GAVIN NEWSOM, GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

California Regulatory Notice Register

REGISTER 2025, NUMBER 39–Z PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW SEPTEMBER 26, 2025

PROPOSED ACTION ON REGULATIONS

GENERAL PUBLIC INTEREST

(Continued on next page)

Time-Dated Material

DECISION NOT TO PROCEED

RULEMAKING PETITIONS DECISIONS

SUMMARY OF REGULATORY ACTIONS

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

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

PROPOSED ACTION ON REGULATIONS

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TITLE 10. BUREAU OF REAL ESTATE APPRAISERS

ALIGN APPRAISAL REVIEW REQUIREMENTS WITH USPAP

NOTICE IS HEREBY GIVEN that the Bureau of Real Estate Appraisers (hereafter "Bureau") is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Bureau at its office no later than November 10, 2025**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 11313 and 11314 of the Business and Professions Code (BPC), and to implement, interpret, or make specific Chapter 491 Statutes of 1991, Section 4; BPC section 11340(c); Section 1103 of Public Law 101–73 (12 USC 3301, etc.) Title XI (Real Estate Reform Amendment); and USPAP Ethics Provision, Record Keeping, the Bureau is considering amending section 3705 of title 10 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Bureau of Real Estate Appraisers (Bureau) licenses, regulates, and disciplines real estate appraisers, trainees, and registers appraisal management companies (AMC). In 1989, Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act ("FIRREA" 12 U.S.C. § 3331 et seq.) was adopted by Congress mandating states to license and certify real estate appraisers who appraise property for federally related transactions. The federal law was enacted as a result of the savings and loan disaster. In response to the federal mandate, the Real Estate Appraisers Licensing and Certification Law was enacted by the California Legislature in 1990 (AB 527, Chapter 491 of 1990) and the Bureau of Real Estate Appraisers ("Bureau") was later established within the Department of Consumer Affairs, a department within the Business, Consumer Services, and Housing Agency. The Bureau is charged with developing and implementing a real estate appraiser licensing and certification program compliant with the federal mandate. Section 4 of Stats.1990, chapter 491 (A.B.527), provides:

> "It is the intent of the Legislature in enacting this act to implement the policy of the Congress as expressed in the Financial Institutions Reform, Recovery and Enforcement Act of 1989, Public Law Number 101–73 (FIRREA), and to establish a state program to license and certify real estate appraisers." (see Bus. & Prof. Code, § 11300.)

The Appraisal Foundation's Appraisal Standards Board (ASB) is congressionally authorized under FIRREA to set the minimum standards for real estate appraisers, and as a result, the ASB establishes minimum standards for conduct and practice the Bureau must enforce. (Bus. and Prof. Code, § 11314; "*Requirements for each level of licensure shall, at a minimum, meet the criteria established by the Appraiser Qualification Board of the Appraisal Foundation";* and, *see also,* 12 U.S.C. § 323.4; and Cal. Code Regs., title 10, § 3500(b)(4)).

All of FIRREA (Title XI) and the ASB criteria are incorporated by reference into the Business and Professions Code and California Code of Regulations, as follows:

> "Notwithstanding any other provision of this code, except as provided in subdivision (b), the Uniform Standards of Professional Appraisal Practice constitute the minimum standard of conduct and performance for a licensee in any work or service performed that is addressed by those standards. If a licensee also is certified by the Board of Equalization, he or she shall follow

the standards established by the Board of Equalization when fulfilling his or her responsibilities for assessment purposes." (Bus. & Prof. Code, § 11319(a).)

"Uniform Standards of Professional Appraisal Practice; (USPAP)" means those standards as adopted by the Appraisal Standards Board of the Appraisal Foundation.*"* (Cal. Code Regs., title 10, § 3500(24).)

*"*Every holder of a license under this part shall conform to and observe the Uniform Standards of Professional Appraisal Practice (USPAP) and any subsequent amendments thereto as promulgated by the Appraisal Standards Board of The Appraisal Foundation which standards are herein incorporated into these regulations by reference as if fully set forth herein.*"* (Cal. Code Regs., title 10, § 3701.)

The Bureau's existing regulation at CCR section 3705 is based upon a prior edition of the USPAP Standards from 2016–17, which only cited to USPAP Standard Rule 3 ("Standard 3") since that rule contained all appraisal development and reporting requirements and was entitled "STANDARD 3: APPRAISAL REVIEW, DEVELOPMENT AND REPORTING".

However, as of January 1, 2018, the contents of USPAP Standard 3 were divided into both Standards 3 and 4 in the most recent edition of the USPAP.

An appraisal review involves both development and reporting (as specified in USPAP Standard 3) and the signature represents that the review appraiser accepts responsibility for, and has complied with, both the development and reporting standards of USPAP (as currently specified in both USPAP Standards 3 and 4). As a result, the Bureau proposes to update its regulations consistent with USPAP review appraisal requirements by retaining USPAP Standard 3, while adding a reference to USPAP Standard 4 in CCR section 3705(b). The Bureau would also make other technical and grammatical changes to the text in subsections (a) and (b) to allow for consistency in terminology, and to accommodate the addition of Standard 4 to the text of subsection (b).

Anticipated Benefits of Proposal

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The objective of this proposal is to ensure that the Bureau's regulations accurately reflect the review appraisal requirements for real estate appraisers in compliance with federal law and that minimum standards in appraisal review are met and consistently enforced for the overall protection of the public. This action also helps avoid licensee and staff confusion about whether the Bureau's review appraisal requirements are compliant with federal law. This action helps ensure governmental transparency, legal compliance, accuracy in the Bureau's operations and a well–informed public.

This regulatory proposal does not affect worker safety or the state's environment as it is not related to either of those issues.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The proposed regulations do not result in a fiscal impact to the state. This proposal conforms to the regulation regarding review appraisal requirements to current law and Bureau enforcement–related practices. The Bureau does not anticipate an additional workload or costs resulting from the proposed regulations.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement: None.

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

The Bureau has made the initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

This initial determination is based on the following facts:

The proposed regulatory changes are administrative in nature and ensure transparency, legal compliance, and accuracy in the Bureau's operations. This proposal conforms to the regulation regarding the USPAP appraisal review requirements to current law and Bureau enforcement–related practices. As a result, the Bureau does not anticipate that any businesses, in-

cluding any businesses employing real estate appraisers, would be impacted by what the Bureau considers to be "clean–up" changes to its current regulation.

Cost Impact on Representative Private Person or Business

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Bureau has determined that this regulatory proposal will not have any impact on the following:

1) the creation or elimination of jobs within the State,
2) the creation of new businesses or the elimination of existing businesses within the State, or,
3) the expansion of businesses currently doing business within the State.

This proposal would not have any of the above–referenced impacts as explained in the "Business Impact Estimates" section of this notice.

Benefits of Regulation

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents:

The objective of this proposal is to ensure that the Bureau's regulations accurately reflect the review appraisal requirements for real estate appraisers in compliance with federal law and that minimum standards in appraisal review are met and consistently enforced for the overall protection of the public. This action also helps avoid licensee and staff confusion about whether the Bureau's review appraisal requirements are compliant with federal law. This action helps ensure governmental transparency, legal compliance, accuracy in the Bureau's operations and a well–informed public.

This regulatory proposal does not affect worker safety or the State's environment as this proposal is not related to any of those issues.

Business Reporting Requirements

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

Effect on Small Business

The Bureau has determined that the proposed regulations will not affect small businesses as stated in the "Business Impact Estimates" section of this Notice. Any costs of compliance are a result of current law. This proposal simply conforms the regulation regarding review appraisal requirements to current law and Bureau enforcement practices and would not affect small businesses.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at 3075 Prospect Park Drive, Suite 190, Rancho Cordova, CA 95670 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau, at 3075 Prospect Park Drive, Suite 190, Rancho Cordova, CA 95670.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Bureau, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal, with the modifications clearly indicated, will be available for review and written comment for 15 days prior to its adoption from the persons designated in this Notice as the Contact Persons and will be mailed to those persons who submit written comments or oral testimony related to this proposal or

who have requested notification of any changes to the proposal.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the Final Statement of Reasons once it has been prepared by making a written request to the Contact Persons named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Christine Jacob, Attorney III
Address: Bureau of Real Estate Appraisers
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670.
Telephone Number: (916) 574–8014
Fax Number: (916) 464–0131
Email Address: regulations@brea.ca.gov

The backup contact person is:

Name: Tinna Morlatt, Deputy Bureau Chief of Enforcement
Address: Bureau of Real Estate Appraisers
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670.
Telephone Number: (916) 610–9893
Fax Number: (916) 464–0131
Email Address: regulations@brea.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Bureau's website at https://brea.ca.gov/html/rulemaking.html.

TITLES 13 AND 17. AIR RESOURCES BOARD

ON–ROAD HEAVY–DUTY ENGINE AND VEHICLE OMNIBUS, LOW CARBON FUEL STANDARD REGULATIONS, AND TO PERMANENTLY ADOPT THE EMERGENCY VEHICLE EMISSIONS REGULATIONS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving proposed amendments to the On–Road Heavy–Duty Engine and Vehicle Omnibus Regulation, the Low Carbon Fuel Standard (LCFS), and to propose permanently adopting the Emergency Vehicle Emissions Regulations that CARB previously noticed as an emergency rulemaking on September 15, 2025.

CARB is proposing these Omnibus amendments, LCFS amendments, and permanent adoption of its Emergency Vehicle Emissions Regulations together as one rulemaking for administrative efficiency, but the Omnibus and Associated Amendments, LCFS Amendments, and Emergency Vehicle Emissions Regulations are three separate regulatory items proposed for approval.

Date: November 20, 2025
Time: 9:00 a.m.

In–Person Location:

California Air Resources Board
Byron Sher Auditorium
1001 I Street, Sacramento, California 95814

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m. on November 21, 2025. Please consult the public agenda, which will be posted ten days before the November 20, 2025, Board Meeting, for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic

submittal before the hearing. The public comment period for this regulatory action will begin on September 26, 2025. Written comments not submitted during the hearing must be submitted on or after September 26, 2025, and received **no later than November 10, 2025.** Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff, in advance of the hearing, any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:

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

Electronic submittal:

https://ww2.arb.ca.gov/lispub/comm/bclist.php

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

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

AUTHORITY AND REFERENCES

The Omnibus regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38501, 38505, 38510, 38560, 38580, 39010, 39500, 39600, 39601, 39602.5, 39614, 39658, 39667, 40000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43154, 43200, 43200.1, 43204, 43205, 43205.5, 43211, 43212, 43214, and 43806; and California Vehicle Code section 28114. The Omnibus action is proposed to implement, interpret, and make specific sections 38501, 38505, 38510, 38560, 38580, 39010, 39500, 39600, 39601, 39602.5, 39614, 39658, 39667, 40000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43154, 43200, 43200.1, 43204, 43205, 43205.5, 43211, 43212, 43214, and 43806 of the California Health and Safety Code; and California Vehicle Code section 28114.

The LCFS regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38510, 38530, 38560, 38560.5, 38562.2, 38571, 38580, 39600, 39601, 41510, 41511, and 43018. The LCFS regulatory amendments are proposed to implement, interpret, and make specific sections 38501, 38510, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 41510, 41511, and 43000 of the Health and Safety Code; section 25000.5 of the Public Resources Code; 42 U.S.C. section 7545; *and Western Oil and Gas Ass'n v. Orange County Air Pollution Control District,* 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

The Emergency Vehicle Emissions regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38501, 38505, 38510, 38560, 39002, 39003, 39010, 39500, 39600, 39601, 39602.5, 39614, 39658, 39667, 40000, 43000.5, 43013, 43016, 43018, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43154, 43200, 43200.1, 43204, 43205, 43205.5, 43210, 43211, 43212, 43214, 43600 and 43806, and Vehicle Code sections 27156 and 28114. This action is proposed to implement, interpret, and make specific sections 38501, 38505, 38510, 38560, 38562, 38580, 39002, 39003, 39010, 39500, 39600, 39601, 39602.5, 39614, 39658, 39667, 40000, 43000, 43000.5, 43013, 43016, 43018, 43018.5, 43100, 43101, 43102, 43104, 43105, 43105.5, 43106, 43107, 43154, 43200, 43200.1, 43204, 43205, 43205.5, 43211, 43212, 43214, 43600 and 43806 of the California Health and Safety Code; and California Vehicle Code section 28114.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW
(Gov. Code, § 11346.5, subdivision (a)(3))

Sections Affected

Proposed amendments to California Code of Regulations, title 13, sections: 1900, 1956.8, 1961.2, 1961.3, 1962.2, 1962.3, 1965, 1968.2, 1968.5, 1969, 1971.1, 1971.5, 1976, 1978, 2035, 2036, 2037, 2038, 2039, 2040, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2121, 2123, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2137, 2139, 2139.5, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2166, 2166.1, 2167, 2168, 2169, 2169.1, 2169.2, 2169.3, 2169.4, 2169.5, 2169.6, 2169.7, 2169.8, 2170, 2317, 2423, 2485, and 2903.

Proposed adoption of new sections 1900.0.1, 1956.8.1, 1956.8.2, 1961.2.1, 1961.3.1, 1962.2.1, 1962.3.1, 1965.0.1, 1968.2.1, 1968.5.1, 1969.0.1, 1971.1.1, 1971.5.1, 1976.0.1, 1978.0.1, 2035.0.1, 2036.0.1, 2037.0.1, 2038.0.1, 2040.0.1, 2111.0.1,2112.0.1, 2113.0.1, 2114.0.1, 2115.0.1, 2116.0.1, 2117.0.1, 2118.0.1, 2119.0.1, 2121.0.1, 2123.0.1, 2125.0.1, 2126.0.1, 2127.0.1, 2128.0.1, 2129.0.1, 2130.0.1, 2131.0.1, 2133.0.1, 2137.0.1, 2139.0.1, 2140.0.1, 2141.0.1, 2142.0.1, 2143.0.1, 2144.0.1, 2145.0.1, 2146.0.1, 2147.0.1, 2148.0.1, 2149.0.1, 2317.0.1, 2423.0.1, 2485.0.1, 2903.0.1 in title 13 of the California Code of Regulations.

Proposed amendments to California Code of Regulations, title 17, sections 95300, 95301, 95302, 95303,

95304, 95305, 95306, 95307, 95308, 95309, 95310, 95311, 95312, 95481, 95488.8, 95660, 95661, 95662, and 95663, and 95664.

Proposed adoption of new sections 95300.0.1, 95301.0.1, 95302.0.1, 95303.0.1, 95304.0.1, 95305.0.1, 95306.0.1, 95307.0.1, 95308.0.1, 95309.0.1, 95310.0.1, 95311.0.1, 95312.0.1, 95660.0.1, 95661.0.1, 95662.0.1, 95663.0.1, and 95664.0.1.

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

See APPENDIX A: Documents Incorporated by Reference.

BACKGROUND AND EFFECT OF THE PROPOSED REGULATORY ACTIONS

Existing Omnibus Regulatory Requirements

On–road heavy–duty (HD) vehicles operate throughout California and are an essential part of the state's economy; they include long–haul trucks, drayage trucks, transit buses, refuse trucks, and other commercial work vehicles. According to California's emissions inventory model,[1] almost one million HD vehicles operate on California roads each year. These vehicles are significant sources of oxides of nitrogen (NOx), particulate matter (PM), and greenhouse gas emissions. In 2024, HD vehicles were the largest NOx emissions source category in the state, contributing 21% of all statewide NOx emissions.[2]

In March 2017, CARB adopted the 2016 State Strategy for the State Implementation Plan.[3] This document describes the measures needed to achieve the reductions necessary from mobile sources, fuels, and consumer products to meet federal ozone and PM with a diameter of 2.5 micrometers or less (PM2.5) standards over a 15–year period. The Low–NOx Engine Standard and parts of the Lower In–Use Emission Performance Level are two measures (known as the Omnibus regulation today) in the 2016 State Strategy for the State Implementation Plan. These measures were designed to introduce lower emissions engine technologies that will substantially reduce NOx emissions from new on–road HD vehicles and ensure that those HD vehicles continue to operate at their cleanest possible levels throughout their useful life (UL). The Heavy–Duty Engine and Vehicle Omnibus (Omnibus) regulation implements these two measures.

On September 9, 2021, the Board adopted the Omnibus regulation, which established more stringent emissions standards and test procedures for new 2024 and subsequent model year (MY) HD engines (HDE).[4] The NOx emission standard and associated requirements were designed to be implemented in three distinct steps, with the first step applying to 2024 through 2026 MY HDEs. Furthermore, the PM standard was reduced by 50%, from 0.01 to 0.005 grams per horsepower–hour, beginning with the 2024 MY. In the second step, more stringent emission standards and requirements were specified for 2027 through 2030 MY HDEs, along with an increase to the warranty and UL periods. In the final step, the UL and warranty periods were increased for 2031 and subsequent MYs, with the emissions standards being adjusted in accordance with the new UL periods. In addition to more stringent exhaust emissions standards, the Omnibus regulation also replaced the Not–to–Exceed in–use testing methodology with a more effective three–bin moving average window methodology.

