comment period, which begins on August 22, 2025, and ends on October 7, 2025. Written comments received by CalRecycle after the close of the public comment period are considered untimely. CalRecycle may, but is not required to, respond to untimely comments, including those raising significant environmental issues. Comments submitted in writing must be addressed to one of the following:

*Postal mail:*

Csilla Richmond

SB 54 Plastic Pollution Prevention and Packaging  
Producer Responsibility Act

Permanent Regulations

Department of Resources Recycling and  
Recovery, Regulations Unit

1001 “I” St., MS-24B, Sacramento, CA 95814

*Electronic submittal:*

SB 54 Plastic Pollution Prevention & Packaging Producer Responsibility Act Regulations (45–Day Comment Period)

<https://calrecycle.commentinput.com/?id=VfBKce95R>.

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

## AUTHORITY AND REFERENCES

Public Resources Code Sections 40401, 40502, 42041, 42052, 42053, 42057, 42060, 42061, 42061.5, 42063, 42064, 42080, 42081, and Government Code Sections 11415.10 and 11440.20 provide authority for this regulation. The purpose of the proposed actions is to implement, interpret, and make specific, and implement the requirements of Senate Bill Number 54 (2021–2022 Reg. Sess.), the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Stats. 2022, chapter 75), (the Act).

The following is a list of references cited in this proposed regulation: Public Resources Code Sections 40062, 40120.1, 40121, 40192, 41780.01, 42040, 42041, 42050, 42051, 42051.1, 42051.2, 42051.3, 42052, 42053, 42054, 42056, 42057, 42060, 42060.5, 42061, 42061.5, 42062, 42063, 42064, 42067, 42070, 42080, 42081, 42083, 42281.2, 42281.5, 42355, 42355.51, 42356, 42356.1, 42356.2, 42357, 42357.5, 42358, 42358.5, and 42649.8, Government Code Sections 7921.500, 7922.530, 11445.10, 11440.20, 11445.30, 11445.40, 11445.50, 11445.60, 11505, 11506, Health and Safety Code Section 25249.

## INFORMATIVE DIGEST

### Summary of Existing Laws

The California Integrated Waste Management Act of 1989 (Pub. Resources Code, section 40000 et seq.), administered by CalRecycle, regulates the disposal, management, and recycling of, among other solid waste, packaging and single-use food ware. It also imposes various reporting requirements on disposal facility operators, solid waste handlers, and transfer station operators regarding the types and quantities of materials disposed of, sold, or transferred to other entities.

Pursuant to Assembly Bill Number 341 (2011–2012 Reg. Sess.) (Stats. 2011, chapter 476), the state's policy goal was that at least 75 percent of solid waste generated would be source-reduced, recycled, or composted by 2020. That goal has not yet been met.

Senate Bill Number 1335 (2017–2018 Reg. Sess.), the Sustainable Packaging for the State of California Act of 2018 (Stats. 2018, chapter 510) (SB 1335), applies to food service packaging used by food service facilities located in a state-owned facility, operating on, or acting as a concessionaire on state property, or under contract to provide food service to a state agency. CalRecycle publishes a list of food service packaging items that, for purposes of SB 1335, it deems reusable, recyclable, or compostable, and facilities subject to the law are prohibited from using food service packaging items not identified on that list.

Senate Bill Number 343 (2021–2022 Reg. Sess.) (Stats. 2021, chapter 507) (SB 343), establishes specific standards for what constitutes deceptive labeling concerning recyclability.

Products can only be labeled “recyclable” or with the “chasing arrows” logo if they are regularly collected and processed for recycling and meet certain design and composition characteristics affecting recyclability, or if they satisfy other criteria related to recycling rates, alternative collection programs, or government programs governing recyclability. CalRecycle must conduct periodic material characterization studies examining the material types and forms that are collected, sorted, sold, or transferred by solid waste facilities in the state. Determinations of whether items can be considered recyclable in California must be based on the information that CalRecycle publishes.

Assembly Bill Number 1201 (2021–2022 Reg. Sess.) (Stats. 2021, chapter 504) (AB 1201) establishes requirements that products labeled “compostable” must meet. The requirements concern certification that material meets certain technical standards related to biodegradation and disintegration, whether material is an allowable organic input pursuant to the United States Department of Agriculture National Organic Program, presence of perfluoroalkyl or polyfluoroalkyl substances, clarity and conspicuousness of the labeling, and association with the recovery of desirable organic wastes.

### Effect of the Proposed Action

By interpreting, making specific, and implementing the Act, the proposed regulations will establish the various substantive and procedural requirements applicable to the extended producer responsibility (EPR) program that the Act requires producers of single-use packaging and single-use plastic food service ware (covered materials) to administer. The proposed regulations will also establish how CalRecycle will exercise its oversight and enforcement responsibilities.

The proposed regulations will also implement the AB 1201 requirement that products must be certified by third parties to meet a technical standard established under chapter 5.7 of part 3 of division 30 of the Public Resources Code (commencing with sec-

tion 42355). By implementing this requirement of AB 1201, the proposed regulations will cause the requirement to take effect generally, not just with respect to covered materials.

### **Policy Statement Overview and Anticipated Benefits of the Proposed Regulations**

The broad objective of the proposed regulations is to implement the Act, ensuring that it achieves its goals: source reduction of plastic covered material, elimination of covered material that is not recyclable or compostable, and significant improvements in recycling rates for covered material. The proposed regulations also serve the objective of improving the integrity of product labeling by implementing a certification requirement for when any product (including those using covered materials) can lawfully be labeled “compostable.”

These objectives are consistent with the more general policy goals of shifting California to a circular economy and shifting responsibility for end-of-life management of various materials onto the producers of them, thereby lessening the materials’ effects on the environment and public health and easing the burdens on local jurisdictions and consumers. Shifting responsibility through EPR statutes like the Act will benefit solid waste handling in the state by requiring producers to address the costs of such management and incentivizing the development of infrastructure, technological innovation, and increased usage of reusable and refillable products.

By giving effect to the certification requirement of AB 1201, the proposed regulations will reduce deception of consumers regarding whether products are compostable. Consumers will be able to make more informed purchasing choices and better understand what materials are appropriate to discard with materials collected for composting. In turn, this will enhance the technical and economic viability of composting programs statewide.

By implementing the Act, the proposed regulations will also spur improvements in recycling and composting infrastructure, which will lead to decreased pollution and environmental harm associated with disposal of covered materials. These effects will, in turn, have positive effects on human health. Decreased disposal of covered material will also decrease greenhouse gas emissions associated with such disposal.

Specific anticipated benefits of the proposed regulations’ implementation and enforcement of the Act include:

- Reduction of plastic pollution and litter.
- Reduction of greenhouse gas emissions.
- Decreased material disposal burdens.
- Decreased raw material extraction and virgin material usage.

- Greater use of reusable and refillable items and expansion of reuse and refill systems.
- Reduced presence of toxins and other chemicals that would render products non-compostable or interfere with recycling.
- Increased access to recycling and composting.
- Investments in communities disproportionately impacted by the effects of plastic pollution.
- Supporting a stable circular economy.
- Supporting consistent recycling systems state-wide.
- Increased revenue for businesses from the sale of recycled material product.
- Decreased public health concerns such as cancer, asthma, and birth defects.
- Encouragement of packaging innovation.
- Reduced exposure to chemicals and microplastics from shifts to plastic alternatives.
- Ensuring that refillable or reusable materials can be used safely and hygienically.
- Promoting openness and transparency in business and government through creation and implementation of Producer Responsibility Organization (PRO) plans and plans created by individual businesses.
- Reduced deception of consumers and increased transparency in business by imposing certification requirements for labeling products as “compostable”.

### **Consistency With State Regulations**

Pursuant to Government Code Section 11346.5(a)(3)(D), CalRecycle conducted an evaluation of existing state regulations. CalRecycle determined that the proposed regulations are neither inconsistent nor incompatible with existing state regulations and that CalRecycle is the only agency that can implement this proposed regulation.

### **INCORPORATION BY REFERENCE**

The following documents are incorporated by reference in the proposed regulation:

- ISO/IEC 17025:2017(E), “General requirements for the competence of testing and calibration laboratories,” International Organization for Standardization/International Electrotechnical Commission, November 2017.
- ISO/IEC 17065:2012(E), “Conformity assessment—Requirements for bodies certifying products, processes and services,” International Organization for standardization/International Electrotechnical Commission, September 2012.