Federal Action — Clean Trucks Plan Final Rule for Control of Air Pollution from New Motor Vehicles: Heavy–Duty Engine and Vehicle Standards

On January 24, 2023, U.S. EPA published the Clean Trucks Plan Final Rule for Control of Air Pollution from New Motor Vehicles: Heavy–Duty Engine and Vehicle Standards[5] (EPA–NOX rule) in the Federal Register. The EPA–NOx rule established more stringent criteria pollutant emissions standards for 2027 and later MY HDEs and contains many elements similar to CARB's Omnibus regulation.

Clean Truck Partnership

After the adoption of the EPA–NOx rule, many HDE manufacturers expressed concerns about the differences between the requirements in the Omnibus regulation and the EPA–NOx rule. The manufacturers expressed a strong desire for and interest in aligned standards — between California and U.S. EPA — for limiting criteria pollutant emissions from HD trucks. With a single national program, HDE manufacturers would be able to design and offer a single engine platform that could be certified by both CARB and U.S. EPA and offered to customers nationwide.

Discussions between CARB, HDE manufacturers, and the Truck and Engine Manufacturers Association

[1] CARB Emission FACtors (*EMFAC*) Model.

[2] Based on CARB's California Emission Projection Analysis Model (CEPAM), *CEPAM2019v1.04 — Standard Emission Tool.*

[3] CARB, *2016 State Strategy for the State Implementation Plan for Federal Ozone and PM2.5 Standards (State SIP Strategy).*

[4] CARB, Staff Report: Initial Statement of Reasons, *Public Hearing to Consider the Proposed Heavy–Duty Engine and Vehicle Omnibus Regulation and Associated Amendments,* August 27, 2020. The Omnibus regulation is comprised of elements of title 13, Cal. Code Regs., §§ 1900, 1956.8, 1961.2, 1965, 1968.2, 1971.1, 1971.5, 2035, 2036, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2121, 2123, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2137, 2139, 2139.5, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2166, 2166.1, 2167, 2168, 2169, 2169.1 through 2169.8, 2170, 2423, and 2485; and title 17 Cal. Code Regs. §§ 95662 and 95663.

[5] Final Rule: *Control of Air Pollution from New Motor Vehicles: Heavy–Duty Engine and Vehicle Standards,* United States Environmental Protection Agency, Federal Register Vol. 88, Number 15, January 24, 2023.

in early 2023 led to the signing of the Clean Truck Partnership (CTP) in July 2023.[6] Under the CTP, CARB agreed to propose amendments to the Omnibus regulation to address several industry concerns while aligning mostly with the various elements of the EPA–NOx rule for model year 2027 and subsequent. In return, certain manufacturers agreed to comply with the applicable requirements in California irrespective of the outcome of any litigation challenging the Omnibus regulation or of CARB's overall authority to implement these regulations.

In this rulemaking, CARB staff is proposing amendments to the Omnibus regulation to align with the EPA–NOx rule for model year 2027 and subsequent. This proposal fulfills CARB's promise to propose amendments to the Omnibus regulation under the Clean Truck Partnership. These proposed amendments to the California Code of Regulations do not implicate questions, raised in separate litigation, about whether the Omnibus regulation is enforceable under federal law.

Existing Advanced Clean Cars and Medium– and Heavy–Duty Vehicle and Engine Regulatory Requirements

Passenger cars and light trucks are a significant source of NOx, other smog–forming emissions and PM2.5 in California, with over 26 million such vehicles on the road, which are estimated to travel over 285 billion miles in 2025.

California's Low Emission Vehicle III (LEV III) regulations, adopted on January 26, 2012, and subsequently updated, tightened criteria pollutant standards for 2015 through 2025 and subsequent model years.[7] The U.S. EPA granted California's request for a Clean Air Act preemption waiver, authorizing enforcement of these regulations, in 2013.[8] As part of the Advanced Clean Cars II regulations adopted on June 9, 2022, more stringent criteria–emission standards known as Low Emission Vehicle IV (LEV IV) established new requirements for 2026 and subsequent model years, thereby displacing the LEV III criteria pollutant regulation after the 2025 model year.

California first regulated heavy–duty vehicle exhaust emissions in 1969. In 2005 and 2010, U.S. EPA granted waivers for California's medium– and heavy–duty engine and vehicle regulations for diesel and Otto–cycle engine standards.[9] In 2017, the U.S. EPA granted California a waiver of federal preemption for several sets of amendments to CARB's emission standards for medium– and heavy–duty vehicles adopted in 2011, 2008, 2007, and 2006.[10] In 2016, the U.S. EPA granted California's requests for waivers for its on–board diagnostic (OBD) systems for light–, medium–, and heavy–duty vehicles adopted in 2013 (the OBD II and HD OBD regulations).[11] California's Omnibus regulations, adopted in 2020 and amended in 2023, tightened CARB's criteria pollutant standards for medium– and heavy–duty vehicles.[12] In 2016, U.S. EPA also granted California a waiver for its Phase 1 Greenhouse Gas emission standards adopted in 2013.[13]

On January 6, 2025, U.S. EPA published its notices of decision granting California's requests for Clean Air Act preemption waivers, authorizing the enforcement of the LEV IV regulations (as part of the Advanced Clean Cars II regulation) and the Omnibus regulation.[14] On June 12, 2025, President Trump signed congressional resolutions that purported to disapprove these and one other waiver not at issue here.[15] California and a coalition of states promptly filed suit to challenge these resolutions targeting three waiver actions granted to California.[16] That case remains pending.

The congressional resolutions have introduced an unprecedented degree of uncertainty into the California market for new motor vehicles. Specifically, the resolutions purported to invalidate preemption waivers authorizing enforcement of newer, more stringent vehicle emission standards that had displaced earlier regulations for which preemption had also been waived. That has left questions about which regulations apply. To clarify and ensure that new vehicles and engines can continue to be sold in California, despite the ongoing uncertainty created by the federal government's actions, CARB has taken several steps, including the adoption of the Emergency Vehicle Emission Regulations.

Here, CARB is proposing to make permanent the Emergency Vehicle Emissions Regulations. The

[6] *Clean Truck Partnership Agreement,* California Air Resources Board, July 5, 2023.

[7] The LEV III regulations were subsequently amended in 2012 (Register 2012, Number 32 and Register 2013, Number 1), 2015 (Register 2015, Number 41) and 2018 (Register 2018, Number 50).

[8] 78 Fed. Reg. 2,113 (Jan. 9, 2013); *see also* 87 Fed. Reg. 14,332 (Mar. 14, 2022) [restoring waiver].

[9] 70 Fed. Reg. 50,322 (Aug. 26, 2005); 75 Fed. Reg. 70,238 (Nov. 17, 2010).

[10] 82 Fed. Reg. 4,867 (Jan. 17, 2017).

[11] 81 Fed. Reg. 78,143 (Nov. 7, 2016), 81 Fed. Reg. 78,149 (Nov. 7, 2016).

[12] *See* Register 2020, Number 4 (26–Z), and Register 2024, Number 22 (31–Z).

[13] The Proposed Greenhouse Gas (GHG) Regulations For Medium– And Heavy–Duty Engines And Vehicles, Optional Reduced Emission Standards For Heavy–Duty Engines, And Amendments To The Tractor–Trailer GHG Regulation, Diesel–Fueled Commercial Motor Vehicle Idling Rule, And The Heavy–Duty Hybrid–Electric Vehicles Certification Procedures, adopted 2014, Register 2014, Number 49; 81 Fed. Reg. 52,680 (June 9, 2016).

[14] 90 Fed. Reg. 642 (Jan. 6, 2025), 90 Fed. Reg. 643 (Jan. 6, 2025).

[15] H.J. Res. 88 (119th Congress), H.J. Res. 89 (199th Congress).

[16] *State of California, et al., v. United States of America, et al.,* (ND Cal., case Number 3:25–cv–04966).

amendments would confirm that, until a court resolves the uncertainty created by the federal government's actions, certain earlier regulations (displaced by Advanced Clean Cars II and Omnibus) remain operative (as previously adopted) with the caveat that CARB may enforce Advanced Clean Cars II and Omnibus, to the extent permitted by law, in the event a court of law holds invalid the resolutions purporting to disapprove those waivers.

Existing LCFS Regulation

The LCFS is a key part of California's transportation decarbonization strategy and a successful one thus far. The LCFS provides economic incentives to produce cleaner fuels like electricity, hydrogen and biofuels that are needed to displace fossil fuels and reduce transportation sector emissions.

Summary of the Proposed Regulatory Actions

1. Proposed regulatory action to amend the Omnibus Regulation:

The proposed regulatory action to amend the Omnibus regulation would largely align most of the requirements for new 2027 and subsequent MY HDEs with the corresponding provisions of the EPA–NOx rule. CARB staff proposes to align the following Omnibus requirements for HD compression–ignition and spark–ignition engines with the corresponding EPA–NOx rule:

- Certification emissions standards and test procedures for criteria pollutants including NOx, PM, carbon monoxide and hydrocarbons;
- Merging the California–Averaging, Banking, and Trading (ABT) program with the federal–ABT program;
- Durability demonstration provisions;
- UL and warranty periods for mileage, years, and hours; and,
- HD in–use testing program including the two–bin moving average window analysis methodology and the off–cycle standards with some differences in the interim compliance allowance and the ambient temperature adjustment factor.

CARB staff is also proposing to end the applicability of the transit agency diesel–fueled bus and engine exemption request process beginning with the 2027 MY.

a. Proposed regulatory action to amend the On–Board Diagnostic (OBD) Regulations:

CARB staff is also proposing the following amendments to the OBD regulations:

- Updates to the definitions of the Federal Test Procedure cycle and the Supplemental Emission Test cycle;
- Modifications to the engine aging requirements for durability demonstration testing of medium–duty engines (MDE) and HDEs;
- Adoption of alternate, higher malfunction criteria, higher nonconformance criteria, and more relaxed test–out criteria for OBD monitors to account for the proposed lower Federal Test Procedure non–methane hydrocarbon and carbon monoxide standards for 2027 and subsequent MY MDEs and HDEs; and,
- Adoption of new data stream parameters required to be made available on HDEs.

Additionally, to address manufacturers' implementation concerns and improve CARB staff's review of OBD applications, CARB staff is proposing the following amendments:

- Modifications to the NOx sensor monitor compliance criteria to address issues with the current criteria;
- Modifications to the in–use monitor performance denominator incrementing criteria for monitors that are part of a multiple NOx converting catalyst system to address issues of possible low in–use monitoring frequency;
- Modifications to the criteria to be exempt from monitoring the catalyzed PM filter non–methane hydrocarbon conversion capability to address implementation issues;
- Modifications to the criteria to set the readiness status for a readiness group to "complete" to address monitors that do not run frequently in–use;
- Substitution of the not–to–exceed bin with the new two–bin moving average window bins for NOx emission tracking (i.e., the REAL requirements) in order to align with the binning method used for tailpipe in–use compliance testing;
- Changes to manufacturer self–testing engine selection criteria and testing deadlines for HDEs to account for the updated full UL mileage requirements;
- Delay to the implementation date of the final in–use monitor performance ratio for the PM filter monitors on light–duty vehicles and engines and medium–duty vehicles and MDEs; and,
- New required CARB templates for manufacturer submission of OBD information and test data to standardize data and information submitted by manufacturers and help CARB staff review the data and information.

CARB staff is also proposing several amendments to the OBD regulations to correct errors and to align with the in–use emission warranty information and reporting (EWIR) requirements.

b. Proposed regulatory action to amend the EWIR Requirements and Corrective Action Procedures

Furthermore, to address issues that have arisen within the EWIR program, CARB staff is proposing the following amendments to the EWIR requirements and corrective action procedures:

- Failure levels triggering recall and corrective action for 2027 and subsequent MYs;
- Allowing manufacturers to collect new owner information using alternative methods for vehicles that are subject to corrective action;
- Changing the proof of correction requirements for over–the–air recalls; and,
- CARB no longer requires recall repair labels for recalls that only involve software reflashes.

2. Proposed regulatory action to make permanent the Emergency Vehicle Emissions Regulations:

CARB proposed its Emergency Vehicle Regulations to maintain protective emission standards for vehicles and engines while ensuring manufacturers can sell vehicles and engines into California despite the emergency the federal government has created by issuing illegal and unconstitutional congressional resolutions targeting its waivers.

To ensure that new motor vehicles can continue to be sold in California, despite the ongoing uncertainty introduced by the federal government into the State's longstanding regulatory program, CARB staff is proposing to amend its regulations to clarify that the criteria pollution provisions of the LEV III regulation remain operative, with the caveat that CARB may enforce Advanced Clean Cars (ACC) II, to the extent permitted by law, in the event a court of law holds invalid the resolution purporting to disapprove that waiver. CARB staff is thus proposing to make permanent its Emergency Vehicle Emissions Regulations.

CARB staff is similarly proposing to make permanent its Emergency Vehicle Emissions Regulations amendments to the medium– and heavy–duty regulations to clarify that the pre–Omnibus provisions[17] remain operative, with the caveat that CARB may enforce the Omnibus regulation, to the extent permitted by law, in the event a court of law holds invalid the resolutions purporting to disapprove that waiver.

CARB continues to accept and process certification applications for the LEV IV and Omnibus emission standards. Hence, both sets of standards will be present in the California Code of Regulations during this period of unprecedented uncertainty. Regulated parties may choose to follow either the Advanced Clean Cars II or Omnibus standards or the older pre–ACC II and pre–Omnibus provisions. Regulated parties, however, assume the risk of non–compliance if they choose to certify only to the older provisions, and the congressional resolutions disapproving the waivers of federal preemption under the Clean Air Act are declared invalid.

CARB may also consider other changes to the sections affected, as listed on page 2 of this notice, or other sections within the scope of this notice, during the course of this rulemaking process.

3. Proposed regulatory action to amend the LCFS Regulation:

To increase opportunities for near–term, low–emission electrification solutions to provide electricity vehicle fueling while charging station operators work with utilities to connect their sites to electricity distribution systems, CARB staff is proposing to allow the use of indirect accounting of renewable natural gas (RNG) for LCFS reporting and crediting of electricity for vehicle charging produced by linear generators. This proposal may increase the near–term availability of low–carbon intensity electricity for electric truck refueling.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTIONS

Objectives

The primary goal of the proposed Omnibus regulatory action is to largely align with the federal emissions standards and test procedures for 2027 and subsequent MY HDEs in the event California prevails in its challenge to the congressional resolution targeting its Clean Air Act waiver. Harmonization with the federal requirements would enable manufacturers to design and produce a single product line of engine families that comply with both the U.S. EPA and CARB emissions standards. This single platform would then be available for sale in all 50 states, thereby reducing the costs of compliance for the industry and improving the cost–effectiveness of the regulations over the long term. Harmonization would also enable technology suppliers and manufacturers to efficiently produce a single set of reliable and compliant products.

In addition to amendments to align with the EPA–NOx rule, CARB staff is also proposing amendments to the OBD regulations at the request of manufacturers to address implementation concerns and provide additional flexibility to manufacturers. Furthermore, as part of the harmonization with the EPA–NOx rule, CARB staff is proposing to amend the warranty periods; accordingly, the proposed regulatory action also aims to align the EWIR and Corrective Action

[17] These regulations, as described in this notice and in the Emergency Vehicle Emission Regulations, encompass provisions for OBD systems for light–, medium–, and heavy–duty engines and vehicles, greenhouse gas emissions from medium– and heavy–duty vehicles, and related requirements in the sections of titles 13 and 17 listed as encompassed in this proposal.

Procedures with these changes, and to streamline the EWIR reporting requirements.

The goal of the Emergency Vehicle Emissions Regulations, which CARB is proposing to make permanent here, is to clarify and ensure that new motor vehicles can be sold in California despite the unprecedented uncertainty introduced by the federal government into CARB's longstanding regulatory program. These amendments will ensure that new vehicles and engines sold in California will meet the emission standards and requirements for which U.S. EPA has granted a waiver and that were in place before the congressional resolutions targeted California's waivers for the ACC II and Omnibus regulations.

The primary goal of the proposed LCFS regulatory action is to allow book–and–claim accounting of renewable natural gas (RNG) to produce electricity for electric vehicle charging, if the electricity is generated using a linear generator. This proposal may increase the near–term availability of low–carbon intensity electricity for electric truck refueling in high demand freight corridors where trucks are operating and helps advance California's zero emission vehicle and carbon neutrality goals. Truck fleets pursuing zero emissions truck deployment have a need for near–term, low–emission electrification solutions to provide electricity while charging station operators work with utilities to electrify their sites.

Environmental and Health Benefits

The proposed Omnibus regulatory action aims to largely align the Omnibus regulation's requirements with the federal EPA–NOx rule. These amendments are expected to result in a regulation that significantly decreases NOx emissions from HD truck engines compared to today's emissions levels, albeit slightly less than expected from the existing Omnibus regulation. The proposed regulatory action is estimated to achieve approximately 2% less NOx emission benefits cumulatively over the analysis period from 2027 to 2036 relative to the existing Omnibus regulation.

The Omnibus regulatory action does not propose any changes to the PM emissions standards for MDEs and HDEs. Therefore, no changes to PM emissions from medium–duty and HD trucks are expected by the proposed amendments. However, since NOx is a precursor to secondary PM2.5 formation, NOx emissions reductions from the proposed regulatory action would also impact ambient PM2.5 emissions. The impacts on secondary PM2.5 formation from the proposed regulatory action is expected to reduce the health benefits from the existing Omnibus regulation by 5% in avoided mortality and 4% in avoided hospitalization during the analysis years from 2027 through 2036. It is important to note that the proposed regulatory action enables CARB to comply with the terms of the Clean Truck Partnership, which is intended to secure important emissions benefits from the HD sector as a whole.

CARB's proposal to make permanent its Emergency Vehicle Emissions Regulations will provide clarity and ensure that, at a minimum, the criteria pollutant emission standards for new passenger cars, light trucks, and chassis–certified medium–duty vehicles up to 14,000 pounds, which have become status quo starting with the 2017 model year, will continue beyond the 2025 model year. The proposal will also ensure that the standards that predated the Omnibus regulations would remain effective, as would other regulations for which U.S. EPA has granted a required waiver that remains in place. The proposed regulatory action will ensure that these future, new engines and vehicles will continue, at a minimum, to adhere to the same standards required of vehicles today. CARB has enforced LEV III and pre–Omnibus standards, or stricter standards, since those standards went into effect, and thus the proposed regulatory action has no adverse environmental or health impact.

The proposed LCFS amendments are not expected to result in changes to NOx nor PM as compared to the baseline scenario, which assumes that linear generators are already operational at sites that may choose to use indirect accounting for RNG. Furthermore, if utilized, RNG would be accounted for through book–and–claim to match the fossil natural gas currently being used in linear generators at truck charging sites and therefore would not result in changes to NOx and PM emissions.

Economic Impacts

The proposed Omnibus regulatory action to largely align with the EPA–NOx rule would numerically change the emissions standards specified in the existing Omnibus regulation. However, the difference in the emissions standards is not expected to change the technology package required to meet the emissions limits. In both the Omnibus and EPA–NOx regulations, the technologies identified to meet the standards are the same. As a result, there is no cost impact due to the technology package needed to meet the proposed emissions standards.

However, there will be cost impacts from the alignment of other provisions of the Omnibus regulation with the EPA–NOx rule. These provisions include amendments to the durability demonstration provisions, warranty requirements, in–use testing program, and ABT program. Other amendments that would have cost impacts are the proposed amendments to the OBD regulation, EWIR, and corrective action requirements, and terminating the applicability of the transit agency exemption provisions.

CARB staff evaluated the cost impacts of the proposed regulatory action against the existing Omnibus regulation for the analysis period from 2027 through

2036. The total statewide economic impact is estimated to be a cost of $39.4 million from 2027 through 2032, followed by a saving of $24.9 million from 2033 through 2036, resulting in a net cost of $14.5 million over the full analysis period.

CARB does not anticipate any cost impacts from its proposal to make permanent its Emergency Vehicle Emissions Regulations because the compliance pathways available to manufacturers have already been understood for years; and manufacturers have either already achieved or planned to achieve one or more of the compliance pathways.

CARB staff does not anticipate either cost or cost–saving impacts from the proposed LCFS regulatory action since the additional cost for RNG as compared to fossil natural gas is larger than expected credit revenue. For additional economic analysis, please see ISOR prepared for the LCFS regulatory action in Appendix F, Chapter VIII.

The proposed regulatory actions for Omnibus are not expected to impact job creation or elimination, business creation or elimination, or expansion of business for California fleets, since the average incremental cost of $100 per vehicle is negligible. The proposed regulatory action would make California state fleets equally competitive with out–of–state fleets by purchasing products that would be certified for all 50 states.

COMPARABLE FEDERAL REGULATIONS

Both California and U.S. EPA have comparable yet distinct authorities to set emissions standards for new motor vehicles and for new motor vehicle engines. CARB's legal authority to establish emissions standards and other emission–related requirements for new motor vehicles and new motor vehicle engines is as described in the Initial Statement of Reasons (ISOR), Chapter II. U.S. EPA's authority to set comparable emissions standards and emission–related requirements is contained in Section 202(a)(1) of the Clean Air Act.

In September 2021, CARB adopted the HD Omnibus regulation applicable to new 2024 and later MY HDEs, resulting in emissions standards and test procedures that are more stringent than the corresponding federal requirements. As a result, beginning with MY 2024, manufacturers were certifying and producing two different sets of engine families: one set of HD Omnibus compliant engine families for sale in California and states that have adopted the Omnibus regulation, and a separate set of engine families that meet the federal requirements for sale in the remaining states.

On January 24, 2023, U.S. EPA adopted the EPA–NOx rule which established criteria pollutant emissions standards and test procedures for 2027 and subsequent MY HDEs that are comparable in stringency to the 2027 MY HD Omnibus requirements. Via the proposed amendments, CARB staff is proposing to largely align with the 2027 MY federal requirements. Harmonization with the 2027 MY federal requirements would enable the regulated industry to design and produce a single product line of engines and vehicles that can be certified to both U.S. EPA and CARB emissions standards and sold in all 50 states.

For 2026 model year, U.S. EPA's Tier 3 criteria pollutant standards are similar to the LEV III requirements for NMOG+NOx, but not as stringent for particulate matter. On March 20, 2024, U.S. EPA adopted their Multi–Pollutant Emissions Standards for Model Years 2027 and Later Light–Duty and Medium–Duty Vehicles Rule, that sets new Tier 4 standards to further reduce harmful air pollutant emissions from light–duty and medium–duty vehicles starting with model year 2027. Portions of this rule are identical to elements of the LEV IV requirements for those model years, but otherwise are more stringent once they are fully phased in by the 2033 model year than the LEV III requirements would be.

There is no federal regulation comparable to the LCFS regulation.

AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS
(Gov. Code, § 11346.5, subdivision (a)(3)(D))

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

DISCLOSURES REGARDING THE PROPOSED REGULATIONS

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

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

Under Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the Executive Officer has determined that the proposed regulatory actions would create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would create costs or mandates to any local agency or school district, whether or not re-

imbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500), or other nondiscretionary cost or savings to State or local agencies.

Cost to any Local Agency or School District Requiring Reimbursement under Gov. Code section 17500 et seq.:

The proposed Omnibus regulatory action is expected to have fiscal impacts on local governments. Fiscal impacts are expected to stem from local government fleet purchases and tax revenue from statewide sales. However, these costs to local agencies are not reimbursable by the State under Government Code, title 2, division 4, part 7 (commencing with section 17500). The mandate is not reimbursable because the costs associated with the proposed regulatory action apply generally to all entities that purchase affected vehicles, including local agencies. Therefore, the regulation does not constitute a "Program" imposing any unique requirements on local agencies as set forth in section 17514 of the California Government Code.

Local government fleet purchases are estimated to be 100% of the transit vehicle sales and approximately 10.7% of statewide non–transit vehicle sales. As a result, local governments are expected to bear 100% of the transit vehicle cost and 10.7% of statewide non–transit vehicle costs. Local governments are estimated to receive 4.8% sales tax revenue from statewide vehicle sales to businesses.

The proposed Omnibus regulatory action is estimated to result in $5.84 million in costs to local government fleets from 2027 to 2032, and $2.67 million in savings to local government fleets from 2033 to 2036. The proposed regulatory action is estimated to result in $1.57 million of additional local tax revenue from 2027 to 2032, and $1.04 million in decreased local tax revenue from 2033 to 2036. Between 2027 and 2036, the overall net fiscal impact from the proposed regulatory action on local governments is a cost of about $2.65 million.

The proposal to make permanent the Emergency Vehicle Regulations proposal is not expected to result in a change to fiscal impacts on local governments, where the proposal is clarifying that regulations that have been in place for years and that are less burdensome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

The proposed LCFS amendments are not expected to have fiscal impacts on local governments.

Cost or Savings for State Agencies:

The proposed Omnibus regulatory action is expected to have fiscal impacts on state government. Fiscal impacts are expected to stem from state government fleet purchases and tax revenue from statewide sales. State government fleet purchases are estimated to be approximately 3.3% of statewide non–transit vehicle sales, therefore, state governments are expected to bear 3.3% of statewide estimated non–transit vehicle costs. State governments are also estimated to receive 3.9% in tax revenue from statewide vehicle sales to businesses.

The proposed Omnibus regulatory action is estimated to result in $1.24 million in costs to state government fleets from 2027 to 2032, and $0.82 million in savings to state government fleets from 2033 to 2036. The proposed Omnibus regulatory action is estimated to result in $1.27 million of additional state tax revenue from 2027 to 2032, and $0.84 million in decreased state tax revenue from 2033 to 2036. Between 2027 and 2036, the overall net fiscal impact from the proposed Omnibus regulatory action on state government is a saving of about $11,000.

The proposal to make permanent the Emergency Vehicle Emissions Regulations proposal is not expected to result in a change to fiscal impacts on state government, where the proposal is clarifying that regulations that have been in place for years and that are less burdensome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

The proposed LCFS amendments are not expected to have fiscal impacts on state agencies.

Other Non–Discretionary Costs or Savings on Local Agencies:

The proposed Omnibus regulatory action affects local agencies, but it is not expected to impose any non–discretionary costs or savings on local agencies.

The proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are not expected to have non–discretionary impacts on local agencies. The Emergency Vehicle Emissions Regulations proposal clarifies that restores regulations that have been in place for years and are less burdensome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

Cost or Savings in Federal Funding to the State:

The proposed regulatory actions for Omnibus, the proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are not expected to impose any costs or savings in federal funding to the state.

Housing Costs (Gov. Code, § 11346.5, subdivision (a)(12))

The Executive Officer has also made the initial determination that the proposed regulatory actions for Omnibus, the proposed LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations will not have a significant effect on housing costs. The Emergency Vehicle Emissions Regulations proposal clarifies that regulations that have been in place for years and are less bur-

densome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

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

The Executive Officer has made an initial determination that the proposed regulatory actions for Omnibus, the proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

The proposed Omnibus regulatory action is not expected to impact or cause any adverse economic impact directly affecting businesses or the ability to compete. Since the proposed regulatory action would, even if it were enforced, largely align with the federal emission standards and requirements, engines sold in all 50 states would have to meet the same requirements. As a result, the proposed regulatory action would make California state fleets equally competitive with out–of–state fleets by purchasing products that would be certified for all 50 states.

The proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are not expected to impact or cause any adverse economic impact directly affecting businesses or the ability to compete. The Emergency Vehicle Emissions Regulations proposal clarifies that regulations that have been in place for years and are less burdensome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT
(Gov. Code, § 11346.5, subdivision (a)(10))

Non–Major Regulation: Statement of the Results of the Economic Impact Assessment (EIA): (if applicable)

The creation or elimination of jobs within the State of California:

The main intent of the proposed Omnibus regulatory action is to largely align with the EPA–NOx rule. Since the affected HDE manufacturers are located outside of California, the proposed regulatory action, even if it were enforced, is not expected to directly impact the creation or elimination of jobs within the state. In addition, the proposed Omnibus regulatory action is not expected to impact job creation or elimination for California fleets, since the average incremental cost of $100 per vehicle is negligible, as discussed in greater details in Appendix D of the ISOR.

The proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are not expected to create or eliminate jobs within the state. The Emergency Vehicle Emissions Regulations proposal clarifies that regulations that have been in place for years and are less burdensome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

The creation of new businesses or the elimination of existing businesses within the State of California:

The main intent of the proposed Omnibus regulatory action is to largely align with the EPA–NOx rule. Since the affected HDE manufacturers are located outside of California, the proposed Omnibus regulatory action is not expected to directly impact the creation of new businesses or elimination of existing businesses within the state. In addition, the proposed regulatory action is not expected to impact the creation of new businesses or elimination of existing businesses for California fleets, since the average incremental cost of $100 per vehicle is negligible, as discussed in greater details in Appendix D of the ISOR.

The proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are not expected to create or eliminate new businesses within the state. The Emergency Vehicle Emissions Regulations proposal clarifies that regulations that have been in place for years and are less burdensome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

The expansion of businesses currently doing business within the State of California:

The main intent of the proposed Omnibus regulatory action is to largely align with the EPA–NOx rule. Since the affected HDE manufacturers are located outside of California, the proposed regulatory action is not expected to impact the expansion of businesses currently doing business within the state. In addition, the proposed Omnibus regulatory action is not expected to impact the expansion of businesses for California fleets, since the average incremental cost of $100 per vehicle is negligible, as discussed in greater details in Appendix D of the ISOR.

The proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are not expected to expand businesses currently doing business within the state. The Emergency Vehicle Emissions Regulations proposal restores regulations that have been in place for years and are less burdensome to vehicle and engine manufacturers than the previously adopted regulations.

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

The proposed Omnibus regulatory action is expected to result in a regulation that, if enforced, would significantly decrease NOx emissions from HD truck engines compared to today's emission levels, albeit slightly less than expected from the current Omnibus regulation.

The proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are not expected to affect the health and welfare of California residents, worker safety, and the state's environment. The Emergency Vehicle Emissions Regulations proposal clarified that regulations that have been in place for years and are less burdensome to vehicle and engine manufacturers than the previously adopted regulations remain operative.

Effect on Jobs/Businesses:

The Executive Officer has determined that the proposed regulatory actions for Omnibus, the proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed Omnibus regulatory action can be found in the Economic Impact Analysis in the Staff Report: ISOR. A detailed assessment of the economic impacts of the proposed LCFS regulatory action can be found in the Economic Impact Analysis section of Appendix F: Supplement to Initial Statement of Reasons — Proposed Low Carbon Fuel Standard Amendments.

Benefits of the Proposed Regulation:

The objective of the proposed Omnibus regulatory action is to largely align with the federal emissions standards and test procedures for 2027 and subsequent MY HDEs. Harmonization with the federal requirements would enable manufacturers to design and produce a single product line of engine families that comply with both the U.S. EPA and CARB emissions standards.

Depending on the year and the engine service class, there are costs and savings passed onto fleets. Overall, harmonization would reduce the need for multiple product offerings meeting separate state and federal requirements. This would simplify the availability of products nationwide. It is important to note that the proposed Omnibus regulatory action enables CARB to comply with the terms of CTP, which is intended to secure important emission benefits.

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

The objective of the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations is to clarify the applicability of CARB's emission standards that were in place before the congressional resolutions targeting California's waivers and provide clarity for regulated entities of the requirements for future model years pending the outcome of legal challenges. This proposal will address the instability of the new motor vehicle market in California created by the congressional resolutions, address questions about which regulations apply, and ensure vehicle and engines manufacturers meet California's emissions standards until and once the question of the validity of the congressional resolutions is resolved by a court of law.

The objective of the proposed LCFS regulatory action is to allow book–and–claim accounting of renewable natural gas (RNG) to produce electricity for electric vehicle charging, if the electricity is generated using a linear generator. This proposal may increase the near–term availability of low–carbon intensity electricity for electric truck refueling in high–demand freight corridors where trucks are operating, and help advance California's zero–emission vehicle and carbon neutrality goals. Truck fleets pursuing zero–emission truck deployment have a need for near–term, low–emission electrification solutions to provide electricity while charging station operators work with utilities to electrify their sites, since grid interconnection delays are becoming longer due, in part, to increasing grid demand from artificial intelligence data centers and clean hydrogen production facilities.

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

In accordance with Government Code sections 11346.5, subdivisions (a)(11) and 11346.3, subdivision (d), the Executive Officer finds the reporting requirements of the proposed regulatory action to amend the On–Road Heavy–Duty Engine and Vehicle Omnibus Regulation that apply to businesses are necessary for the health, safety, and welfare of the people of the State of California.

The proposed LCFS regulatory action does not include new reporting requirements; it instead allows book–and–claim accounting of RNG under specified circumstances. The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations does not include new reporting requirements as it maintains existing reporting requirements.