- State Administrative Manual, section 9213.1, Allocation of Costs—Indirect Cost Rate Determination Methodology, California Department of General Services (as published on 01/2022).
- ISO 59014: 2024(en), “Environmental management and circular economy — Sustainability and traceability of the recovery of secondary materials — Principles, requirements and guidance,” International Organization for Standardization, October 2024.

#### EXISTING COMPARABLE FEDERAL REGULATION OR STATUTE

CalRecycle has determined that the proposed regulations do not significantly differ from federal law because there are no existing comparable federal statutes or regulations in this subject area.

#### OTHER STATUTORY REQUIREMENTS (GOVERNMENT CODE SECTION 11346.5(A)(4))

CalRecycle has determined that no other matters, as prescribed by statute, need to be addressed.

#### MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CalRecycle has made the following initial determinations:

**Mandate Imposed on Local Agencies:** Yes.

**Costs to any local agency which requires reimbursement in accordance with Part 7 of Division 4 of Title 2 of the Government Code:** None.

The statute mandates that local jurisdictions and recycling service providers (local agencies) include certain materials in their collection and recycling programs. Fulfilling that mandate involves collaboration with the producer responsibility organization (PRO) and certain producers to undertake various activities, such as education and outreach, material collection and processing, infrastructure improvement, and related investments. Local agencies' costs for fulfilling their mandate are influenced by local circumstances, including population density and market proximity. While certain costs may be initially borne by local agencies, they are not reimbursable by the State because, under the Act and the proposed regulations, the PRO and certain producers must pay local agencies to cover the expenses they incur to meet their statutory obligations.

**Mandate Imposed on School Districts:** None.

#### FISCAL IMPACT

##### Costs to Any Local Agencies or School Districts Requiring Reimbursement

CalRecycle has determined that the proposed regulations do not result in costs to any local agency or school district that must be reimbursed by the State pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 of Division 4 of Title 2 of the Government Code (Section 17500 et seq.).

##### Cost or Savings to Any State Agency

CalRecycle has determined that adoption of these proposed regulations does have a cost to state agencies.

The total annual cost to the state is estimated to total \$76.75 million which will be incurred by CalRecycle and funded by the PRO through the Circular Economy Fund. CalRecycle also anticipates a \$2 million reduction in revenue to the state from a decrease in disposal stream tipping fees.

##### Non-Discretionary Cost or Savings Imposed Upon Local Agencies

CalRecycle has determined that there are non-discretionary costs or savings imposed on local agencies. These costs are not required to be reimbursed by the State. Rather, the PRO and certain producers are responsible for fully paying local agencies to cover the expenses they incur to meet their statutory obligation. CalRecycle expects local agencies to improve and expand their recycling collection services in complying with the proposed regulations and estimates that the average cost per Fiscal Year for these activities is anticipated to be \$18.1 million through 2024–25, 2025–26, and 2026–2027. Local agencies will collaborate with the PRO and certain producers to undertake activities that may involve additional non-discretionary costs depending on local circumstances, including education and outreach, material processing, and additional infrastructure improvements. Local agencies will be paid by the PRO or certain producers for any such non-discretionary costs.

##### Cost or Savings in Federal Funding to the State

CalRecycle has determined that adoption of these regulations will not have an impact on costs or savings in federal funding to the State.

#### HOUSING COSTS

CalRecycle has determined that adoption of these regulations will have no significant effect on housing cost.

**SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS**

CalRecycle has made an initial determination that the adoption of this regulation may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

CalRecycle has considered proposed alternatives that would lessen any adverse economic impact on business and invites the public 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 businesses most directly affected by these proposed regulations are referred to in the Act as “producers” of single-use packaging and plastic single-use food service ware. Entities may be producers based on their ownership or licenses to use brands or trademarks or because they sell, offer for sale, or distribute such materials in the state.

As of 2032, the Act will require that all single-use packaging and plastic single-use food service ware be recyclable or compostable. It also requires that plastic single-use packaging and plastic single-use food service ware achieve source reduction targets and certain recycling rates.

These proposed regulations will require producers to maintain records and report data to CalRecycle that demonstrate their compliance with the Act’s requirements. Producers will also be required to reduce, collectively, the overall amount of the regulated materials that are sold into the state.

The Act requires producers to participate in a program operated by a PRO pursuant to a plan approved by CalRecycle. Alternatively, producers that meet certain requirements can create and implement their own plan. Producers, either through the PRO or individually, will be required to prepare and submit plans addressing all requirements stated in the Act, submit annual budgets and reports concerning their plans, and maintain records documenting their compliance with the Act. The reporting and recordkeeping requirements encompass the following: the amount and types of single-use packaging and plastic single-use food service ware that producers sell, distribute, or import; the amount and types of such materials that produc-

ers collect for recycling; the basis asserted for certain materials to be considered recyclable; estimations of recycling rates for particular types of materials; calculations of source reduction with respect to plastic single-use packaging and food service ware; and records demonstrating that entities that collect and process materials subject to the Act do so in a manner that satisfies certain criteria.

These proposed regulations will also impose compliance requirements on businesses that assert they are not “producers” of covered material because some other entity is the producer or because the packaging or plastic food service ware is excluded from being considered “covered material.” Such businesses may be required to support their claim that they are not a producer, such as by demonstrating that such items satisfy specific criteria in the Act or proposed regulations.

Solid waste enterprises that provide solid waste handling services on behalf of a local jurisdiction will also be affected because the Act may require them to add certain types of materials to their collection and recycling programs.

**RESULTS OF STANDARDIZED  
REGULATORY IMPACT ASSESSMENT****Creation or Elimination of Jobs within the State of California**

CalRecycle has determined that the proposed action will not eliminate jobs within California. Over the course of implementation, it is projected that 219,950 jobs may be created in the manufacturing industries specializing in recyclable plastics, paper, glass, and metal products, as well as within the construction, wholesale, retail, and food service industries.

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

CalRecycle has determined that the proposed action will create new businesses within California. It is anticipated that at least 15 businesses will be created statewide. These businesses include at least one PRO (a non-profit organization), and several material recovery facilities (MRFs).

CalRecycle has determined that the proposed action will not eliminate existing businesses within California.

**Competitive Advantages or Disadvantages for Businesses Currently Doing Business within the State**

CalRecycle has determined that the proposed action will not have Competitive Advantages or Disadvantages for Businesses Currently Doing Business within California.

## **Increase or Decrease of Investment in the State**

CalRecycle has determined that the proposed action will increase investment in California. Private investment will experience an initial increase of \$49 million in 2024 and peak in 2030 at \$952 million. There is no indication that there will be a net decrease in investment in the state because of the proposed regulations.

## **Incentives for Innovation in Products, Materials or Processes**

CalRecycle has determined that the proposed action will provide incentives for innovation in products, materials, and manufacturing and waste management processes that ensure cost-effective approaches for producers to be in compliance with the Act. The proposed regulations establish material packaging standards that will incentivize manufacturers to develop innovative and new packaging with covered material, increase the utilization of reuse and refill infrastructure, and develop new processes for recycling in order to meet the requirements of the Act.

## **Benefits of the Regulation, Including But Not Limited To, Benefits to the Health, Safety, and Welfare of California Residents, Worker Safety, the State's Environment, and Quality of Life**

CalRecycle has determined that the proposed action will have benefits, including but not limited to, benefits to health and welfare of California residents, the state's environment, and quality of life. In addition to generating less packaging waste through plastic source reduction and shifting to reusable and refillable material, reducing plastic pollution through the funds from the California Plastic Pollution Mitigation Fund will lead to a decrease in negative human health and environmental impacts especially in disadvantaged and low-income communities disproportionately affected by plastic pollution. Additionally, California residents will also benefit from greater accessibility to recycling and composting due to the increase in infrastructure for collection, sortation, and processing of such materials. Creating recyclable and compostable packaging will lead to harmonization with our recycling infrastructure that will lead to less disposal and prolong our landfill capacity and use. It will also lead to a decrease in greenhouse gas (GHG) emissions, and a decrease of fossil fuels used in the production of virgin plastic. Because this regulation doesn't directly impact workers, CalRecycle does not anticipate any direct benefits to worker safety as a result of this regulation.