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

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

There are no direct costs on individuals as a result of the proposed regulatory actions. For Omnibus, CARB staff estimates that manufacturers and fleets will see increased costs as a result of this rule and will likely pass the costs through to businesses that buy vehicles with affected engines in the state. Individuals may see macroeconomic indirect and induced benefits and costs; these costs are discussed in the ISOR, Chapter IX. For LCFS, CARB staff does not foresee any cost impacts. For additional economic analysis, please see ISOR prepared for the LCFS regulatory action in Appendix F, Chapter VIII. The proposal to make permanent CARB's Emergency Vehicle Emissions Regulations will also not have cost impacts because manufacturers are already — and have been in the past — certifying vehicles to the same or stricter emission standards.

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

The Executive Officer has also determined under the California Code of Regulations, title 1, section 4, that the proposed Omnibus regulatory action would, if enforced, affect small businesses. Small businesses impacted by the proposed Omnibus regulatory action are defined as small fleets consisting of three or fewer vehicles with HDEs. The fraction of new engines purchased by small businesses is estimated to be approximately 28% of total new engine sales. A typical small business purchasing and operating fleets may incur an average incremental cost of about $100 per engine.

The Executive Officer has also determined under the California Code of Regulations, title 1, section 4, that the proposed LCFS amendments and proposal to make permanent CARB's Emergency Vehicle Emissions Regulations would not affect small businesses. This is because vehicle manufacturers are already — and have been in the past — certifying vehicles to the same or stricter emission standards.

CONSIDERATION OF ALTERNATIVES
(Gov. Code, § 11346.5, subdivision (a)(13))

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

The analysis can be found in Chapter X of the ISOR for the proposed Omnibus alternatives. CARB staff has discussed two alternative concepts in the ISOR including no changes to the current Omnibus regulation which is more stringent than the proposed regulatory action and a less strict alternative that extends the applicability of the 2024 MY requirements to 2027 and subsequent MY HDEs. No proposed alternative was found to be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing law. CARB staff has not identified any reasonable alternatives that would lessen any adverse impact on small business.

Appendix F of the ISOR provides analysis of the alternatives for the LCFS regulatory action. CARB considered a no action alternative. CARB also considered an alternative of sunsetting the LCFS crediting use of indirect accounting for RNG electric vehicle charging powered by linear generators in 2030 instead of the proposed date of 2035. No alternative was found to be less burdensome and equally effective in achieving the purposes of the amendments. Staff do not expect small businesses to be impacted, and accordingly CARB has not identified any reasonable alternatives that would lessen an adverse impact on small business.

For the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations, CARB has not identified any reasonable alternative and is not aware of any reasonable alternative that would be more effective in stabilizing the new motor vehicle market in California while ensuring manufacturers meet California's emissions standards. Nor has CARB identified any reasonable alternative that would be as effective and less burdensome, nor one that would be more cost effective and equally effective.

STATE IMPLEMENTATION PLAN REVISION

If adopted by the Board and California prevails in its challenge to the congressional resolution targeting the waiver of federal preemption under the Clean Air Act, CARB may submit the proposed Omnibus regulatory action to U.S. EPA for approval as a revision to the California State Implementation Plan required by the federal Clean Air Act (CAA). The adopted regulatory action would be submitted as a State Implementation Plan revision because it amends regulations intended to reduce emissions of air pollutants to attain

and maintain the National Ambient Air Quality Standards promulgated by U.S. EPA pursuant to the CAA.

Several of the Emergency Vehicle Emission Regulations are already in California's State Implementation Plan,[18] including:

- Rulemaking for Incorporation of Federal Exhaust Emission Standards for 2008 and Later Model–Year Heavy Duty Gasoline Engines and the Adoption of Minor Amendments to the Low–Emission Vehicle Regulations; Amendments to More Stringent Emission Standards for 2007 and Subsequent Model Year New Heavy–Duty Diesel Engines; Requirements to Reduce Idling Emissions From New and In–Use Trucks, Beginning in 2008; 2010 Amendments to HD OBD Requirements; On–Road Passenger Cars, Light–Duty Trucks, and Medium–Duty Vehicles (LEV III);[19]
- 2013 Amendments to HD OBD Requirements;[20]
- Heavy–Duty Diesel In–Use Compliance Regulation and 2007 and 2011 Amendments.[21]

ENVIRONMENTAL ANALYSIS

As previously stated, CARB is proposing the Omnibus amendments, the proposed LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations together as one rulemaking package for administrative efficiency. However, these three regulations are separate programs. They are proposed in this package as three separate regulatory items which will be considered in three separate approval actions. While they are packaged together here for administrative efficiency, CARB has independent reasons for developing each of these three regulatory proposals, as explained in the ISOR. Therefore, the Omnibus amendments, the proposed LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations are three separate projects under the California Environmental Quality Act (CEQA). As such, CARB appropriately analyzed the Omnibus amendments, the proposed LCFS amendments, and the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations as separate projects under CEQA. The CEQA determinations made for each project are summarized below. Importantly, even if these projects were analyzed together under CEQA, there is no evidence to suggest there would be any potentially significant impacts.

CARB, as the lead agency under CEQA, has reviewed the proposed amendments to the Omnibus regulation, and has determined that they are exempt from CEQA, as described in CEQA Guidelines, section 15061(b)(3) ("common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed regulatory action may result in any significant adverse impact on the environment. As discussed in the ISOR, the Proposed Amendments would not have the potential to cause any new significant environmental effects or alter the types of compliance response of the regulated entities that would result in any changes that significantly affect the physical environment. CARB has also determined the proposed Omnibus amendments are exempt pursuant to CEQA Guidelines sections 15307 (actions for protection of natural resources) and 15308 (actions for protection of the environment). A detailed explanation of the basis for reaching these determinations is included in the ISOR.

CARB has reviewed the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations and concluded that it is exempt pursuant to CEQA Guidelines, section 15061(b)(3) The proposed regulatory action will provide clarity and ensure that, at a minimum, criteria pollutant emission standards for new passenger cars, light trucks, and chassis–certified medium–duty vehicles up to 14,000 pounds — standards which have become the status quo starting with the 2017 model year — will continue beyond the 2025 model year. CARB has also determined this proposal is exempt pursuant to CEQA Guidelines sections 15307 (actions for protection of natural resources) and 15308 (actions for protection of the environment). A detailed explanation of the basis for reaching these determinations is included in the ISOR.

CARB has also determined that the proposed LCFS amendments do not present any of the circumstances requiring further environmental review because there are no changes that involve new significant environmental effects, or a substantial increase in severity of previously identified significant effects, or any other circumstances requiring further environmental review beyond the Final Environmental Impact Analysis for the 2024 Amendments to the Low Carbon Fuel Standard Regulation (Final LCFS EIA) certified in November 2024. Therefore, no supplemental or subsequent environmental analysis is required for these proposed modifications to the LCFS regulation. CARB has also determined this proposal is exempt from CEQA pursuant to CEQA Guidelines, section 15061(b)(3) ("common sense" exemption) because it can be seen with certainty that there is no possibility that the proposed regulatory action may result in any significant adverse impact on the environment.

[18] 40 C.F.R., § 52.220a.

[19] 81 Fed. Reg. 39,424 (July 16, 2016).

[20] 82 Fed. Reg. 14,446 (March 21, 2017).

[21] 83 Fed. Reg. 23,232 (May 18, 2018).

A detailed explanation of the basis for reaching these conclusions is included in Chapter VI of ISOR Appendix F: Supplement to the Initial Statement of Reasons Describing Proposed Low Carbon Fuel Standard Amendments.

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

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

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed Omnibus regulatory action may be directed to the agency representative Daniel Hawelti, Staff Air Pollution Specialist, On–Road Heavy–Duty Diesel Section, at (951) 542–3195 and daniel.hawelti@arb.ca.gov or (designated back–up contact) Mitzi Magtoto, Staff Air Pollution Specialist, On–Road Heavy–Duty Diesel Section, at (279) 208–7363 and mitzi.magtoto@arb.ca.gov.

Inquiries concerning the substance of the proposal to make permanent CARB's Emergency Vehicle Emissions Regulations may be directed to the agency representative Kim Heroy–Rogalski, P.E., Chief, Mobile Source Regulatory Development Branch, California Air Resources Board, (279) 208–7792, kim.heroy–rogalski.@arb.ca.gov.

Inquiries concerning the substance of the proposed LCFS regulatory action may be directed to the agency representative Dillon Miner, Staff Air Pollution Specialist, Industrial Strategies Division, at 279–208–7437 and dillon.miner@arb.ca.gov.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared an ISOR for the proposed Omnibus regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Staff Report: Public Hearing to Consider the Proposed Regulatory Action to Amend the On–Road Heavy–Duty Engine and Vehicle Omnibus Regulation. For the proposed LCFS regulatory package, see Appendix F Supplement to Initial Statement of Reasons — Proposed Low Carbon Fuel Standard Amendments.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, on September 23, 2025. Please contact Lindsay Garcia, Regulations Coordinator, at Regulations@arb.ca.gov or (916) 546–2286 if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom non–substantive inquiries concerning the proposed administrative action may be directed is Lindsay Garcia, Regulations Coordinator, (916) 546–2286. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non–substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the

public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

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

APPENDIX A: DOCUMENTS INCORPORATED BY REFERENCE

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

- "California Exhaust Emission Standards and Test Procedures for 2004 through 2026 Model Heavy–Duty Diesel Engines and Vehicles," adopted December 12, 2002, as amended ***[Insert Date of Amendment]***, incorporated by reference in title 13, California Code of Regulations (CCR), section 1956.8(b).
- "California Exhaust Emission Standards and Test Procedures for 2004 through 2026 Model Heavy–Duty Otto–Cycle Engines and Vehicles," adopted December 27, 2000, as amended ***[Insert Date of Amendment]***, incorporated by reference in title 13, CCR, section 1956.8(d).

The following sections of Parts 1036, 1065, and 1068, Title 40, Code of Federal Regulations, as adopted or as last amended on the dates shown below, are incorporated by reference in the proposed "California Exhaust Emission Standards and Test Procedures for 2027 and Subsequent Model Heavy–Duty Engines, Vehicles and Hybrid Powertrains," adopted ***[Insert Date of Adoption]***, incorporated by reference in title 13, CCR, section 1956.8.2(c):

- Subpart A, Part 1036, Title 40, Code of Federal Regulations:
  - § 1036.1, § 1036.2, § 1036.5, § 1036.10, § 1036.15 and § 1036.30 as adopted or amended on January 24, 2023
- Subpart B, Part 1036, Title 40, Code of Federal Regulations
  - § 1036.130, § 1036.135 and § 1036.140 as adopted or amended on January 24, 2023
  - § 1036.101, § 1036.104, § 1036.108, § 1036.110, § 1036.111, § 1036.115, § 1036.120, § 1036.125 and §1036.150 as adopted or amended on April 22, 2024
- Subpart C, Part 1036, Title 40, Code of Federal Regulations
  - § 1036.201, § 1036.210, § 1036.225, § 1036.235, § 1036.246 and § 1036.255 as adopted or amended on January 24, 2023
  - § 1036.205, § 1036.230, § 1036.240, § 1036.241, § 1036.245 and § 1036.250 as adopted or amended on April 22, 2024
- Subpart D, Part 1036, Title 40, Code of Federal Regulations
  - § 1036.301 as amended on April 22, 2024
- Subpart E, Part 1036, Title 40, Code of Federal Regulations
  - § 1036.401, § 1036.410, § 1036.425, § 1036.430, § 1036.435 and § 1036.440 as adopted or amended on January 24, 2023
  - § 1036.405, § 1036.415 and § 1036.420 as adopted or amended on April 22, 2024
- Subpart F, Part 1036, Title 40, Code of Federal Regulations
  - § 1036.555 as adopted on January 24, 2023
  - § 1036.501, § 1036.505, § 1036.510, § 1036.512, § 1036.514, § 1036.520, § 1036.525, § 1036.530, § 1036.540, § 1036.543, § 1036.550 and § 1036.580 as adopted or amended on April 22, 2024
  - § 1036.535 and § 1036.545 as adopted or amended on June 17, 2024
- Subpart G, Part 1036, Title 40, Code of Federal Regulations
  - § 1036.610 and § 1036.625 as adopted or amended on January 24, 2023
  - § 1036.605 and § 1036.630 as adopted or amended on April 22, 2024
  - § 1036.601 as amended on November 8, 2024
- Subpart H, Part 1036, Title 40, Code of Federal Regulations

- § 1036.701, § 1036.710, § 1036.715, § 1036.720, § 1036.740, § 1036.745 and § 1036.750 as adopted or amended on January 24, 2023
- § 1036.705, § 1036.725, § 1036.730 and § 1036.735 as adopted or amended on April 22, 2024

- Subpart I, Part 1036, Title 40, Code of Federal Regulations
  - § 1036.820 and § 1036.825 as adopted or amended on January 24, 2023
  - § 1036.801, § 1036.805, § 1036.810 and § 1036.815 as adopted or amended on April 22, 2024
- Appendix B of Part 1036, Title 40, Code of Federal Regulations as amended on January 24, 2023
- Appendix C of Part 1036, Title 40, Code of Federal Regulations as amended on January 24, 2023
- Subpart A, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.20 and § 1065.25 as adopted or amended on April 28, 2014
  - § 1065.15 as amended on October 25, 2016
  - § 1065.2 as amended on June 29, 2021
  - § 1065.1, § 1065.5 and § 1065.10 as adopted or amended on January 24, 2023
  - § 1065.12 as amended on April 22, 2024
- Subpart B, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.127 and § 1065.150 as adopted or amended on July 13, 2005
  - § 1065.101, § 1065.110, § 1065.120, § 1065.122 and § 1065.195 as adopted or amended on June 30, 2008
  - § 1065.125 as amended on September 15, 2011
  - § 1065.130 as amended on June 29, 2021
  - § 1065.140 and § 1065.145 as adopted or amended on January 24, 2023
  - § 1065.170 and § 1065.190 as adopted or amended on April 22, 2024
- Subpart C, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.245 and § 1065.248 as adopted or amended on July 13, 2005
  - § 1065.215 as amended on June 30, 2008
  - § 1065.290 as amended on November 8, 2010
  - § 1065.265 as amended on September 15, 2011
  - § 1065.230, § 1065.240, § 1065.250, § 1065.269, § 1065.270, § 1065.272 and § 1065.295 as adopted or amended on April 28, 2014
  - § 1065.201 as amended on April 29, 2014
  - § 1065.202 as amended on October 25, 2016
  - § 1065.205, § 1065.220, § 1065.225 and § 1065.247 as adopted or amended on June 29, 2021
  - § 1065.260, § 1065.274 and § 1065.298 as adopted or amended on January 24, 2023
  - § 1065.210, § 1065.255, § 1065.257, § 1065.266, § 1065.267, § 1065.275, § 1065.277, § 1065.280 and § 1065.284 as adopted or amended on April 22, 2024
- Subpart D, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.395 as adopted on July 13, 2005
  - § 1065.310, § 1065.362 and § 1065.376 as adopted or amended on April 28, 2014
  - § 1065.340 and § 1065.390 as adopted or amended on October 25, 2016
  - § 1065.303, § 1065.342 and § 1065.370 as adopted or amended on June 29, 2021
  - § 1065.301, § 1065.305, § 1065.307, § 1065.308, § 1065.309, § 1065.320, § 1065.325, § 1065.330 and § 1065.345 as adopted or amended on January 24, 2023
  - § 1065.315, § 1065.341, § 1065.350, § 1065.355, § 1065.357, § 1065.360, § 1065.365, § 1065.366, § 1065.369, § 1065.372, § 1065.375, § 1065.377 and § 1065.378 as adopted or amended on April 22, 2024
- Subpart E, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.401 as adopted on July 13, 2005
  - § 1065.415 as amended on June 30, 2008
  - § 1065.405 and § 1065.410 as adopted or amended on January 24, 2023
- Subpart F, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.595 as adopted on June 30, 2008
  - § 1065.525 as amended on September 15, 2011
  - § 1065.516, § 1065.518 and § 1065.526 as adopted or amended on April 28, 2014
  - § 1065.546 and § 1065.590 as adopted or amended on October 25, 2016
  - § 1065.501, § 1065.514, § 1065.543 and § 1065.545 as adopted or amended on January 24, 2023

- § 1065.512, § 1065.520, § 1065.530 and § 1065.550 as adopted or amended on April 22, 2024
- § 1065.510 as amended on June 17, 2024

- Subpart G, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.645 and § 1065.690 as adopted or amended on October 25, 2016
  - § 1065.640, § 1065.642, § 1065.659 and § 1065.665 as adopted or amended on June 29, 2021
  - § 1065.630, § 1065.643, § 1065.667, § 1065.675 and § 1065.680 as adopted or amended on January 24, 2023
  - § 1065.601, § 1065.602, § 1065.610, § 1065.644, § 1065.650, § 1065.655, § 1065.660, § 1065.670, § 1065.672 and § 1065.695 as adopted or amended on April 22, 2024
  - § 1065.656 as amended on June 17, 2024
- Subpart H, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.740 and § 1065.745 as adopted or amended on July 13, 2005
  - § 1065.735 as adopted on October 25, 2016
  - § 1065.725 as amended on December 4, 2020
  - § 1065.701, § 1065.703 and § 1065.710 as adopted or amended on June 29, 2021
  - § 1065.720 and § 1065.790 as adopted or amended on January 24, 2023
  - § 1065.705 and § 1065.715 as adopted or amended on April 22, 2024
  - § 1065.750 as amended on June 17, 2024
- Subpart I, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.801 as adopted on July 13, 2005
  - § 1065.850 as amended on April 28, 2014
  - § 1065.845 as amended on June 30, 2014
  - § 1065.805 as adopted on April 22, 2024
- Subpart J, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.930 as adopted on July 13, 2005
  - § 1065.940 as adopted on November 8, 2010
  - § 1065.925 as amended on September 15, 2011
  - § 1065.905 as amended on June 29, 2021
  - § 1065.901, § 1065.910, § 1065.915 and § 1065.920 as adopted or amended on January 24, 2023
  - § 1065.935 as amended on April 22, 2024
- Subpart K, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.1005 as amended on January 24, 2023
  - § 1065.1001 and § 1065.1010 as amended on April 22, 2024
- Subpart L, Part 1065, Title 40, Code of Federal Regulations
  - § 1065.1101, § 1065.1103 and § 1065.1111 as adopted or amended on April 28, 2014
  - § 1065.1105, § 1065.1107 and § 1065.1109 as adopted or amended on October 25, 2016
  - § 1065.1113, § 1065.1115, § 1065.1117, § 1065.1119, § 1065.1121, § 1065.1123, § 1065.1125, § 1065.1127, § 1065.1131, § 1065.1133, § 1065.1135 and § 1065.1143 as adopted or amended on January 24, 2023
  - § 1065.1137, § 1065.1139, § 1065.1141 and § 1065.1145 as adopted or amended on April 22, 2024
- Subpart A, Part 1068, Title 40, Code of Federal Regulations
  - § 1068.5 and § 1068.35 as adopted or amended on October 8, 2008
  - § 1068.25 as amended on April 30, 2010
  - § 1068.20, § 1068.27, § 1068.32, § 1068.45 and § 1068.95 as adopted or amended on October 25, 2016
  - § 1068.1 and § 1068.50 as adopted or amended on January 24, 2023
  - § 1068.30 as amended on April 18, 2024
- Subpart B, Part 1068, Title 40, Code of Federal Regulations
  - § 1068.103, § 1068.105, § 1068.110 and § 1068.120 as adopted or amended on October 25, 2016
  - § 1068.101 as amended on January 24, 2023
- Subpart C, Part 1068, Title 40, Code of Federal Regulations
  - § 1068.265 as adopted on October 8, 2008
  - § 1068.201, § 1068.260 and § 1068.262 as adopted or amended on October 25, 2016
  - § 1068.220, § 1068.240 and § 1068.261 as adopted or amended on January 24, 2023
- Subpart E, Part 1068, Title 40, Code of Federal Regulations
  - § 1068.435, § 1068.445 and § 1068.455 as adopted or amended on October 8, 2008
  - § 1068.410 and § 1068.440 as adopted or amended on April 30, 2010
  - § 1068.401, § 1068.405, § 1068.415, § 1068.420, § 1068.425 and § 1068.430 as adopted or amended on October 25, 2016

- Appendix A to Subpart E of Part 1068, Title 40, Code of Federal Regulations, as amended on October 24, 2023
- Appendix A to Part 1068, Title 40, Code of Federal Regulations, as amended on January 24, 2023
- Appendix B to Part 1068, Title 40, Code of Federal Regulations, as amended on January 24, 2023

The following documents would be incorporated by reference as specified in the OBD amendments in the Omnibus and Associated Amendments:

- Title 13, CCR, section 1956.8.2, incorporated by reference in title 13, CCR, section 1968.2(c).
- 40 CFR 1036.512, as that section existed on October 24, 2024, incorporated by reference in title 13, CCR, section 1968.2(c).
- 40 CFR 1036.510, as that section existed on October 24, 2024, incorporated by reference in title 13, CCR, section 1968.2(c).
- "California Exhaust Emission Standards and Test Procedures for 2004 through 2026 Model Heavy–Duty Otto–Cycle Engines and Vehicles," incorporated by reference in section 1956.8(d), title 13, CCR.
- "California Exhaust Emission Standards and Test Procedures for 2004 through 2026 Model Heavy–Duty Diesel Engines and Vehicles," incorporated by reference in section 1956.8(b), title 13, CCR.
- 40 CFR 1036.115(h)(4), as it existed on October 18, 2024, incorporated by reference in title 13, CCR, section 1968.2(g)(6.12.3)(J)(iv)f.
- ECCD/OBD–113 "OBD II Gasoline Monitoring Requirements Checklist," April 2024, incorporated by reference in title 13, CCR, section 1968.2(i)(2.16).
- ECCD/OBD–114 "OBD II Diesel Monitoring Requirements Checklist," May 2024, incorporated by reference in title 13, CCR, section 1968.2(i)(2.16).
- ECCD/OBD–129 "OBD II PVE J1 Template," September 2023, incorporated by reference in title 13, CCR, section 1968.2(j)(1.5).
- ECCD/OBD–130 "OBD II PVE J2 Template," August 2023, incorporated by reference in title 13, CCR, section 1968.2(j)(2.4.1).
- Title 13, CCR, section 1956.8.2, incorporated by reference in title 13, CCR, section 1971.1(c).
- 40 CFR 1036.512, as that section existed on October 24, 2024, incorporated by reference in title 13, CCR, section 1971.1(c).
- 40 CFR 1036.510, as that section existed on October 24, 2024, incorporated by reference in title 13, CCR, section 1971.1(c).
- 40 CFR 1036.110(b)(9), as it existed on October 25, 2024, incorporated by reference in title 13, CCR, section 1971.1(h)(4.2.3)(H).
- 40 CFR 1036.110(b)(10), as it existed on October 25, 2024, incorporated by reference in title 13, CCR, section 1971.1(h)(4.2.3)(I).
- 40 CFR 1036.115(h)(4), as it existed on October 18, 2024, incorporated by reference in title 13, CCR, section 1971.1(h)(5.3.3)(J)(iv)f.
- 40 CFR 1036.245, as it existed on April 8, 2025, incorporated by reference in title 13, CCR, section 1971.1(i)(2.3.5)(B).
- 40 CFR 1065.1131 through 1065.1145, as they existed on April 8, 2025, incorporated by reference in title 13, CCR, section 1971.1(i)(2.3.5)(B)(i).
- "California Exhaust Emission Standards and Test Procedures for 2027 and Subsequent Model Heavy–Duty Engines, Vehicles and Hybrid Powertrains," as incorporated by reference in section 1956.8.2(c), title 13, CCR.
- ECCD/OBD–119 "HD OBD Diesel Monitoring Requirements Checklist," July 2024, incorporated by reference in title 13, CCR, section 1971.1(j)(2.17).
- ECCD/OBD–118 "HD OBD Gasoline Monitoring Requirements Checklist," July 2024, incorporated by reference in title 13, CCR, section 1971.1(j)(2.17).
- ECCD/OBD–127 "HD OBD PEVE L1 Template," September 2023, incorporated by reference in title 13, CCR, section 1971.1(l)(1.5.1).
- ECCD/OBD–128 "HD OBD PEVE L2 Template," August 2023, incorporated by reference in title 13, CCR, section 1971.1(l)(2.4.1).
- ECCD/OBD–126 "MST Template," February 2023, incorporated by reference in title 13, CCR, section 1971.5(c)(6)(A).

The Emergency Vehicle Regulations previously incorporated documents by reference, which were identified in OAL File Numbers:

- Z–00–1010–10 [Consider Requiring Certain California Light–and Medium–Duty Vehicles to be Subject to Federal Tier 2 Exhaust Standards, and Adopting Additional Exhaust Emission Standards for Heavy–Duty Gasoline Vehicles and Engines],
- Z–01–0828–14 [Amendments Adopting More Stringent Emission Standards for 2007 and Subsequent Model Year New Heavy–Duty Diesel Engines]
- Z–02–0917–02 [Consider the Incorporation of Federal Exhaust Emission Standards for 2008 and Later Model–Year Heavy–Duty Gasoline Engines and the Adoption of Mi-

nor Amendments to the Low–Emission Vehicle Regulations],

- Z–2011–1129–12 [Amendments To The California Greenhouse Gas And Criteria Pollutant Exhaust And Evaporative Emission Standards And Test Procedures And To The On–Board Diagnostic System Requirements For Passenger Cars, Light–Duty Trucks, And Medium–Duty Vehicles, And To The Evaporative Emission Requirements For Heavy–Duty Vehicles],
- Z–2012–0626–07 [Proposed Revisions to On–Board Diagnostic System Requirements for Heavy–Engines, Passenger Cars, Light–Duty Trucks, Medium–Duty Vehicles and Engines],
- Z–2012–0831–01 [Proposed Amendments To The New Passenger Motor Vehicle Greenhouse Gas Emission Standards For Model Years 2017–2025 To Permit Compliance Based On Federal Greenhouse Gas Emissions Standards And Additional Minor Revisions To The LEV III And ZEV Regulations],
- Z–2013–1015–07 [Proposed Greenhouse Gas (GHG) Regulations For Medium– And Heavy–Duty Engines And Vehicles, Optional Reduced Emission Standards For Heavy–Duty Engines, And Amendments To The Tractor–Trailer GHG Regulation, Diesel–Fueled Commercial Motor Vehicle Idling Rule, And The Heavy–Duty Hybrid–Electric Vehicles Certification Procedures],
- Z–2014–0819–06 /Proposed Amendments To The LEV III Criteria Pollutant Requirements For Light– And Medium–Duty Vehicles, The Hybrid Electric Vehicle Test Procedures, And The Heavy–Duty Otto–Cycle And Heavy–Duty Diesel Test Procedures/,
- Z–2018–0724–07 [Proposed Amendments to the Low–Emission Vehicle III Greenhouse Gas Emission Regulation],
- Z–2018–0821–02 [Amendments to California Specification for Fill Pipes and Openings Of Motor Vehicle Fuel Tanks],
- Z–2020–0609–07 [Proposed Amendments to the Exhaust Emissions Standards and Test Procedures for 2024 and Subsequent Model Year Heavy–Duty Engines and Vehicles, Heavy–Duty On–Board Diagnostic System Requirements, Heavy–Duty In–Use Testing Program, Emissions Warranty Period and Useful Life Requirements, Emissions Warranty Information and Reporting Requirements, and Corrective Action Procedures, In–Use Emissions Data Reporting Requirements, and Phase 2 Heavy–Duty Greenhouse Gas Regulations, and Powertrain Test Procedures],
- Z–2023–0718–09 [Proposed Amendments to the Heavy–Duty Engine and Vehicle Omnibus Regulation],

The following documents are incorporated in the Emergency Vehicle Emissions regulatory action by reference as specified by the following sections of emergency regulations or by the original regulatory section in which they were adopted, and are noted here for completeness.

- "California 2015 And Subsequent Model Criteria Pollutant Exhaust Emission Standards and Test Procedures And 2017 And Subsequent Model Greenhouse Gas Exhaust Emission Standards and Test Procedures For Passenger Cars, Light–Duty Trucks, And Medium–Duty Vehicles", amended December 6, 2012, incorporated by reference in title 13, CCR, sections 1961.2.1, 1965.0.1, 2037.0.1, and 2038.0.1.
- "California Evaporative Emission Standards and Test Procedures For 2001 And Subsequent Model Motor Vehicles", adopted August 1999, amended December 2012, incorporated by reference in title 13, CCR, section 1976.0.1.
- "California Refueling Emission Standards and Test Procedures For 2001 And Subsequent Model Motor Vehicles", amended March 22, 2012, incorporated by reference in title 13, CCR, section 1978.0.1.
- "California Non–Methane Organic Gas Test Procedures for 2017 And Subsequent Model Year Vehicles", adopted September 2015, incorporated by reference in title 13, CCR, section 1961.2.1.
- "California Test Procedures For Evaluating Substitute Fuels and New Clean Fuels In 2015 and Subsequent Years" adopted March 2012, incorporated by reference in title 13, CCR, section 2317.0.1.
- "California Exhaust Emission Standards and Test Procedures For 2018 and Subsequent Model Zero–Emission Vehicles and Hybrid Electric Vehicles, In The Passenger Car, Light–Duty Truck And Medium–Duty Vehicle Classes", of which the title has changed, amended September 3, 2015, incorporated by reference in title 13, CCR, sections 1961.2.1 and 1962.2.1.
- "California Exhaust Emission Standards and Test Procedures For 2004 and Subsequent Model Heavy–Duty Diesel–Engines and Vehicles", amended October 21, 2014, incorporated by reference in title 13, CCR, section 1956.8.1(b).

- "California Exhaust Emission Standards and Test Procedures For 2004 and Subsequent Model Heavy–Duty Otto–Cycle Engines", amended October 21, 2014, incorporated by reference in title 13, CCR, section 1956.8.1(d).
- "California Greenhouse Gas Exhaust Emission Standards and Test Procedures for 2014 and Subsequent Model Heavy–Duty Vehicles", adopted October 21, 2014, incorporated by reference in title 17, CCR, section 95663(c).
- "California Interim Certification Procedures For 2004 and Subsequent Model Hybrid–Electric and Other Hybrid Vehicles in the Urban Bus and Heavy–Duty Vehicle Classes", amended October 21, 2014, incorporated by reference in title 13, CCR, section 1956.8.1(b).
- "California Non–Methane Organic Gas Test Procedures for 1993 Through 2016 Model Year Vehicles", amended September 2, 2015, incorporated by reference in title 13, CCR, section 1956.8.1(d).
- Society of Automotive Engineers (SAE) J1979 "E/E Diagnostic Test Modes," incorporated by reference in title 13, CCR, section 1968.2.1(c).
- SAE J1939 "Recommended Practice for a Serial Control and Communications Vehicle Network," incorporated by reference in title 13, CCR, section 1968.2.1(c).
- The evaporative emission standards and test procedures incorporated by reference in title 13, CCR, section 1976, as referenced in title 13, CCR, section 1968.2.1(c).
- The exhaust emission levels to which an engine family is certified under the averaging, banking, and trading program incorporated by reference in title 13, CCR, section 1956.8, as referenced in title 13, CCR, section 1968.2.1(c).
- The certification requirements and test procedures incorporated by reference in title 13, CCR, section 1961(d), as referenced in title 13, CCR, section 1968.2.1(c).
- The certification exhaust emission standards and test procedures applicable to the SET cycle incorporated by reference in title 13, CCR, section 1956.8(b) and section 1956.8(d), as referenced in title 13, CCR, section 1968.2.1(c).
- "Speed Versus Time Data for California's Unified Driving Cycle", dated December 12, 1996, incorporated by reference in title 13, CCR, section 1968.2.1(c).
- 40 CFR 86, Appendix 1, section (g) "EPA US06 Driving Schedule for Light–Duty Vehicles and Light–Duty Trucks," amended July 13, 2005, incorporated by reference in title 13, CCR, section 1968.2.1(c).
- Air Resources Board (ARB) Manufacturers Advisory Correspondence (MAC) Number 99–06, adopted December 20, 1999, incorporated by reference in title 13, CCR, section 1968.2.1(e)(14.1.2)(A).
- SAE J1930 "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms — Equivalent to ISO/TR 15031–2:April 30, 2002", incorporated by reference in title 13, CCR, section 1968.2.1(e)(14.1.2)(B).
- SAE J1930 "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms — Equivalent to ISO/TR 15031–2", October 2008, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.1).
- SAE J1962 "Diagnostic Connector — Equivalent to ISO/DIS 15031–3:December 14, 2001", April 2002, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.2).
- SAE J1978 "OBD II Scan Tool — Equivalent to ISO/DIS 15031–4:December 14, 2001", April 2002, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.3).
- SAE J1979 "E/E Diagnostic Test Modes", May 2007, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.4).
- SAE J1979–DA, "Digital Annex of E/E Diagnostic Test Modes", October 2011, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.4.1).
- SAE J1850 "Class B Data Communications Network Interface", May 2001, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.5).
- SAE J2012 "Diagnostic Trouble Code Definitions — Equivalent to ISO/DIS 15031–6", December 2007, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.6).
- ISO 9141–2:1994 "Road Vehicles–Diagnostic Systems–CARB Requirements for Interchange of Digital Information", February 1994, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.7).
- ISO 14230–4:2000 "Road Vehicles–Diagnostic Systems–KWP 2000 Requirements for Emission related Systems", June 2000, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.8).
- ISO 15765–4:2005 "Road vehicles–Diagnostics on Controller Area Network (CAN) — Part 4: Requirements for emissions–related systems", January 2005, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.9).
- SAE J1939 "Recommended Practice for a Serial Control and Communications Vehicle Network"

March 2009, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.1).