## **Summary of the Department of Finance's (DOF's) Comments on the Proposed Regulations and the Standardized Regulatory Impact Assessment**

The Department received the following comments from the Department of Finance on the draft Standardized Regulatory Impact Assessment (SRIA). The

Department's responses are stated below and do not materially alter the estimations reported in the SRIA.

### **DOF Comment #1:**

*First, the 42.1-percent downward revision to the total cost, from \$36.3 billion in the original SRIA to \$21 billion in this revised SRIA, is driven almost entirely by a lower estimate of annual plastic waste generated in California, decreasing from 5.5 million tons in the 2021 estimate to 2.9 million tons in 2023. Estimating plastic waste is difficult and subject to uncertainty and the SRIA must provide a detailed explanation for the significant difference between the two estimates as well as a justification for why the revised estimate is more appropriate.*

### **CalRecycle Response:**

Due to the lack of available data on plastic covered material generation in California at the time CalRecycle wrote the SRIA for the initial rulemaking in 2024, for that analysis CalRecycle estimated the amount of plastic covered material by adding together the amounts of plastic covered material disposed of and recycled. To estimate the amount of disposed plastic covered material, CalRecycle utilized the most recent waste characterization study, containing data from 2021 disposal surveys. To estimate the amount of recycled plastic covered material, CalRecycle utilized data in the Recycling and Disposal Reporting System (RDRS), which contains self-reported data from entities that recycle material. In both sources, material categories are broad and do not include information specific to the amounts of covered material present. This means that those source data included large quantities of materials that are not covered material. For example, the waste characterization study includes an estimate for "Other Film Bags and Plastic Mailing Pouches." This category may include both plastic bags that qualify as packaging under the Plastic Pollution Prevention and Packaging Producer Responsibility Act (the Act) and plastic bags purchased as consumer goods for home use, such as storing items, which would not qualify as packaging or food service ware. From these sources, CalRecycle estimated that approximately 5.5 million tons of plastic covered material was generated in California every year. However, due to the lack of specificity in the available data, this estimate included materials that would not be covered materials under the Act. Since the time of the first SRIA analysis, CalRecycle has worked on developing more specific data on covered material generation as required by the Act.

Per Public Resources Code (PRC) section 42057(b), CalRecycle was required to establish a baseline for the 25 percent source reduction goal for plastic by January 1, 2025. This study was underway while CalRecycle was developing the first SRIA but it had not yet produced usable data. Since that time, updated data on

plastic covered material generation became available when CalRecycle published its study in the Source Reduction Baseline (SRB) report at the end of 2024. This report estimated that nearly 2.9 million tons of plastic covered material were generated in California in 2023. The data in this report are specific to covered material and do not include non-covered materials, unlike the waste characterization study and RDRS data. As the data are specific to materials covered under the Act, this SRB report estimate for plastic covered material is more accurate and resulted in a number lower than CalRecycle's previous estimate. The majority of the costs identified in CalRecycle's economic impact analysis are costs to meet required source reduction and recycling rate goals, including costs to switch plastic covered materials to more recyclable forms and to set up infrastructure for collecting, sorting, and processing increased amounts of material. These cost calculations rely directly upon the plastic covered material estimate. Using the SRB estimate for plastic covered material enables CalRecycle to more accurately estimate the costs to meet the required source reduction and recycling rates for plastic covered material and provides a more accurate overall estimate of the Act's implementation cost.

**DOF Comment #2:**

*The SRIA must also provide a detailed methodology for the change in revenues to the Integrated Waste Management Account due to less plastic waste entering landfills.*

**CalRecycle Response:**

Landfill revenue is generated by tipping fees, and CalRecycle estimated the change to tipping fee revenue by calculating the difference between the baseline covered material disposal amount and the amount of covered material expected to be disposed in California at the end of the implementation period. CalRecycle's calculations for the baseline and end of implementation covered material disposal amounts are shown in the Capacity Needs Analysis worksheet in the Direct Impacts Model. Per PRC section 48000(b)(1), tipping fees shall not exceed \$1.40 per ton of solid waste disposed. CalRecycle estimated that covered material disposal would decrease by 1.4 million tons annually by the end of the implementation period. CalRecycle multiplied the maximum tipping fee (\$1.40) by the difference in covered material disposal amounts in the baseline and at the end of the implementation period to arrive at the conservative estimate of annual tipping fee loss of around \$2 million.

**DOF Comment #3:**

*Second, the estimate in the SRIA must be based on the most recently available data, forecasts, and timelines. For instance, the revised SRIA's estimates are currently based on Finance's economic fore-*

*cast released in May 2023 and population projections released in January 2021. However, the most up-to-date and published forecasts reflect lower economic growth and higher inflation due to tariffs as well as significantly lower population. Incorporating these recent forecasts would likely lead to lower baseline activity and thus smaller costs and benefits.*

**CalRecycle Response:**

CalRecycle has revised the Direct Impacts Model to include the most recent population projections from DOF, published in April 2025. CalRecycle previously estimated the total direct cost of implementing the regulations to be \$21,019,959,079 in the estimate submitted to DOF. Updating the economic impact analysis increased the total direct cost estimate to \$21,071,298,874, an increase of approximately \$59 million, which represents a percentage increase of only 0.28% in the cost estimation. Using the most recent population projections resulted in an increase to the direct cost estimates for collection, sortation, and processing infrastructure, but did not impact any of the other direct cost categories. CalRecycle's benefits estimate was also not impacted by using the most recent population projections. The revised calculations adjusted the net impact figure by only -0.18%. This change therefore does not materially alter the overall estimation of costs and benefits as projected by the economic analysis in the draft SRIA.

CalRecycle has also revised the analysis of the macroeconomic impacts of the proposed regulations to include the most recent economic forecast from DOF. In the SRIA, CalRecycle presents data for years when macroeconomic impacts are at their peak in order to show which year incurs the greatest impacts. In the previous version of the analysis, the peak year was 2030, in the current version of the analysis, the peak year is 2031. A summary of the changes to the macroeconomic impact analysis is described below. The new numbers suggest that the macroeconomic benefits may be higher than projected in the draft SRIA, which presents the more conservative estimate in the second column below.

	<b>2023 SRIA (Peak year 2030)</b>	<b>2025 SRIA (Peak year 2031)</b>
Employment	220,000 jobs (through 2034)	229,000 jobs (through 2034)
Output growth	\$8.3 billion	\$10.4 billion
Investment	\$952 million	\$1.1 billion
Personal income	\$3.1 billion	\$3.7 billion
Gross State Product	\$4.5 billion	\$5.5 billion

The adjustments to the macroeconomic benefits estimates do not affect the core analysis of the direct economic impacts in the SRIA.

**DOF Comment #4:**

*Additionally, the revised SRIA's total costs and benefits include estimates for previous fiscal years even though the proposed regulations have not been adopted yet.*

**CalRecycle Response:**

For Extended Producer Responsibility (EPR) programs, unlike other regulatory programs, costs incurred prior to regulation adoption are billed to the Producer Responsibility Organization (PRO) after the regulations are in place and program implementation has begun and are therefore ultimately borne by industry. CalRecycle includes estimates in previous fiscal years in the economic impact analysis for program set up costs to establish and develop the program at CalRecycle and develop the implementing regulations. These costs are incurred during FY 2023–25. Costs including CalRecycle staff, Needs Assessment and California Environmental Quality Act (CEQA) contracts, and administrative overhead are shown for these years because they were incurred in these years. PRC Section 42053.5(b) contemplates the need for pre-implementation funding via a loan. Through a Budget Change Proposal (BCP) CalRecycle borrowed the pre-implementation costs from the Beverage Container Recycling Fund which will ultimately be reimbursed by the PRO. PRC Section 42053.5(a)(1) requires the PRO to cover CalRecycle's full costs of implementing and enforcing this chapter, including the actual and reasonable costs associated with regulatory activities pursuant to this chapter before submission of producer responsibility plan. None of these costs have yet been reimbursed by the PRO.