- SAE J1939/1 "Recommended Practice for Control and Communications Network for On–Highway Equipment", September 01, 2000, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.2).
- SAE J1939/11 "Physical Layer, 250K bits/s, Twisted Shielded Pair", September 18, 2006, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.3).
- SAE J1939/13 "Off–Board Diagnostic Connector", March 11, 2004, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.4).
- SAE J1939/15 "Reduced Physical Layer, 250K bits/sec, UN–Shielded Twisted Pair (UTP)", August 21, 2008, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.5).
- SAE J1939/21 "Data Link Layer", December 22, 2006, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.6).
- SAE J1939/31 "Network Layer", April 02, 2004, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.7).
- SAE J1939/71 "Vehicle Application Layer (Through February 2008)", January 20, 2009, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.8).
- SAE J1939/73 "Application Layer — Diagnostics", September 08, 2006, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.9).
- SAE J1939/81 "Network Management", May 08, 2003, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.10).
- SAE J1939/84 "OBD Communications Compliance Test Cases For Heavy Duty Components and Vehicles", December 2008, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.10.11).
- SAE J1699–3 — "OBD II Compliance Test Cases", May 2006, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.11).
- SAE J2534–1 — "Recommended Practice for Pass–Thru Vehicle Programming", December 2004, incorporated by reference in title 13, CCR, section 1968.2.1(g)(1.12).
- Attachment E: CAL ID and CVN Data of ARB Mail–Out #MSC 06–23, December 21, 2006, incorporated by reference in title 13, CCR, section 1968.2.1(g)(4.7.4).
- Attachment A of ARB Mail–Out #95–20, May 22, 1995, incorporated by reference in title 13, CCR, section 1968.2.1(i)(2.2).
- Attachment A: Misfire Disablement and Detection Chart of ARB Mail–Out #06–23, December 21, 2006, incorporated by reference in title 13, CCR, section 1968.2.1(i)(2.5.1)(C).
- Attachments F and G of ARB Mail–Out #MSC 06–23, December 21, 2006, incorporated by reference in title 13, CCR, section 1968.2.1(i)(2.16).
- Attachment D: Rate Based Data of ARB Mail–Out #06–23, December 21, 2006, incorporated by reference in title 13, CCR, section 1968.2.1(j)(3.2).
- Health and Safety Code section 39010 et seq., incorporated by reference in title 13, CCR, section 1968.5.1(a)(3).
- Title 13, CCR, sections 1900(b) and 1968.2(c), incorporated by reference in title 13, CCR, section 1968.5.1(a)(3).
- EMFAC2000 "Public Meeting to Consider Approval of Revisions to the State's On–Road Motor Vehicle Emissions Inventory: Technical Support Document, Section 7.1, 'Estimation of Average Mileage Accrual Rates from Smog Check Data,'" May 2000, incorporated by reference in title 13, CCR, section 1968.5.1(b)(3)(A)(iv).
- SAE J1979 as incorporated by reference in title 13, CCR section 1968.2(g)(1) and section 1968.2.1(g)(4.1).
- SAE J1979 "E/E Diagnostic Test Modes," February 2012, incorporated by reference in title 13, CCR, section 1971.1.1(c).
- The evaporative emission standards and test procedures incorporated by reference in title 13, CCR, section 1976, as referenced in title 13, CCR, section 1971.1.1(c).
- The exhaust emission levels to which an engine family is certified under the averaging, banking, and trading program incorporated by reference in title 13, CCR, section 1956.8, as referenced in title 13, CCR, section 1971.1.1(c).
- The certification exhaust emission standards and test procedures applicable to the SET cycle incorporated by reference in title 13, CCR, section 1956.8(b) and section 1956.8(d), as referenced in title 13, CCR, section 1971.1.1(c).
- SAE J1930 "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms — Equivalent to ISO/TR 15031–2", October 2008, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.1).
- SAE J1930–DA "Electrical/Electronic Systems Diagnostic Terms, Definitions, Abbreviations, and Acronyms Web Tool Spreadsheet", March 2012, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.1.1).

- SAE J1962 "Diagnostic Connector — Equivalent to ISO/DIS 15031–3:December 14, 2001", April 2002, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.2).
- SAE J1978 "OBD II Scan Tool — Equivalent to ISO/DIS 15031–4:December 14, 2001", April 2002, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.3).
- SAE J1979 "E/E Diagnostic Test Modes", May 2007, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.4).
- SAE J1979–DA, "Digital Annex of E/E Diagnostic Test Modes", October 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.4.1).
- SAE J2012 "Diagnostic Trouble Code Definitions — Equivalent to ISO/DIS 15031–6", December 2007, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.5).
- SAE J2012–DA "Digital Annex of Diagnostic Trouble Code Definitions and Failure Type Byte Definitions", July 2010, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.5.1).
- ISO 15765–4 "Road Vehicles–Diagnostics Communication over Controller Area Network (CAN) — Part 4: Requirements for emission–related systems", February 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.6).
- SAE J1939 "Recommended Practice for a Serial Control and Communications Vehicle Network", April 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.1).
- SAE J1939/1 "On–Highway Equipment Control and Communication Network", May 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.2).
- SAE J1939/11 "Physical Layer, 250K bits/s, Twisted Shielded Pair", September 2006, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.3).
- SAE J1939/13 "Off–Board Diagnostic Connector", October 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.4).
- SAE J1939/15 "Reduced Physical Layer, 250K bits/sec, UN–Shielded Twisted Pair (UTP)", August 2008, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.5).
- SAE J1939/21 "Data Link Layer", December 2010, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.6).
- SAE J1939/31 "Network Layer", May 2010, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.7).
- SAE J1939/71 "Vehicle Application Layer (Through May 2010)", March 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.8).
- SAE J1939/73 "Application Layer — Diagnostics", February 2010, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.9).
- SAE J1939/81 "Network Management", June 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.10).
- SAE J1939/84 "OBD Communications Compliance Test Cases For Heavy Duty Components and Vehicles", December 2010, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.7.11).
- SAE J2403 "Medium/Heavy–Duty E/E Systems Diagnosis Nomenclature," February 2011, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.8).
- SAE J1699–3 — "OBD II Compliance Test Cases", December 2009, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.9).
- SAE J2534–1 — "Recommended Practice for Pass–Thru Vehicle Programming", December 2004, incorporated by reference in title 13, CCR, section 1971.1.1(h)(1.10).
- Attachment F of ARB Mail–Out #MSC 09–22, July 7, 2009, incorporated by reference in title 13, CCR, section 1971.1.1 (h)(4.7.6).
- Attachments G and H of ARB Mail–Out #MSC 09–22, July 7, 2009, incorporated by reference in title 13, CCR, section 1971.1.1 (j)(2.17).
- Health and Safety Code section 39010 et seq., incorporated by reference in title 13, CCR, section 1971.5.1(a)(3).
- Title 13, CCR, section 1900(b) and section 1971.1(c), incorporated by reference in title 13, CCR, section 1971.5.1(a)(3).
- EMFAC2007, incorporated by reference in title 13, CCR, section 1971.5.1(b)(3)(A)(iv).
- Society of Automotive Engineers J1979 (SAE J1979) or J1939 (SAE J1939) as incorporated by reference in Cal. Code Regs., title 13, section 1971.1.1(h)(1) and section 1971.1.1(h)(4.1).

TITLE 14. FISH AND GAME COMMISSION

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by Sections 200, 205, 275, 399, 1050, 5520, 5521, and 9149 of the California Fish and Game Code and to implement, interpret or make specific Sections 275, 1050, 5520, 5521, 7145, and 7149.8 of said Code, proposes to amend Section 29.15, Title

14, California Code of Regulations, relating to extension of the red abalone fishery closure

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Fish and Game Commission (Commission) proposes to amend Title 14, Section 29.15 of the California Code of Regulations regarding the recreational red abalone fishery. The amendment will extend the sunset date of the current recreational red abalone closure for 10 years, through the 2035 season until April 1, 2036.

To address the significant decline of red abalone populations in California waters, the proposed regulatory change will keep the recreational abalone fishery closed for an additional ten years. This closure is necessary to protect these populations from further exploitation and to facilitate their recovery. Without this change, the fishery will automatically reopen on April 1, 2026, exacerbating the decline of red abalone populations and jeopardizing the long–term health of the marine ecosystem. The proposed change to Section 29.15(b) modifies the reopening date to April 1, 2036. Similarly, for subsections (i), (j), and (k), the "Effective April 1, 2026" is deleted as including this date is redundant with subsection 29.15(b). If Section 29.15 remains active in the year 2036, these subsections will take effect starting April 1, 2036 along with the other subsections within Section 29.15.

Benefits of the Proposed Regulations

The Commission anticipates benefits to the environment in the sustainable management of abalone resources. Other benefits of the proposed regulations are the possible return of some recreational harvest of abalone in 2036.

Consistency and Compatibility with Existing Regulations

Article IV, Section 20 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 regulate sport fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission searched the California Code of Regulations and finds no other state agency regulations pertaining to recreational abalone fishing.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before December 1, 2025 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on December 5, 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.

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the East End Complex, Auditorium, 1500 Capitol Avenue, Sacramento, California, which will commence at 8:00 a.m. on Wednesday, October 8, 2025, and may continue at 8:00 a.m., on Thursday, October 9, 2025. The Commission will make a reasonable effort to allow for remote public participation 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 in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Building, 715 P Street, Sacramento, California, which will commence at 8:00 a.m. on Wednesday, December 10, 2025, and may continue at 8:00 a.m., on Thursday, December 11, 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 in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agen-

da, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

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

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION/ RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

(a) Significant Statewide Adverse Economic Impact Directly Affecting 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 regulatory action will not impact compliance costs or fishery activity due to the existing closure and applies to a fishery that is unique to the State of California.

(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 new negative impacts on the creation or elimination of jobs within the state, although annual impacts from fewer visits to abalone fishing sites and the related travel expenditures that were previously identified may continue to occur. The abalone fishery has been closed since April 1, 2018. No change in employment is anticipated in direct relation to the proposed extension to April 1, 2036. The proposed extension is designed to ensure the long–term sustainability and quality of the fishery, promoting future participation, fishing activity, and associated economic activity. In the event of a fishery closure, as the abalone fishery is currently experiencing, effort may increase or transfer to the pursuit of different species or entirely out of fishing towards other recreational pursuits in the area, which may offset impacts to closed or limited fisheries by shifting sport–fishing activity towards other open fisheries. The Commission believes that Californian's will benefit generally from responsible management of the red abalone population and the associated recreational opportunities.

(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.

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

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

None.

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

None.

(h) Effect on Housing Costs:

None.

(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. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

PERMITTING REGULATIONS

The San Francisco Bay Conservation and Development Commission will hold a public hearing on the subject of this Notice of Proposed Rulemaking on November 20, 2025, at its regularly scheduled meeting, which will begin at 1:00 p.m. at 375 Beale Street in San Francisco, California, and will be held as a hybrid meeting under teleconference rules established by the Bagley–Keene Open Meeting Act. The hearing will concern proposed changes to the Commission's permitting regulations that are codified at Title 14 of the California Code of Regulations, Division 5.

At the hearing, any person may present comments, arguments, or statements orally or in writing relevant to the proposed action described in the Informative Digest (below). Information regarding how to access the November 20, 2025, Commission meeting online or by teleconference will be provided in a meeting notice and agenda posted on the Commission's website (www.bcdc.ca.gov) not less than ten days prior to the meeting date.

Following the public hearing, the Commission may adopt the proposal substantially as described below or may modify the proposal. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for at least 15 days prior to its adoption from the person designated in this Notice as the Contact Person. Notice of the availability of any proposed modifications will be mailed or emailed to those persons who submit written comments, provide oral comments at the public hearing, or request notification of any changes to the proposal. Please contact the Commission to receive a meeting notice and any notice of change to the hearing date (see Contact Person, below).

WRITTEN COMMENT PERIOD

Any person or organization may submit written comments on this proposed regulatory action. The written comment period closes at 5 p.m. on November 21, 2025. The Commission will consider only comments received by that time.

Please submit written comments to:

publiccomment@bcdc.ca.gov

AUTHORITY AND REFERENCE

Authority: Government Code Section 66632(f); and Public Resources Code Sections 29201(e).

References: Civil Code Sections 7 and 10; Civil Procedure Code Section 1094.5; Government Code Sections 6700(a), 6701, 6702, 11125.7, 11340.9(c), 65940, 65943(a), 65943(c), 66604, 66610, 66632, 66632(a), 66632(b), 66632(c), 66632(e), 66632(f), 66632(i), 66653, 66654, and 66663–66666; Public Resources Code Sections 21065, 21080.5, 21080.5(d)(2)(C), 21080.5(d)(2)(D), 21160, 29114, 29501(a), 29505, 29508, 29509(b), 29520(a), and 29602; *Sweeney v. San Francisco Bay Conservation & Development Comm'n* (2021) 62 Cal.App.5th 1, 14–16; *Citizens Assn. for Sensible Development of Bishop Area v. County of Inyo* (1985) 172 Cal App. 3d 151, 165; *Bozung v. Local Agency Formation Com.* (1975) 13 Cal. 3d 263,

283–84; and *Sunset Amusement Co. v. Board of Police Commissioners* (1972) 7 Cal. 3d 64, 80; and San Francisco Bay Plan, Tidal Marshes and Tidal Flats Policy 6, Subtidal Areas Policy 3, and Mitigation Policy 6.

INFORMATIVE DIGEST

The Commission's regulations establish procedures and standards for the Commission or its Executive Director to issue permits within areas of the Commission's jurisdiction: (1) under the McAteer–Petris Act, California Government Code sections 66600 through 66694; and (2) the Suisun Marsh Preservation Act, California Public Resources Code sections 29000 through 29612.

In summary, the proposed amendments will:

- Streamline and Improve the regionwide permit program for straightforward projects that will not result in significant adverse environmental impacts;
- Add a new introductory Article to the permitting regulations; and
- Revise, clarify, or update certain regulations governing the Commission's permitting process and the determination of the Commission's jurisdiction.

Streamline and Improve the Regionwide Permit Program

The existing regulations allow the Commission to authorize similar categories of activities under two different permit programs, one for regionwide permits and another for abbreviated regionwide permits. The proposed amendments will repeal the existing regulations governing regionwide permits and abbreviated regionwide permits in their entirety and adopt a new set of amended regulations for the regionwide permit program only. In comparison to the existing regulations, the amended regulations will provide much more detail as to how the Commission adopts, amends, or revokes a regionwide permit, how a property owner or other project proponent applies for coverage under a regionwide permit, and how the Executive Director reviews an application for coverage under a regionwide permit.

The existing regionwide permit program applies only in areas of the Commission's jurisdiction under the McAteer–Petris Act. The amended regulations will increase the scope of the regionwide permit program to include areas within the Commission's jurisdiction under the Suisun Marsh Preservation Act.

Under the existing regulations, there are ambiguities and inconsistencies regarding the information that an applicant seeking coverage under a regionwide permit is required to submit to enable the Executive Director to determine whether to approve or deny coverage under such a permit. The proposed amendments will repeal the existing regionwide permit application requirements and adopt new regulations to revise, clarify, and streamline the information required to apply for coverage under a regionwide permit.

Add a New Introductory Article to the Permitting Regulations

Because of how the Commission's permitting programs developed over time, the regulations governing the different types of permits are set forth in different Chapters of the regulations. The proposed amendments will add a new introductory Article to the permitting regulations that will include sections to:

- Define the four types of permits: major, administrative, regionwide, and emergency.
- Describe how the type of permit required is determined depending on the nature and scope of a proposed project.
- Inform permit applicants of the opportunity to request a pre–application meeting with Commission staff.
- Identify certain de minimis activities in the Commission's shoreline band jurisdiction that do not require a permit.
- State that any aggrieved person may seek judicial review of any decision of the Commission or the Executive Director to deny or approve a permit application by filing a petition for writ of mandate in accordance with Code of Civil Procedure section 1094.5.

Other Amendments to Revise, Clarify, or Update Certain Regulations

The proposed amendments include a new section 10112 that will clarify how to calculate deadlines to perform any act required by the regulations. The amendments also include revisions, clarification, or updates to the following regulations:

- Section 10125 defines a "substantial change of use" for which a permit is required under the McAteer–Petris Act.
- Section 10130 excludes incidental site restoration activities associated with the extraction of material for sample testing from the requirement for a permit.
- Sections 10133 and 10710 govern the determination of the Commission's jurisdiction under certain circumstances.
- Section 10601 describes the categories of activities within the different areas of the Commission's jurisdiction that constitute "minor repairs or improvements."
- Section 10602 describes the dredging and disposal projects that constitute "minor repairs or improvements."