### COST IMPACTS TO REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Compliance with the proposed regulations will increase costs for producers because single-use packaging and plastic single-use food service ware will be required to use materials that are recyclable, compostable, or reusable and may be more expensive than the traditional, very inexpensive materials widely used currently. The need to avoid design characteristics, such as those related to component sizes, inks, or adhesives, that make sorting and recycling more difficult may also result in increased manufacturing costs.

Producers and non-producers may incur costs related to documenting that certain materials comply with the Act's requirements. For example, producers of covered material claimed to be recyclable or compostable may incur costs to establish that the material meets applicable technical standards. Manufacturers,

distributors, and sellers of packaging or food service ware claimed to be reusable or refillable may incur costs to establish that their products satisfy the criteria for being considered not "single-use." Producers may incur costs related to source reduction, such as the cost of obtaining validation from a third party of post-consumer recycled content or the cost of shifting to non-plastic materials.

Producers, through a PRO or otherwise, may also incur costs related to establishing alternative collection systems, establishing, and expanding recycling infrastructure, developing new materials and technologies, and establishing infrastructure for the convenient and safe reuse and refill of packaging or food service ware.

Producers that participate in a PRO plan will pay fees directly to the PRO according to the fee schedule established by the PRO, and the PRO will pay the circular economy administrative fee to CalRecycle. Producers, through the PRO or otherwise, will also pay annual environmental mitigation surcharges to the California Department of Tax and Fee Administration. Producers and the PRO will also incur costs related to developing and maintaining plans, record keeping, and annual reporting.

Local jurisdictions or recycling service providers may incur costs related to expanding the types of covered material included in their collection and recycling programs.

CalRecycle estimates the direct cost per household after full implementation of these regulations could potentially reach \$190 annually, the direct cost for a large producer to potentially reach \$457,114 annually, and the direct cost for businesses that are not producers but sell covered material to potentially reach \$4,806 annually.<sup>1</sup> The estimated costs to individuals in this analysis includes many assumptions regarding factors that will affect the actual, realized impacts to individuals, most notably decisions by the PRO and producers regarding their compliance pathways, as well as individual consumer decisions. These decisions may result in the actual impacts on individuals potentially being different from the estimates presented here.

### BUSINESS REPORT

The proposed regulations address reporting requirements under sections 42051.3, 42052, and 42057 of the PRC and implement a reporting system that producers

<sup>1</sup> With the updated forecasts incorporated into the Direct Impacts Model (see response to DOF Comment #3), the estimates shift slightly to \$191 annually for the direct cost per household, \$458,396 annually for the direct cost for a large producer, and \$4,820 annually for the direct cost for businesses that are not producers. These represent adjustments to the estimates in the range of 0.3–0.5%.

and the PRO must use to report certain information to CalRecycle. The reporting requirements apply to businesses. The proposed regulations specify the data that the PRO, producers participating in the PRO, and producers complying independently of a PRO are required to report. By specifying the reporting requirements, the proposed regulations implement specific statutory requirements and enable CalRecycle to provide necessary program oversight and ensure progress towards meeting statutory goals. The proposed regulations satisfy the requirement stated in Government Code Section 11346.3(d) that it is necessary for the health, safety, and welfare of the people of the state that the regulations apply to businesses.

#### DETERMINATION OF EFFECT ON SMALL BUSINESS

CalRecycle has determined that the proposed regulations will affect small businesses. CalRecycle has estimated that 58% of businesses impacted by the proposed regulations are considered small businesses. Small businesses that meet the definition of producer pursuant to section 42041(w) of the PRC, may be considered small producers, wholesalers, or retailers by the Act if in the most recent calendar year they had gross sales of less than one million dollars (\$1,000,000) in the state. The Act authorizes CalRecycle to develop a process to exempt these entities from most requirements of the Act. Producers of covered material granted an exemption will be considered “small producers,” will be exempt from the requirements of the Act other than the restrictions in section 42050(b) of the PRC, and will incur an annual cost of approximately \$155 for record keeping and preparation of exemption applications.<sup>2</sup> Small businesses that meet the definition of producer per section 42041(w) of the PRC but are denied an exemption based on a determination by CalRecycle will need to join an approved PRO or satisfy their legal obligations independently.

CalRecycle expects small businesses to benefit from increased revenue from the sale of products made from recycled material. Additionally, less effort will be needed to review recyclability claims of packaging, and there will be an increased ease of providing product packaging to fit consumer demand. There will also be a reduction in the cost of disposal services as more recyclable material is generated. However, the reduction in disposal costs may shift to recycling services as materials shift to recycling and composting collection streams.

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<sup>2</sup> The updated forecasts incorporated into the Direct Impacts Model (see response to DOF Comment #3) do not change this number.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSONS

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

Csilla Richmond  
SB 54 Plastic Pollution Prevention and Packaging  
Producer Responsibility Act  
Permanent Regulations  
Department of Resources Recycling and  
Recovery, Regulations Unit  
1001 “I” St., MS-24B, Sacramento, CA 95814  
Phone: (916) 327-0089  
Email: [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov)

The backup contact person is:

Craig Castleton  
SB 54 Plastic Pollution Prevention and Packaging  
Producer Responsibility Act  
Permanent Regulations  
Department of Resources Recycling and  
Recovery, Regulations Unit  
1001 “I” St., MS-24B, Sacramento, CA 95814  
Phone: (916) 327-0089  
Email: [regulations@calrecycle.ca.gov](mailto:regulations@calrecycle.ca.gov)

#### AVAILABILITY STATEMENTS

##### Availability of Initial Statement of Reasons, Text of Proposed Regulations, Information Upon Which this Proposal is Based, and Rulemaking File

CalRecycle will have the entire rulemaking file, the express terms of the proposed regulations, and all information that provides the basis for the proposed action, available for public inspection and copying during normal business hours at the address provided above and on <https://calrecycle.ca.gov/Laws/Rulemaking/>. As of the date this Notice is published in the Notice

Register, the rulemaking file consists of this Notice, the text of the proposed regulations, the Initial Statement of Reasons (ISOR), the documents relied upon for the proposed action, the Standardized Regulatory Impact Assessment, and the Economic and Fiscal Impact Statement. Copies may be obtained by contacting the contact persons at the address, email, or phone number listed above.

### Availability of Modified Text

CalRecycle may adopt the proposed regulations substantially as described in this Notice. If CalRecycle makes substantial changes to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least fifteen (15) days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the scheduled public hearing, all persons who submit a written comment at the scheduled public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for fifteen (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 request from the contact persons identified in this Notice or accessed through CalRecycle's website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

### INTERNET ACCESS

For more timely access to the rulemaking file, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle's Internet webpage for the rulemaking at <https://calrecycle.ca.gov/Laws/Rulemaking/>. All rulemaking files can be downloaded directly from the website.

## TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### AMENDMENT TO SECTION 25705(B) SPECIFIC REGULATORY LEVELS POSING NO SIGNIFICANT RISK: 1-BROMOPROPANE AND DIETHANOLAMINE (DERMAL)

Public Availability Date: August 22, 2025

Deadline for Public Comment: October 6, 2025

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to adopt a Proposition 65<sup>1</sup> No Significant Risk Level (NSRL) for 1-bromopropane, as well as a dermal NSRL for diethanolamine, by amending Title 27, California Code of Regulations, section 25705(b). OEHHA is proposing an NSRL of 54 micrograms per day for 1-bromopropane and an NSRL of 6.4 micrograms per day for diethanolamine (dermal). The latter does not apply to non-dermal routes of exposure.

### SUBMISSION OF PUBLIC COMMENTS

All written comments must be submitted to OEHHA by electronic submission, mail, or hand-delivery, on or before **October 6, 2025**, as indicated below. OEHHA strongly recommends that comments be submitted electronically through our website at <https://oehha.ca.gov/comments> rather than in paper form. Alternatively, comments can be submitted in paper form by mail or delivered in person, using the instructions below.

#### Electronic Submission (preferred):

Through OEHHA website at:  
<https://oehha.ca.gov/comments>

#### Mailed Submission:

Esther Barajas-Ochoa  
Office of Environmental Health Hazard Assessment  
P. O. Box 4010  
Sacramento, California 95812-4010

#### In-person delivery submission:

Attention: Esther Barajas-Ochoa

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65, is hereafter referred to as "Proposition 65" or "The Act." All further regulatory references are to sections of Title 27 of the Cal. Code of Regs., unless otherwise indicated.