- Section 10620 requires the Executive Director to provide a listing to the Commission of pending applications for administrative permits.
- Section 10654 requires the Executive Director to report to the Commission as part of the administrative listing the emergency permits granted by the Executive Director.
- Sections 10810 and 10822 govern Executive Director approval of nonmaterial amendments to administrative and major permits, respectively.

Objectives and Anticipated Benefits of the Proposed Amendments

The objectives of the proposed amendments are to:

(1) streamline and improve the regionwide permit program;

(2) add a new introductory Article to the permitting regulations with sections that define the different types of permits, describe how the type of permit required is determined based on the nature and scope of a project, identify certain de minimis activities in the Commission's shoreline band jurisdiction that do not require a permit, and contains general provisions applicable to all types of permits; and

(3) revise, clarify, or update certain regulations governing the Commission's permitting process and the determination of the Commission's jurisdiction.

The benefits of the proposed amendments are primarily non–monetary. The benefits include improvements and clarifications to the regionwide permit program by providing more detail as to how the Commission adopts, amends, or revokes a regionwide permit, how a permit applicant applies for coverage under a regionwide permit, and how the Executive Director reviews an application for coverage under a regionwide permit. The benefits also include clarifying and streamlining the information required to apply for coverage under a regionwide permit.

The benefits of the proposed amendments include increased clarity and transparency for permit applicants and the public by adding a new introductory Article to the permitting regulations with sections to define the different types of permits, describe how the type of permit required is determined depending on the nature and scope of a proposed project, and set forth general provisions applicable to all types of permits. Eliminating permit requirements for certain de minimis activities in the Commission's shoreline band jurisdiction will reduce permitting costs for some small projects.

The benefits of the proposed amendments include revising, clarifying, or updating certain regulations governing the Commission's permitting process and the determination of the Commission's jurisdiction, and increasing the transparency of the permitting process by providing for notice of permitting actions taken by the Executive Director.

No Inconsistency or Incompatibility with Existing State Regulations

The Commission's regulations are the only state regulations concerning the McAteer–Petris Act, the Suisun Marsh Preservation Act, and governing Commission permits issued under either of those Acts. Therefore, the proposed amended regulations are neither inconsistent nor incompatible with existing state regulations.

No Comparable Federal Statutes or Regulations

There are no federal statutes or regulations applicable to the McAteer–Petris Act, the Suisun Marsh Preservation Act, or Commission permits. Therefore, neither the Commission's existing regulations nor the proposed amendments differ from a comparable federal statute or regulation.

DETERMINATIONS REGARDING THE PROPOSED ACTION

The Commission has made the following determinations or initial determinations:

Mandate imposed on local agencies or school districts by proposed amendments: None.

Cost or savings to any state agency: None. The proposed amendments will not impose any direct or indirect costs on state agencies that apply to the Commission for a permit or permit amendment.

Cost to any local agency or school district that must be reimbursed under Government Code sections 17500 through 17630: None.

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

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

Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None. The proposed amendments will not impose any direct or indirect costs on businesses or individuals.

No 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 reasonably compliance with the proposed action. The proposed amendments will not impose any direct or indirect costs on individ-

uals, businesses, or other private parties that apply to the Commission for a permit or permit amendment.

Determination of effect on small business: The proposed amendments may affect small business. The proposed amendments will impact small businesses that apply for a Commission permit to the same extent as they will impact other businesses, individuals, local government agencies, and state agencies that apply for a permit.

Business reporting requirements: None.

Results of the Economic Impact Assessment: The proposed amendments will not create or eliminate jobs within California, create new businesses or eliminate existing businesses within California, or affect the expansion of businesses currently doing business within California. The benefits to the health and welfare of California residents include an improved and streamlined regionwide permit program for routine projects that will not result in adverse environmental impacts, increased clarity and transparency for Commission permit applicants and the public, and reduced permitting costs for some small projects. The proposed amendments are not expected to affect worker safety or the state's environment. The proposed amendments will not impose any direct or indirect costs on individuals, businesses, local government agencies, or state agencies.

The amendments will eliminate permit fees for certain de minimis activities in the Commission's shoreline band jurisdiction under the McAteer–Petris Act by clarifying that no permit is required for such activities. Thus, the amendments will incrementally reduce the costs of the Commission's regulatory program by a modest amount and will correspondingly reduce the amounts collected by the Commission in annual permit application fees.

It is difficult to estimate the reduction in permitting costs (and collected application fees) that will result from clarifying that no permit is required, and therefore, no application fees will be collected, for certain de minimis activities conducted entirely in the shoreline band. However, the reduction in costs (and fees) will not be substantial. This is because if a project consists of only de minimis activities in the shoreline band, under the existing regulations, the project generally would be authorized under a regionwide permit or an abbreviated regionwide permit for which the application fee is only $200. If an administrative permit were required for such a project and if the total project cost were under $600,000, under the existing regulations, the application fee would be between $300 and $2,100. If such a project were processed as a non–material permit amendment to an administrative permit, the cost would be between $200 and $600 for projects with total costs under $600,000.

If the proposed amendments clarifying that no permit is required for certain de minimis activities in the shoreline band had been in place in 2024, they likely would have eliminated the need for the Commission to issue approximately 15 permits (primarily regionwide permits and non–material amendments to existing administrative permits) for which the total application fees were $4,750, or an average of $467 per application. In comparison, in 2024, the Commission collected over $1.2 million in total permit fees.

Significant effect on housing costs: None.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(a)(13), the Commission must determine that no reasonable alternative it considered 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 provisions of law.

Alternatives to the proposed regulatory action are described in the accompanying Initial Statement of Reasons. The Commission invites interested persons to present comments on the proposed amendments and alternatives at the scheduled public hearing or during the written comment period.

CONTACT PERSON

Inquiries concerning the proposed regulatory action may be directed to:

Ethan Lavine, Assistant Regulatory Director for Climate Adaptation
San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, CA 94105
Telephone: (415) 352–3618
Email: ethan.lavine@bcdc.ca.gov

The backup contact person for these inquiries is:

Margie Malan, Legal Secretary
San Francisco Bay Conservation and Development Commission
375 Beale Street, Suite 510
San Francisco, CA 94105
Telephone: (415) 352–3675
Email: margie.malan@bcdc.ca.gov

AVAILABILITY OF THE TEXT OF THE PROPOSED AMENDMENTS TO REGULATIONS AND THE INITIAL STATEMENT OF REASONS

The Commission will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this Notice is published in the California Regulatory Notice Register, the rulemaking file consists of:

(1) this Notice;

(2) the text of the proposed amendments to the Commission's regulations, with proposed deletions shown in strikeout and proposed inserts shown in underscore;

(3) the Initial Statement of Reasons; and

(4) the Economic and Fiscal Impact Statement (Form 399) and supplement thereto.

Copies of these documents may be obtained from the Commission's website at www.bcdc.ca.gov at the link to this Notice on the homepage under *Latest News*. Copies may also be obtained by contacting Ethan Lavine at the address, telephone number, or email address listed above.

The proposed regulations were prepared pursuant to the standard of clarity provided in Government Code Section 11349(c) and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulations are non–technical and written to be easily understood by the affected parties.

AVAILABILITY OF CHANGES OR MODIFIED TEXT

After holding the public hearing and considering all timely and relevant comments, the Commission may adopt the proposed amendments to its regulations substantially as described in this notice. If the Commission makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with changes clearly indicated) available to the public for at least 15 days before the Commission considers whether to adopt the regulations as modified. Please send requests for copies of any modified proposed amendments to the regulations to Ethan Lavine at the address indicated above. The Commission will accept written comments on the modified text for 15 days after the date on which the modified proposed regulations are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon the Commission's adoption of the regulations, copies of the Final Statement of Reasons may be obtained by contacting Ethan Lavine at the above address.

AVAILABILITY OF THE DOCUMENTS ON THE INTERNET

Copies of this Notice of Proposed Rulemaking, the Initial Statement of Reasons, and the text of the proposed amendments to regulations (in strikeout and underlined format), as well as the Final Statement of Reasons once it is completed, will be posted on and can be obtained from the Commission website at www.bcdc.ca.gov.

TITLE 17. AIR RESOURCES BOARD

METHANE EMISSIONS FROM MUNICIPAL SOLID WASTE LANDFILLS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the proposed amendments to the Regulation on Methane Emissions from Municipal Solid Waste Landfills (the Landfill Methane Regulation, LMR, or Regulation).

Date: November 20, 2025

Time: 9:00 a.m.

In–Person Location:

California Air Resources Board

Byron Sher Auditorium

1001 I Street, Sacramento, California 95814

Remote Option:

Zoom

This public meeting may continue at 9:00 a.m., on November 21, 2025. Please consult the public agenda, which will be posted ten days before the November 20, 2025, Board Meeting, for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on September 26, 2025. Written comments not submitted during the hearing must be submitted on or after September 26, 2025, and received **no later than November 10, 2025**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:

Clerks' Office, California Air Resources Board

1001 I Street, Sacramento, California 95814

Electronic submittal:

https://ww2.arb.ca.gov/lispub/comm/bclist.php

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38501, 38510, 38560, 38560.5, 38580, 39600, and 39601. This action is proposed to implement, interpret, and make specific sections 38501, 38505, 38510, 38550, 38551, 38560, 38560.5, 38562.2, 38566, 38580, 39003, 39500, 39600, 39601, and 39730.5 of the California Health and Safety Code.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

(Gov. Code, § 11346.5, subdivision (a)(3))

Sections Affected:

Proposed amendments to California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 4, subarticle 13, sections 95462, 95463, 95464, 95465, 95467, 95468, 95469, 95470, 95471, 95475, and Appendix I. Proposed repeal of California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 4, subarticle 13, section 95466.

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

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

- ASTM International, 2025. D2487–17: Standard Practice for Classification of Soils for Engineering Purposes (Unified Soil Classification System). Reapproved February 1, 2025. Copyrighted. **Section 95471(k).**
- Title 14, California Code of Regulations, Division 7, Chapter 9, Article 9.2, Section 18810.2 — Scales and Weighing Requirements at a Landfill. Effective January 1, 2006. **Section 95470(b)(6)(B)1.**
- Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 3, Subchapter 4 — Criteria for Landfills and Disposal Sites. As it existed on July 18, 2025. **Section 95471(k).**
- Title 27, California Code of Regulations, Division 2, Subdivision 1, Chapter 3, Subchapter 5 — Closure and Post–Closure Maintenance. As it existed on July 18, 2025. **Section 95471(k).**
- Title 40, Code of Federal Regulations, Part 60, Appendix A–1 — Test Methods 1 through 2F. Effective May 30, 2023. **Sections 95471(a), (f)(1), and (m).**
- Title 40, Code of Federal Regulations, Part 60, Appendix A–2 — Test Methods 2G through 3C. Effective October 31, 2016. **Sections 95471(n)(2) and (3).**
- Title 40, Code of Federal Regulations, Part 60, Appendix A–4 — Test Methods 6 through 10B. Effective May 30, 2023. **Sections 95471(o)(4)(A) and (B).**
- Title 40, Code of Federal Regulations, Part 60, Appendix A–6 — Test Methods 16 through 18. Effective December 7, 2020. **Sections 95471(i)(1) and (n)(2).**
- Title 40, Code of Federal Regulations, Part 60, Appendix A–7 — Test Methods 19 through 25E. Effective May 30, 2023. **Section 95471(i)(1).**

- Title 40, Code of Federal Regulations, Part 62 — Approval and Promulgation of State Plans for Designated Facilities and Pollutants, section 62.16722(a)(2). Effective June 21, 2021. **Section 95471(n)(1).**

Background and Effect of the Proposed Regulatory Action:

Background on the Landfill Methane Regulation

Municipal solid waste (MSW) landfills are the second–largest source of methane emissions in California, contributing over 20% of statewide methane emissions.[1] Methane is a powerful greenhouse gas, particularly over the short–term, that scientists estimate is responsible for up to 25% of climate change.[2] In addition, co–pollutants in landfill gas are emitted alongside methane that can have potential air quality and health implications for those who live or work nearby.

Adopted in 2010 as a discrete early action measure under California's 2006 landmark greenhouse gas emissions mitigation law, Assembly Bill 32,[3] the Landfill Methane Regulation is designed to reduce methane emissions from MSW landfills. The LMR requires owners and operators to install and optimally operate landfill gas collection and control systems (GCCS) to minimize emissions, monitor surface methane concentration and other performance parameters, repair emission exceedances and other performance issues, conduct source testing of combustion devices used to destroy methane, keep records of these actions and data, and report compliance information to CARB and local air districts.

Currently, 190 landfills are subject to the LMR, with 153 landfills required to operate a GCCS. Both private companies and government entities (e.g., counties and cities) own and operate landfills. The LMR is implemented by CARB and local air districts, 22 of which have agreements with CARB to primarily implement and enforce the Regulation in their districts.

Effects of the Proposed Amendments

The proposed amendments are designed to improve methane control at MSW landfills by leveraging technologies, research, and lessons learned through over a decade of implementation experience. The following is a summary of CARB staff's proposal to amend the LMR organized into three overarching categories:

Methane emissions monitoring and repair actions:

- Require inspection and repair when operators are notified of a remotely–detected methane emission plume;
- Increase the stringency of landfill surface and component leak monitoring procedures, including increasing coverage by removing exemptions from monitoring, reducing corrective action timelines, and increasing frequency at certain landfills; and
- Establish a process to evaluate and approve emerging alternative technologies for leak detection, and require tools such as handheld or drone–mounted laser scanners to identify leaks in inaccessible areas that are currently excluded from monitoring.

Improving GCCS operations:

- Require earlier installation and operation of gas collection infrastructure in areas of new waste deposition;
- Limit periods of GCCS downtime and mitigate emissions from unavoidable downtime;
- Expand wellhead monitoring parameters and analysis, and require response actions for out–of–range values or large changes in values;
- Require more frequent monitoring, analysis, and mitigation measures including cover improvement in areas with persistent leaks or other issues; and
- Better manage declining gas generation at closed landfills through clearer standards for requests and approvals to operate a GCCS semi–continuously or shut down a GCCS.

Clarifying regulatory applicability, standardizing reporting, and other miscellaneous changes:

- Clarify responsibilities of third–party gas control system owners and operators;
- Reduce barriers to using continuous wellhead monitoring technologies by defining how regulatory thresholds apply to that data;
- Standardize, streamline, and digitize reporting to support compliance monitoring; and
- Miscellaneous clarifications, updates, and improvements to processes and enforceability.

CARB may also consider other changes to the sections affected, as listed on page three of this notice, or other sections within the scope of this notice, during the course of this rulemaking process.

Objectives and Benefits of the Proposed Regulatory Action:

Over a decade of LMR implementation, supported by extensive research including the California

[1] CARB. (2024, September 20). *Assembly Bill 32 Greenhouse Gas Emissions Inventory for 2000–2022 — by Sector and Activity (Methane).*

[2] CARB. (2022, December). *2022 Scoping Plan for Achieving Carbon Neutrality.* https://ww2.arb.ca.gov/sites/default/files/2023–04/2022–sp.pdf.

[3] Health & Saf. Code 38500 et seq., Assembly Bill 32 (Nuñez, Chapter 488, Statutes of 2006).

Methane Survey[4] and airborne plume–mapping campaigns,[5] has indicated opportunities to improve the LMR's effectiveness, stringency, and enforceability. The proposed amendments aim to leverage new technologies and lessons learned to drive further methane emissions reductions in support of the State's ambitious methane emissions reduction goals. These goals include, among others, reducing methane emissions 40% below 2013 levels by 2030[6] and achieving carbon neutrality by 2045 or sooner.[7] Specifically, key objectives include integration of advanced technologies; improved detection of leaks from both the landfill surface and GCCS components; reduced GCCS downtime; reduced emissions from the working face and areas of new waste deposition; better monitoring and operation of the GCCS to prevent disruptions, failures, odors, and co–pollutant emissions; improved management of landfills with declining gas generation; and improved clarity, processes, enforceability, and regulatory oversight.

The proposed amendments are expected to reduce emissions of methane and co–pollutants like toxic air contaminants, volatile organic compounds, and odorous compounds. Methane emission reductions reduce the impacts of global climate change that affect Californians as well as the global population. Co–pollutant and odor reductions can improve air quality on and around the landfill, benefiting the health of workers and residents of nearby communities. Additional wellhead monitoring may also lead to earlier detection and prevention of subsurface elevated temperature events that can damage the GCCS and increase emissions. The proposed amendments also contain significant improvements to reporting that will allow CARB and local air districts to better oversee compliance and improve public transparency.