Office of Environmental Health Hazard Assessment  
1001 I Street  
Sacramento, California 95814

OEHHA encourages all commenters to submit their comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.0 and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology and those with visual impairments are able to listen to them.<sup>2</sup>

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

Although OEHHA requests that you provide your name and affiliation (if any) when making comments, you may still comment anonymously. OEHHA will accept and consider anonymous comments to the same extent as any other comments.

Inquiries concerning the action described in this notice may be directed to Esther Barajas-Ochoa, in writing at the address given above, by email at [esther.barajas-ochoa@oehha.ca.gov](mailto:esther.barajas-ochoa@oehha.ca.gov), or by telephone at: 916-445-6900.

## PUBLIC HEARING

A public hearing on these proposed regulatory amendments will only be scheduled upon request. Any interested person or their authorized representative may request a public hearing. To request a hearing, send an email to Esther Barajas-Ochoa at [esther.barajas-ochoa@oehha.ca.gov](mailto:esther.barajas-ochoa@oehha.ca.gov) or letter to the address listed above by no later than **September 22, 2025**. If one is scheduled, OEHHA will mail a notice of the hearing to the requester, interested parties on the Proposition 65 mailing list for regulatory public hearings, and anyone who has commented on this rulemaking. The notice will also be posted on the OEHHA website at least ten days before the public hearing date. The notice will provide the date, time, and instructions for participating in the hearing.

## CONTACT

Please direct inquiries concerning the proposed regulatory actions described in this notice to Esther Barajas-Ochoa at (916) 445-6900, or by email to [esther.barajas-ochoa@oehha.ca.gov](mailto:esther.barajas-ochoa@oehha.ca.gov). Corey N. Friedman is a back-up contact person for inquiries con-

<sup>2</sup> See <https://www.w3.org/WAI/standards-guidelines/wcag/>.

cerning this action and is available at (916) 323-2635 or [corey.friedman@oehha.ca.gov](mailto:corey.friedman@oehha.ca.gov).

## INFORMATIVE DIGEST

### Summary of Existing Laws and Regulations, Effect of Proposed Action, and Policy Statement

Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing any individual to a chemical that has been added to the Proposition 65 list for cancer or reproductive toxicity, without first giving clear and reasonable warning to such individual.<sup>3</sup> The Act also prohibits a business from knowingly discharging a listed chemical into water or onto or into land where such chemical passes or probably will pass into any source of drinking water.<sup>4</sup>

Diethanolamine was added to the Proposition 65 list as a carcinogen on June 22, 2012. 1-Bromopropane<sup>5</sup> was added to the Proposition 65 list as a carcinogen on August 5, 2016.

For carcinogens, an exemption from the warning requirement is provided by the Act when the exposure for which the person is responsible can be demonstrated to produce no significant risk.<sup>6</sup> A determination that a level of exposure poses no significant risk may be made utilizing regulations that have previously been adopted by OEHHA (Sections 25701–25721). Section 25701 describes alternative methods for making such a determination. Section 25705 states the “no significant risk” levels for certain listed chemicals. Daily exposure to a chemical at or below those levels “shall be deemed to pose no significant risk....”<sup>7</sup>

As the lead agency for Proposition 65, OEHHA may determine an NSRL based on its own risk assessment, conducted according to Section 25703 [Quantitative Risk Assessment], or a risk assessment reviewed by OEHHA and determined to be consistent with that section.<sup>8</sup>

Businesses are not required to rely on an NSRL to demonstrate that a product does not require a Proposition 65 warning, however. As stated in existing section 25701(a), “Nothing in this article shall preclude a person from using evidence, standards, risk assess-

<sup>3</sup> Health and Safety Code section 25249.6.

<sup>4</sup> Health and Safety Code section 25249.5.

<sup>5</sup> The chemical is also listed under Proposition 65 for reproductive toxicity. It was listed for developmental toxicity, male reproductive toxicity, and female reproductive toxicity on December 7, 2004.

<sup>6</sup> Health and Safety Code section 25249.10(c).

<sup>7</sup> Section 25705(a).

<sup>8</sup> Section 25705(b). An NSRL may also be promulgated “based on state or federal risk assessments,” under section 25705(c), or “by the lead agency using an expedited method,” under section 25705(d).

ment methodologies, principles, assumptions or levels not described in this article to establish that a level of exposure to a listed chemical poses no significant risk.” Thus, an NSRL does not create a requirement or a mandatory threshold; rather, it allows businesses to rely on the NSRL instead of developing their own analysis. This eases compliance for regulated businesses.

This proposed amendment would add NSRLs for 1-bromopropane and diethanolamine (dermal) by amending Section 25705(b) as follows (additions in *underline*):

...

### Section 25705(b)

(1) The following levels based on risk assessments conducted or reviewed by the lead agency shall be deemed to pose no significant risk:

Chemical name	Level (micrograms per day)
Acrylonitrile	0.7
...	
<u>1-Bromopropane</u>	<u>54</u>
...	
Diethanolamine	6.4 (dermal)
...	

The proposed NSRL for 1-bromopropane is 54 micrograms per day ( $\mu\text{g}/\text{day}$ ). This proposed NSRL is based on the cancer potency value developed by OEHHA in “1-Bromopropane Cancer Inhalation Unit Risk Factor. Technical Support Document for Cancer Potency Factors, Appendix B” (OEHHA 2022). The cancer potency value was derived based on a carcinogenicity study in rodents using methods consistent with those described in Section 25703.

The proposed NSRL for dermal exposures to diethanolamine is 6.4  $\mu\text{g}/\text{day}$ . This proposed NSRL is based on a carcinogenicity study in rodents and was derived using the methods described in Section 25703. This NSRL does not apply to non-dermal routes of exposure.

The purpose of the amendment concerning 1-bromopropane is to adopt an NSRL which conforms with the Proposition 65 implementing regulations and reflects the currently available scientific knowledge about the chemical. The same is true for the amendment concerning dermal exposure to diethanolamine.

Both amendments are necessary to assist businesses who would prefer to rely on OEHHA’s analysis rather than calculating their own NSRLs for 1-bromopropane and/or diethanolamine. This rulemaking provides assurance to the regulated community that exposures at or below the proposed NSRLs are not considered to pose a significant risk of cancer. This amendment is needed to convey that in-

formation to the public and the regulated population. This amendment also eases compliance for business, furthering the right-to-know and public health purposes of Proposition 65.

Details on the basis for the proposed NSRLs are provided in the Initial Statement of Reasons for this regulatory amendment, which is available on request from Esther Barajas-Ochoa, whose contact information is listed above, and will be posted on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

### Anticipated Benefits of the Proposed Regulation

Regulated businesses that choose to rely on the NSRLs will have an easier time determining if their products expose people to a level of 1-bromopropane or diethanolamine that poses no significant risk of cancer. This will ease compliance, reducing the likelihood of over-warning and furthering the right-to-know purposes of the statute, which promotes Californians’ health and safety. In addition, the NSRL does not require, but may encourage, businesses to reduce exposures to the listed chemical to a level that does not cause a significant risk, thereby providing a public health benefit to Californians.

### No Inconsistency or Incompatibility with Existing Laws and Regulations

This proposal, if enacted, will be the only provision dealing with Proposition 65 No Significant Risk Levels for these specific chemicals. Therefore, OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations or laws. The proposed regulation does not impose any mandatory requirements on businesses or on state or local agencies and does not address compliance with any legal requirements other than Proposition 65 and its implementing regulations.

Proposition 65 is a California state law; there are no comparable federal regulations or statutes.

### AUTHORITY

Section 25249.12, Health and Safety Code.

### REFERENCE

Sections 25249.5, 25249.6, 25249.9, 25249.10, 25249.11 and 57004, Health and Safety Code.

### RESULTS OF ECONOMIC IMPACT ANALYSIS

#### (Gov. Code section 11346.3(b))

No monetary costs have been estimated for this proposal. An NSRL is not a mandatory limit and does not create a threshold above which warnings are always mandated. Regardless of this rulemaking package, the standard for when a warning is required for

either 1-bromopropane or diethanolamine remains the same: no warning is needed if “the person responsible can show that the exposure poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer...” (Health & Safety Code, §25249.10(c).) Businesses are not required to rely on an NSRL to demonstrate this and are still free to conduct their own analysis.

This regulatory proposal will not affect the creation or elimination of jobs within the State of California. The proposal will also not affect the creation or elimination or expansion of business within the State of California.

Benefits of the proposal are discussed above. By easing compliance with Proposition 65 and furthering the right-to-know purposes of that Act, the proposal will benefit the health and welfare of California residents and worker safety.

#### **NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE**

Because the proposed regulatory levels provide compliance assistance to businesses subject to Proposition 65, but do not impose any mandatory requirements on those businesses, OEHHA has made an initial determination that the adoption of the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### **COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES**

The proposed NSRLs were developed to provide compliance assistance for businesses. Use of the NSRLs is not mandatory. No costs are anticipated, because no representative person or business is required to take any action as a result of this proposal.

#### **EFFECT ON SMALL BUSINESSES**

Small businesses will not be required to take any action as a result of this rulemaking. Additionally, Proposition 65 is limited by its terms to businesses with 10 or more employees.<sup>9</sup>

#### **CONSIDERATION OF ALTERNATIVES**

Under Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alterna-

tive considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the proposals described in this Notice.

#### **EFFECT ON HOUSING COSTS**

OEHHA has determined that the proposed regulatory actions will have no effect on housing costs. The proposal provides compliance assistance to businesses subject to Proposition 65 but does not impose any mandatory requirements on those businesses.

#### **PEER REVIEW**

This notice, the proposed regulatory changes, and the Initial Statement of Reasons are being provided to the OEHHA Science Advisory Board’s Carcinogen Identification Committee for review and comment.<sup>10</sup>

#### **LOCAL AGENCIES AND SCHOOL DISTRICTS**

Because Proposition 65 does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory actions would not impose a mandate on local agencies or school districts; nor does it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.<sup>11</sup>

OEHHA has also determined that no other nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

#### **COSTS OR SAVINGS TO STATE AGENCIES**

Because Proposition 65 expressly does not apply to any State agency, OEHHA has determined that no savings or increased costs to any State agency will result from the proposed regulatory actions.<sup>12</sup>

<sup>10</sup> Section 25701(e); Health and Safety Code section 57004.

<sup>11</sup> See Health and Safety Code section 25249.11(b).

<sup>12</sup> See Health and Safety Code section 25249.11(b).

<sup>9</sup> Health and Safety Code section 25249.11(b).

EFFECT ON FEDERAL  
FUNDING TO THE STATE

OEHHA has determined that no costs or savings in federal funding to the State will result from the proposed regulatory actions.

AVAILABILITY OF STATEMENT OF  
REASONS AND TEXT OF  
PROPOSED REGULATIONS

OEHHA has prepared and has made available for public review an Initial Statement of Reasons for the regulation, all the information upon which the regulation is based, and the text of the regulation. A copy of the Initial Statement of Reasons, the text of the regulation and the documents relied on to develop the proposed regulation are available upon request from OEHHA at the address and telephone number indicated above. These documents are also posted on OEHHA's website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

AVAILABILITY OF CHANGED OR  
MODIFIED TEXT

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

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons for this regulatory action may be obtained, when it becomes available, from OEHHA at the address and telephone number indicated above, and on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov).

GENERAL PUBLIC INTEREST

ENVIRONMENTAL  
PROTECTION AGENCY

UNIFIED PROGRAM STATE  
SURCHARGE ADJUSTMENT

**Notice is hereby given** that the Secretary for the California Environmental Protection Agency (CalEPA) is adjusting the Unified Program state surcharge according to the California Health and Safety Code, Division 20, Chapter 6.11, section 25404.5(b), and the California Code of Regulations, Title 27, Division 1, Subdivision 4, Chapter 1, Section 15240.

The Unified Program State Surcharge is an assessment on each entity regulated under the Unified Program and funds the necessary and reasonable costs of all state agencies responsible for program implementation, ongoing maintenance and oversight of the Unified Program. A decrease to the Oversight portion of the Unified Program State Surcharge is necessary as the initial cost for California Environmental Reporting System (CERS) NextGen Project development has been collected.

The Oversight portion of the State Surcharge is decreased by \$15, lowering the surcharge from the current \$94 to \$79 per regulated business annually.

On July 11, 2025, CalEPA publicly noticed the State Surcharge Adjustment in the California Regulatory Notice Register (Z-Register) for a 30-day comment period. CalEPA received no comments and is proceeding with the proposed state surcharges adjustment.

The revised State Surcharge is considered effective immediately upon final publication in the California Regulatory Notice Register.

DEPARTMENT OF SOCIAL SERVICES

NOTICE TO INTERESTED PARTIES

The California Department of Social Services (CDSS) is required by federal law to submit an updated State Plan for the Temporary Assistance to Needy Families program. Notice is hereby given that a copy of California's proposed updated plan is available upon request for public review and comment.

Copies of the proposed State Plan are available from the office listed below. Comments relating to the proposed plan may be submitted in writing to the address/number listed below. All comments must be received no later than **October 6, 2025**.

CONTACT

Mx. J.R. Colmenero  
CalWORKs Engagement Bureau  
TANF State Plan Renewal  
California Department of Social Services  
744 "P" Street, MS 8-8-33  
Sacramento, CA 95814  
[Jr.colmenero@dss.ca.gov](mailto:Jr.colmenero@dss.ca.gov)

**RULEMAKING  
PETITION DECISION**

**BUREAU OF SECURITY AND  
INVESTIGATIVE SERVICES**

August 7, 2025  
Antonio Salguero  
Chief Executive Officer  
Atlas Defense Group, Inc.  
8334 Clairemont Messa Blvd., Unit 101 #1031  
San Diego, CA 92111

**RE: Petition to Amend Bureau of Security  
and Investigative Services (BSIS or Bureau)  
Regulations 631 and 633 Pursuant to Govern-  
ment Code section 11340.6**

Dear Mr. Salguero,

This is in response to your letter received by the Bureau on July 10, 2025, wherein you request amendments to Title 16, California Code of Regulations (CCR), Sections section 631, subdivision (b), and section 633, subdivisions (a), (b)(8), pursuant to Government Code Section 11340.6.

Consistent with the provisions of Government Code Section 11340.7, subdivision (a), this letter is to advise you that the Bureau has denied your request to notice amendment to section 631, subdivision (b), and section 633, subdivisions (a), (b)(8).

**Petition Number 1**

Petition Number 1 requests the Bureau clarify its definition of "firearm." The Bureau shall immediately cease interpreting the term "firearm" as meaning only "handgun" in the context of the Exposed Firearms permit. The Bureau shall comply with the definition of "firearm" set forth in the Penal Code § 16520, which lawfully includes handguns, rifles, shotguns, and other qualified platforms. Any regulatory enforcement or training restriction that excludes lawful firearm types absent statutory authority constitutes a violation of the California Administrative Procedure Act (APA) and exceeds the Bureau's regulatory scope.

**Discussion**

The Bureau disagrees with the stated opinion that any regulatory enforcement or training restriction that excludes lawful firearm types as set forth in Penal Code 16520 constitutes a violation of the California APA.

Existing law prohibits the permitholder from carrying calibers not approved by the Bureau (Bus. & Prof. Code, section 7583.37, subdivision (b)(6)). The specific calibers were selected as they are the most commonly used calibers for private security professionals and those seeking a BSIS firearms permit. This list includes both revolver and semi-automatic handgun calibers, all of which are widely available and enable applicants and permitholders to complete the firearms training and range qualifications in accordance with existing laws and regulations. Providing a list of approved calibers reduces confusion and ensures that permitholders are qualifying with and carrying appropriate firearms while performing private security services. Furthermore, as provided for in page 5 of the Final Statement of Reasons in the Bureau's Power to Arrest and Appropriate Use of Force Training 2023 Rulemaking<sup>1</sup> (hereinafter, PTA FSOR), long guns such as rifles and shotguns have been used for distance shooting, and because security personnel are confronted with situations that typically involve altercations at 7–10 feet, handguns are more appropriate for the security profession.

Petitioner's request to align its definition of firearm with the definition set forth in Penal Code section 16520 would essentially deviate from existing training standards and allow licensees to employ shotguns or other long guns and therefore ask the Bureau to further deviate from its statutory mandate to protect the public pursuant to Bus. & Prof. Code section 7581, subdivision (b) which states that the Director may adopt and enforce reasonable rules that are "necessary to promote and protect the public welfare."

**Decision**

For the reasons stated above, rulemaking petition Number 1 is denied.

**Petition Number 2**

Petition Number 2 requests the Bureau to repeal CCR §633(b)(8) in its entirety. The current regulations unlawfully limits the scope of calibers eligible for qualification, including the exclusion of lawful calibers such as 5.7×28mm, without statutory authority. Any limitation of caliber must be grounded in statutory language. The Bureau is required to comply with the lawful definition of "firearm" under Penal Code §16520 and allow qualification with any caliber law-

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<sup>1</sup> [https://www.bsis.ca.gov/about\\_us/laws/powertoarrest\\_fsr.pdf](https://www.bsis.ca.gov/about_us/laws/powertoarrest_fsr.pdf)

fully available in a handgun, rifle, or shotgun as authorized by California and federal law.

### Discussion

The Bureau disagrees with the petition to repeal CCR §633, subdivision (b)(8). Existing law prohibits the permitholder from carrying calibers not approved by the Bureau (Bus. & Prof. Code, section 7583.37, subdivision (b)(6)). The specific calibers were selected as they are the most commonly used calibers for private security professionals and those seeking a BSIS firearms permit. This list includes both revolver and semi-automatic handgun calibers, all of which are widely available and enable applicants and permitholders to complete the firearms training and range qualifications in accordance with existing laws and regulations. Providing a list of approved calibers reduces confusion and ensures that permitholders are qualifying with and carrying appropriate firearms while performing private security services. Furthermore, as provided for in the PTA FSOR at page 5, long guns such as rifles and shotguns have been used for distance shooting, and because security personnel are confronted with situations that typically involve alterations at 7–10 feet, handguns are more appropriate for the security profession.

Repealing CCR 633, subdivision (b)(8), would essentially deviate from existing training standards and allow licensees to employ shotguns and long guns and therefore ask the Bureau to further deviate from its statutory mandate to protect the public pursuant to Bus. & Prof. Code section 7581, subdivision (b), which states the Director may adopt and enforce reasonable rules that are “necessary to promote and protect the public welfare.”

### Decision

For the reasons stated above, rulemaking petition Number 2 is denied.

### Petition Number 3

Petition Number 3 requests the Bureau to amend CCR §633, subdivision (a) to remove the “traditional classroom instruction” requirement for deadly force training. The regulation shall instead allow remote, hybrid, or asynchronous digital instruction for the lecture portion of firearms training, provided the instructor is BSIS–certified and the training platform supports tracking of course completion. For the purpose of the petition, ‘hybrid instruction’ refers to a delivery model in which all lecture–based topics are taught remotely or online, while all firearm–handling, demonstrations, and live–fire qualifications remain strictly in–person. All in–person practical components, including live–fire qualification, shall remain subject to on–site instruction and demonstration at a BSIS–approved facility.

### Discussion

The Bureau disagrees with the petition to amend CCR §633, subdivision (a) to remove the “traditional classroom instruction” requirement for deadly force training. The Bureau recognizes that online training can be both beneficial and convenient for both students and training facilities; however, online training is not appropriate for the initial firearms training as the content of the firearms training needs to be taught using hands–on instruction techniques in order to maximize student safety and proficiency. Additionally, the review training in deadly force, the avoidance of deadly force and de–escalation of force needs to be taught using practical classroom instruction that includes class discussion. Petitioner’s request to remove “traditional classroom instruction” would jeopardize training standards and hamper the Bureau’s public protection mandate. This is also consistent with the legislature’s intent to require use of force training in–person in Bus. & Prof. Code section 7583.7. Bus. & Prof. Code section 7581, subdivision (b) states that the Director may adopt and enforce reasonable rules that are “necessary to promote and protect the public welfare.” Petitioner’s request to amend CCR §633 is wholly inconsistent with the Bureau’s mandate of Bus. & Prof. Code section 7581 in protecting the public.

### Decision

For the reasons stated above, rulemaking petition Number 3 is denied.

### Petition Number 4

Petition Number 4 requests the Bureau to adopt a “Modular Weapon–Platform–Based Firearms Training Manual and Qualifications Courses of Fire” and revise its Firearms Training Manual to implement a modular format consisting of two components: a universal legal core and platform–specific technical instruction. Each firearm platform (handgun, rifle, shotgun, precision rifle) shall have its own lecture and qualification standard integrated into this modular structure.

### Discussion

Pursuant to Business and Professions Code, section 7585, subdivision (b), “The bureau’s development, adoption, amendment, or repeal of the Firearms Training Manual is exempt from the requirements of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).” The Bureau’s training manual is therefore exempt from the APA.

Furthermore, the Bureau declines to amend its regulations as requested in Petition requests Number 1 and 2 for the reasons stated above. Therefore, the requested shotgun and rifle modules are not necessary.

Finally, implementation of Petition Number 4 would create a significant fiscal impact to the Bureau by re-

quiring the addition of licensing and enforcement staff. As the Bureau is a special fund agency, adoption of this petition would require fee increases, creating further barriers to licensure.

#### **Decision**

For the reasons stated above, rulemaking petition Number 4 is denied.

#### **Petition Number 5**

As outlined in the Petition, the fifth request is divided into subdivisions 1, 2 and 3. For clarity, they will be referred to herein as “5(A)”, “5(B)” and “5(C)”.

#### **Petition 5(A)**

Petition Number 5(A) proposes that Firearm Instructors be certified only for those weapon-platforms — handgun, rifle, shotgun, or precision rifle for which they have successfully completed an instructor-level certification course issued by the National Rifle Association Law Enforcement Division, or a recognized federal, state or local agency, as authorized under BPC §7585 5(b)(2).

#### **Discussion**

Petition Number 5(A) is wholly dependent upon the Bureau adopting Petition Number 1 and 2, above. For the reasons cited above, the Bureau denies Petition requests 1 and 2. As the Bureau has denied Petition request Number 1 and 2, Petition 5(A) are not necessary.

Finally, implementation of Petition 5(A) would create a significant fiscal impact to the Bureau by requiring the addition of licensing and enforcement staff. As the Bureau is a special fund agency, adoption of this petition would require fee increases, creating further barriers to licensure.

#### **Decision**

For the reasons stated above, rulemaking petition Number 5(A) is denied.

#### **Petition 5(B)**

Petition 5(B) proposes that instructors must upload supporting documentation during each renewal cycle showing at least 24 hours of continual professional development relevant to firearms instruction, and that failure to upload valid documentation shall result in automatic suspension at the time of expiration.

#### **Discussion**

There is no authority in statute to adopt a continuing education requirement for instructors. When pursuing a rulemaking, an agency must satisfy the “clarity” requirement of the APA. Government Code section 11349, subdivision (c) defines “Clarity” as “written or displayed so that the meaning of regulations will be easily understood by those persons directly affected them.” It is unclear in the proposed language (and elsewhere in the petition) which Business and Professions code sections are intended to be “cited” in this regulation.

Finally, implementation of Petition 5(B) would create a significant fiscal impact to the Bureau by requiring the addition of licensing and enforcement staff. As the Bureau is a special fund agency, adoption of this petition would require fee increases, creating further barriers to licensure.

#### **Decision**

For the reasons stated above, rulemaking petition Number 5(B) is denied.

#### **Petition 5(C)**

Petition 5(C) proposes the Bureau maintain a registry of platform-specific instructor certifications, including effective dates and compliance with ongoing training requirements. Instructors found noncompliance shall be suspended from instructing until brought into compliance through recertification or supplementary training.

#### **Discussion**

Petition Number 5(C) is wholly dependent upon the Bureau adopting Petition Number 1, 2 and 5(B), above. For the reasons cited above, the Bureau denies Petition requests 1,2 and 5(B). As the Bureau has denied Petition request Number 1,2, and 5(B), Petition 5(C) is not necessary.

Moreover, there is no authority in statute to adopt a regulation requiring the Bureau to maintain a registry of platform-specific instructor certifications. When pursuing a rulemaking, an agency must satisfy the “clarity” requirement of the APA. Government Code section 11349, subdivision (c) defines “Clarity” as “written or displayed so that the meaning of regulations will be easily understood by those persons directly affected them.” It is unclear in the proposed language (and elsewhere in the petition) which Business and Professions code sections are intended to be “cited” in this regulation.

Finally, implementation of Petition 5(C) would create a significant fiscal impact to the Bureau by requiring the addition of licensing and enforcement staff. As the Bureau is a special fund agency, adoption of this petition would require fee increases, creating further barriers to licensure.

#### **Decision**

For the reasons stated above, rulemaking Number 5(C) is denied.

Sincerely,

/s/

LYNNE JENSEN, Chief

Bureau of Security and Investigative Services

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Housing and Community  
Development

File # 2025-0717-02

Mobilehome Residency Law Protection Program —  
Certificate of Compliance

This certificate of compliance rulemaking action by the Department of Housing and Community Development (Department) makes permanent OAL Matter Nos. 2024-0731-02E, 2025-0113-01EE, and 2025-0402-02EE. These actions repealed the requirement that the Department use a request-for-proposals process to contract with one or more nonprofit legal services providers to provide legal advice and representation to mobilehome residents concerning alleged Mobilehome Residency Law violations. The amended regulation provides that the Department may award contracts in compliance with California public contracting requirements, as applicable, and the Mobilehome Residency Law Protection Act.

Title 25

Amend: 4916

Filed 08/11/2025

Effective 08/11/2025

Agency Contact: Jenna Kline (916) 841-5286

Department of Transportation

File # 2025-0625-03

State Route 710 Sales Program

This action by the Department of Transportation makes permanent OAL File Nos. 2021-1201-01ER, 2022-0328-02E, and 2023-0622-01E, which amended the regulations governing the sales process for properties covered by the State Route 710 Sales Program in the City of Los Angeles, City of Pasadena, and City of South Pasadena, and updated general sales requirements applicable to the State Route 710 Sales Program.

Title 21

Adopt: 1475, 1476, 1477, 1477.1, 1477.2, 1477.3, 1477.4, 1478, 1479, 1480, 1481, 1481.1, 1481.2, 1481.3, 1481.4, 1482, 1483, 1483.1, 1484, 1484.1, 1484.2, 1485, 1485.1, 1486, 1487, 1489, 1490, 1490.2, 1491

Amend: 1478.2 (renumbered to 1484.2)

Repeal: 1475, 1476, 1477, 1478, 1478.1, 1479, 1480, 1481, 1482, 1483, 1484, 1484.3, 1485, 1486, 1487, 1488, 1489, 1490, 1491

Filed 08/07/2025

Effective 08/07/2025

Agency Contact: Carolyn Dabney (916) 716-7808

Department of Resources Recycling and Recovery

File # 2025-0731-01

AB 1311 Bag Drop Emergency Regulations

This emergency action by the Department of Resources Recycling and Recovery (Department) provides general requirements and a certification process for a bag drop or mobile recycling center to accept empty beverage containers in the manner prescribed by existing regulations governing other recycling centers, with some variances. This action implements Assembly Bill 1311 (Chapter 506, Statutes of 2021) which allows bag drop recycling centers to use electronic and delayed payments. This action is a deemed emergency and shall remain in effect until revised by the Department pursuant to Public Resources Code §14536.

Title 14

Adopt: 2047, 2500.2, 2500.3, 2500.5

Amend: 2000, 2045, 2060, 2500, 2505, 2525, 2535

Filed 08/11/2025

Effective 08/11/2025

Agency Contact: Emma Cervantes (916) 341-6274

Department of Resources Recycling and Recovery

File # 2025-0801-01

Illegal Disposal Emergency Regulations

This emergency readoption defines Land Application Activities, places these activities within CalRecycle's Compostable Material Handling Facilities and Operations Regulatory Tiers, and subject these activities to the appropriate operator filing requirements, state minimum standards, record keeping, and Enforcement Agency (EA) inspection requirements. It also amends sampling and record keeping requirements for solid waste facilities, operations, and activities to ensure that any facility and operation sending material to a location to be land applied are sampling to ensure the material is suitable for land application and the sampling test results, weights, and end destination for each load sent offsite are included in the operator records. (See OAL Matter Number 2025-0204-01E.)

**Title 14**

Adopt: 17410.5, 17862.3, 17868.6, 17896.62  
Amend: 17402, 17414, 17414.2, 17852, 17854.1,  
17869, 17896.45, 18302, 18303, 18304, 18304.1

Filed 08/11/2025

Effective 08/14/2025

Agency Contact: Emma Cervantes (916) 341-6274

**California Energy Commission**

File # 2025-0630-01

**Appliance Efficiency Regulations**

This action, submitted as without regulatory effect, (1) adds version dates to existing California Code of Regulations cross-references to federal appliance test methods found in the Code of Federal Regulations (CFR); and (2) updates outdated appliance performance standards to align with the current CFR.

**Title 20**

Amend: 1604, 1605.1

Filed 08/12/2025

Agency Contact: Ross Daley (916) 980-7949

**California Health Facilities Financing Authority**

File # 2025-0701-01

**Lifeline Grant Program**

This nonsubstantive action by the California Health Faculties Financing Authority (“CHFFA”) repeals the Lifeline Grant Program regulations contained in chapter 6 (commencing with section 7213) of division 10 of title 4 of the California Code of Regulations (“CCR”). The Lifeline Grant Program regulations implemented the Clinic Lifeline Act of 2017 enacted through Government Code section 15438.11, which has since been repealed as of January 1, 2023.

**Title 14**

Repeal: 7213, 7214, 7215, 7216, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7227, 7228, 7229  
Filed 08/13/2025

Agency Contact: Joan Regeleski (916) 653-3390

**Board of Barbering and Cosmetology**

File # 2025-0625-02

**SB 1451 Hairstylist Licensing Fees**

This regular rulemaking action by the Board of Barbering and Cosmetology sets the amounts for fees pertaining to licensure as a hairstylist.

**Title 16**

Amend: 998  
Filed 08/07/2025  
Effective 10/01/2025  
Agency Contact: Jennifer Huetter (279) 278-5089

**California Architects Board**

File # 2025-0626-04

**License Certification Fee**

In this action, the California Architects Board adopted a fee for license certifications.

**Title 16**

Amend: 144  
Filed 08/06/2025  
Effective 10/01/2025  
Agency Contact: Timothy Rodda (279) 895-1246

**Department of Pesticide Regulation**

File # 2025-0716-02

**Addition of Chitosan to List of Active Ingredients Allowed in Exempted Minimum Risk Pesticides**

In this action, the Department of Pesticide Regulation added chitosan to the list of active ingredients permitted in exempted pesticide products.

**Title 03**

Amend: 6147  
Filed 08/13/2025  
Effective 08/13/2025  
Agency Contact: Lauren Otani (916) 445-5781

**Fish and Game Commission**

File # 2025-0701-03

**Wildlife Rehabilitation**

In this rulemaking action, the Commission updates its regulations related to wildlife rehabilitation. It repeals its existing regulation for possession of wildlife and wildlife rehabilitation and adopts a series of new sections. The adoptions address transportation and confinement of live wildlife, issuance and revocation of permits for wildlife rehabilitation, facility and enclosure standards, humane care standards, release of rehabilitation animals to the wild, and inspection of facilities. The adoptions also address the seizure, transfer, euthanasia or release of wildlife rehabilitation animals.

Title 14

Adopt: 679.1, 679.2, 679.3, 679.4, 679.5, 679.6,  
679.7, 679.8, 679.9

Amend: 679, 703

Filed 08/13/2025

Effective 08/13/2025

Agency Contact: Jenn Bacon (916) 902-9285

**PRIOR REGULATORY  
DECISIONS AND CCR  
CHANGES FILED WITH THE  
SECRETARY OF STATE**

A quarterly index of regulatory decisions by the Office of Administrative Law (OAL) is provided in the California Regulatory Notice Register in the volume published by the second Friday in January, April, July, and October following the end of the preceding quarter. For additional information on actions taken by OAL, please visit [oal.ca.gov](http://oal.ca.gov).