Staff estimate expected methane emission reductions from increased gas capture of approximately 17,000 metric tons of methane per year. Staff expect that the proposed amendments will also result in additional unquantified emission reductions due to surface cover improvements. The quantified portion of the emission reductions would provide avoided social costs of methane in the range of $56 million to $178 million over a three–year analysis period.

Comparable Federal Regulations:

MSW landfills are regulated under federal rules including the New Source Performance Standards (NSPS)[8] and National Emission Standards for Hazardous Air Pollutants (NESHAP).[9] The NSPS applies to new, modified, or reconstructed MSW landfills that commence construction, reconstruction, or modification after July 17, 2014. The NESHAP applies to facilities meeting various applicability criteria related to the amount of hazardous air pollutants emitted from the facility (i.e., a "major source" or "collocated with a major source"), the landfill's design capacity and uncontrolled non–methane organic compound emissions, and whether the landfill is a bioreactor. Additionally, there are federal Emission Guidelines (EG)[10] that apply to "existing" landfills (not new, modified, or reconstructed after July 17, 2024) that states are required to implement through state plans consisting of rules, regulations, or other requirements. The current Regulation primarily implements the EG as California's State Plan,[11] with some additional requirements related to wellhead monitoring being implemented by a federal plan.[12]

The proposed amendments differ from the federal regulations in that they apply to smaller and older[13] landfills (the same applicability as the current LMR) and set more stringent requirements for landfill gas collection and control, component leak testing, and surface emissions monitoring. Inclusion of smaller landfills and older landfills, and more stringent control requirements, are necessary to maximize greenhouse gas emission reductions to contribute toward achieving the methane and greenhouse emission reduction targets in state law (Health and Safety Code sections 38562.2, 38566, and 39730.5).

California has authority to set its own standards to reduce emissions further to meet federal and state ambient air quality standards and climate change requirements and goals, and to require additional and separate reporting. The differing requirements in the proposed amendments are necessary to achieve additional benefits for human health, public welfare, and the environment as envisioned by authorizing legislation.

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[4] Duren, R. M., Thorpe, A.K., Foster, K.T., Rafiq, T., Hopkins, F.M., Yadav, V., … & Miller, C.E. (2019). California's Methane Super–Emitters. *Nature*, (575), 180–184. https://doi.org/10.1038/s41586–019–1720–3.

[5] CARB. (2024b, April). *Summary Report of the 2020, 2021, and 2023 Airborne Methane Plume Mapping Studies.* https://ww2.arb.ca.gov/sites/default/files/2024–04/2020–2021–2023%20Airborne%20Summary%20Report_FINAL.pdf.

[6] Health & Saf. Code § 39730.5, Senate Bill 1383 (Lara, Chapter 395, Statutes of 2016).

[7] Health & Saf. Code § 38562.2, Assembly Bill 1279 (Muratsuchi, Chapter 337, Statutes of 2022).

[8] 40 C.F.R., Part 60, Subpart XXX.

[9] 40 C.F.R., Part 63, Subpart AAAA.

[10] 40 C.F.R., Part 60, Subpart Cf.

[11] CARB. (2017, May 25). *California State Plan for Municipal Solid Waste Landfills Under Clean Air Act Section 111(d).* https://ww2.arb.ca.gov/sites/default/files/2020–08/CaStatePlan_final.pdf.

[12] See 40 C.F.R., § 62.1115(b)(2); Partial Approval, Partial Disapproval and Promulgation of State Plans for Designated Facilities and Pollutants; California; Control of Emissions from Existing Municipal Solid Waste Landfills, 84 Fed. Reg. 36863 (July 30, 2019).

[13] The date after which the landfill must have accepted waste to be subject the regulations/rules.

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

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

DISCLOSURES REGARDING THE PROPOSED REGULATION

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

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

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

Cost to any Local Agency or School District Requiring Reimbursement under Gov. Code section 17500 et seq.:

Pursuant to Government Code sections 11346.5, subdivision (a)(5) and 11346.5, subdivision (a)(6), the proposed amendments constitute a mandate that would create costs and cost–savings to local agencies. However, these costs to local agencies are not reimbursable by the state under Government Code, title 2, division 4, part 7 (commencing with section 17500). The mandate is not reimbursable because this action neither compels local agencies to provide new governmental functions (i.e., it does not require such agencies to provide new or additional governmental services to the public), nor imposes requirements that apply only to local agencies or school districts. Rather, the requirements apply generally to all entities that own or operate landfills or equipment for the collection or control of landfill gas. Therefore, the regulation does not constitute a "Program" imposing any unique requirements on local agencies or school districts as set forth in Government Code section 17514. Additionally, the affected local government–owned landfills are operated as not–for–profit organizations and are able to recover compliance costs by increasing service fees.

Cost or Savings for State Agencies:

The proposed amendments will have a fiscal impact on state government entities that own or operate landfills in the form of direct compliance costs. Staff determined that there are two such landfills, which together comprise an estimated 226 acres of the total 15,000 acres of surface area of controlled government–owned landfills subject to the LMR (approximately 1.5%). Staff applied this percentage to the estimated total costs to government–owned landfills for provisions that could apply to closed landfills to estimate that the State would incur direct compliance costs of approximately $125,000 over a three–year analysis period.[14] Staff also estimate that the proposed amendments will generate increased state sales tax revenues of approximately $106,000 per year based on the sale of additional materials and parts for new gas collectors.

Other Non–Discretionary Costs or Savings on Local Agencies:

The proposed amendments will have a fiscal impact on local agencies that own or operate landfills, such as cities and counTIes, in the form of direct compliance costs. Based on the total costs to all government landfills less the costs to state–owned and military–owned landfills, staff estimate that local government entities would incur direct compliance costs of $6.2 million in the first year and $6.1 million annually thereafter for total costs of $18.3 million over the three–year economic analysis timeframe.

Local air districts can voluntarily enter into memoranda of understanding (MOU) with CARB to primarily implement and enforce the LMR in their districts; currently, 22 local air districts have MOUs with CARB. Staff estimated labor time requirements for various activities that implementing air districts would be likely to incur and multiplied this by an estimated labor cost rate to arrive at total statewide costs for these activities. This resulted in estimated air district costs (statewide) of $417,594 over three years. Staff expect that the districts will fully recover their costs from the landfill owners or operators under the authority granted to them in sections 40702, 40727.2(j), and 41512 of the California Health and Safety Code. In addition, section 95473 of the Regulation requires the landfill owners or operators to pay any fees assessed by a local air district for the purpose of recovering district–incurrent implementation and enforcement costs.

Staff also estimate that the proposed amendments will generate increased local sales tax revenues of approximately $131,000 per year based on the sale of additional materials and parts for new gas collectors.

[14] See Initial Statement of Reasons (ISOR) Appendix B for detailed calculations.

Cost or Savings in Federal Funding to the State:

No costs or savings in federal funding is anticipated as a result of the proposed amendments.

Housing Costs (Gov. Code, § 11346.5, subdivision (a)(12)):

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

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

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

Results of The Economic Impact Analysis/ Assessment (Gov. Code, § 11346.5, subdivision (a)(10)):

A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter VIII of the Initial Statement of Reasons (ISOR).

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

The creation or elimination of jobs within the State of California.

The proposed amendments are not anticipated to directly result in job creation or elimination. However, the proposed amendments may indirectly affect job creation because they will result in additional surface emissions monitoring, leak detection, repairs, and gas collector/well installation (usually performed by outside contractors). There is also the potential of less labor being needed for monitoring at landfills that adopt certain alternative monitoring technologies (e.g., drones). Staff estimate that increases in labor time needs would outweigh any decreases.

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

The creation or elimination of businesses in the directly regulated sector are not anticipated. Most of the additional costs imposed by the proposed amendments are related to increased monitoring, remediation, and gas collector/well installation and are expected to be relatively modest compared to the level of those activities already occurring. Therefore, staff expect that most of this activity will be absorbed by existing landfill staff and contractors. Potentially, the proposed amendments could drive a demand in ancillary sectors providing monitoring technology and services, well installation, control device testing, and other similar services.

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

The expansion of current businesses in the directly regulated sector is not anticipated for the same reasons that creation or elimination of existing businesses are not expected. Potentially, the proposed amendments could drive a demand in ancillary sectors providing monitoring technology and services, well installation, control device testing, and other similar services.

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

The proposed amendments are expected to reduce emissions of methane through improved capture of landfill gas by collection and control systems and through additional mechanisms from improvements to landfill surface cover. The same measures that reduce methane emissions also reduce emissions of co–pollutants in the landfill gas including volatile organic compounds and toxic air contaminants. Changes to the structure and contents of reporting will provide CARB with valuable additional data for understanding sources of emissions and evaluating regulatory compliance in a format that will enable more rapid and comprehensive review. Together, the benefits of the proposed amendments comprise reduced impacts of global climate change, improved air quality, reduced odors, and improved capabilities for regulator oversight. The proposed amendments are not expected to impact worker safety other than general air quality benefits from reduced co–pollutant emissions.

Effect on Jobs/Businesses.

The Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Benefits of the Proposed Regulation.

The objective of the proposed regulatory action is to reduce methane emissions from landfills through improved collection and control of landfill gas and improvements to landfill surface cover. This provides benefits including reduced impacts of global climate change and improvements to local air quality through reduced co–pollutant emissions.

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

Business Report (Gov. Code, §§ 11346.5, subdivision (a)(11); 11346.3, subdivision (d)):

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

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

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The total direct costs of the proposed amendments to private businesses are estimated to be $6.3 million in the first year and $6.2 million annually thereafter for total costs of $18.7 million over three years (the timeframe used for the economic analysis). The total direct costs to regulated entities in the private and government sectors are shown in the ISOR Chapter VIII and detailed cost calculations are provided in the ISOR Appendix B.

The proposed amendments would not result in any direct costs to individuals. However, compliance costs could potentially be passed to individuals through higher fees charged by landfills for waste disposal services. To the extent that costs may be passed on to individuals, staff expect any increases to be very small for each individual (e.g., the proposed amendments are estimated to cost approximately $0.31 per capita per year ongoing).

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

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses because the regulation exempts any landfills that may be considered small businesses. Specifically, closed landfills with less than 450,000 tons of waste–in–place are exempt from the LMR.

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

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Staff considered two alternatives to the proposed amendments as described in Chapter IX of the ISOR and determined that no alternative considered would be more effective in carrying out the purpose of which the action is proposed.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the proposed amendments, has concluded that this action is categorically exempt from the California Environmental Quality Act (CEQA) under the "Class 1" exemption (Cal. Code Regs., title 14, § 15301) for modifications to existing facilities, "Class 2" exemption (Cal. Code Regs., title 14, § 15302) for replacement or reconstruction of existing structures or facilities, "Class 3" exemption (Cal. Code Regs., title 14, § 15303) for new construction or conversion of small structures, "Class 4" exemption (Cal. Code Regs., title 14, § 15304) for minor alterations to land, and "Class 8" exemption (Cal. Code Regs., title 14, § 15308) for actions taken by regulatory agencies for the protection of the environment. A brief explanation of the basis for reaching this conclusion is included in Chapter VI of the ISOR.

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

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

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Quinn Langfitt, Staff Air Pollution Specialist, Short–lived Climate Pollutant Policy Section, at (279) 208–7487 or quinn.langfitt@arb.ca.gov or (designated back–up contact) Anthy Alexiades, Manager, Short–lived Climate Pollutant Policy Section, at (279) 208–7215 or anthy.alexiades@arb.ca.gov.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: *Public Hearing to Consider the Proposed Amendments to the Regulation on Methane Emissions from Municipal Solid Waste Landfills*.

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations may be accessed on CARB's website listed below, on September 23, 2025. Please contact Bobbi Ruch, Regulations Coordinator, at regulations@arb.ca.gov or (279) 208–7881 if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom nonsubstantive inquiries concerning the proposed administrative action may be directed is Bobbi Ruch, Regulations Coordinator, (279) 208–7881. The Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

Following the public hearing, the Board may take action to approve for adoption the regulatory language as originally proposed, or with non–substantial or grammatical modifications. The Board may also approve for adoption the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice and that the regulatory language as modified could result from the proposed regulatory action. If this occurs, the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15–days before final adoption.

The public may request a copy of the modified regulatory text from CARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at https://ww2.arb.ca.gov/rulemaking/2025/landfill–methane–regulation.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

CESA CONSISTENCY DETERMINATION REQUEST FOR OCEAN BREEZE RANCH 2080–2025–006–05 SAN DIEGO COUNTY

The California Department of Fish and Wildlife (CDFW) received a notice on September 8, 2025, that Ocean Breeze Ranch, LLC proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect a species protected by the California Endangered Species Act (CESA). The proposed project involves developing single–family homes, stormwater detention facilities, roads, park sites, and other infrastructure related to residential development. The project also includes developing a temporary borrow site to facilitate site grading. The borrow site will be recontoured and hydroseeded with native upland plant species post construction. Addi-

tionally, the project includes the establishment of a biological open space, of which a subset will be restored and enhanced. Proposed activities will include, but are not limited to, clearing, grubbing, and grading of riparian and coastal sage scrub habitat, brush management, noise and dust resulting from construction activities of residential lots, and removal of habitat. The proposed project will occur at 5820 West Lilac Rd., Bonsall, San Diego County, California.

The U.S. Fish and Wildlife Service (Service) issued a federal biological opinion (BO)(Service Ref. Number FWS–SDG–2022–0006653) in a memorandum to the U.S. Army Corps of Engineers (Corps) on February 15, 2022. On September 17, 2024 the Service issued a reinitiation of the BO (Service number 2022–0006653–S7–FR–002–SD) in response to the Corps to address modifications to the project footprint and its impact on listed species and their designated critical habitat, which considered the effects of the proposed project on state and federally endangered least Bell's vireo (*Vireo bellii pusillus*). The Service issued a second reinitiation of the 2022 Ocean Breeze Ranch Project BO on July 16, 2025, to add security commitment to the 2024 reinitiated BO.

Pursuant to California Fish and Game Code section 2080.1, Ocean Breeze Ranch, LLC is requesting a determination that the Incidental Take Statement (ITS) and its associated BO are consistent with CESA for purposes of the proposed project. If CDFW determines the ITS and associated BO are consistent with CESA for the proposed project, Ocean Breeze Ranch, LLC will not be required to obtain an incidental take permit under Fish and Game Code section 2081 subdivision (b) for the proposed project.

FISH AND GAME COMMISSION

RECEIPT OF NINETEEN CESA PETITIONS

NOTICE IS HEREBY GIVEN pursuant to the provisions of California Fish and Game Code Section 2073.3, that on August 29, 2025 the California Fish and Game Commission (Commission) received 19 separate petitions from John C. Hunter, Ph.D. to list various species of plants as endangered or threatened under the California Endangered Species Act (CESA). The petitions with their petitioned actions are;

- Abbott's bushmallow (*Malacothamnus abbottii*) list as endangered
- Alkali–sink goldfields (*Lasthenia chrysantha*) list as threatened
- Bearded popcornflower (*Plagiobothrys hystriculus*) list as threatened
- California beaked–rush (*Rhynchospora californica*) list as endangered
- Carquinez goldenbush (*Isocoma arguta*) list as threatened
- Diamond–petaled California poppy (*Eschscholzia rhombipetala*) list as endangered
- Ferris' Milkvetch (*Astragalus tener* var. *ferrisiae*) list as endangered
- Guggolz's harmonia (*Harmonia guggolziorum*) list as endangered
- Legenere (*Legenere limosa*) list as threatened
- Lesser saltscale (*Atriplex minuscula*) list as threatened
- Lime–Ridge navarretia (*Navarretia gowenii*) list as threatened
- Mount Burdell jewelflower (*Streptanthus anomalus*) list as endangered
- Pajaro manzanita (*Arctostaphylos pajaroensis*) list as threatened
- Red Bluff dwarf rush (*Juncus leiospermus* var. *leiospermus*) list as threatened
- Rincon Ridge ceanothus (*Ceanothus confusus*) list as threatened
- Shasta orthocarpus (*Orthocarpus pachystachyus*) list as endangered
- Slough thistle (*Cirsium crassicaule*) list as endangered
- Small pincushion navarretia (*Navarretia myersii* ssp. *deminuta*) list as endangered
- Veiny monardella (*Monardella venosa*) list as endangered

On September 8, 2025, pursuant to Section 2073 of California Fish and Game Code, the Commission transmitted the petitions to the California Department of Fish and Wildlife (Department) for review pursuant to Section 2073.5. The Commission will publicly receive the petitions at its October 8–9, 2025 meeting. The Department may request a 30–day extension of time to complete the evaluations, pursuant to Fish and Game Code Section 2073.5. Once received, petition evaluations and recommendations will be listed on a Commission meeting agenda under "Public Receipt of Documents," with no discussion scheduled; discussion and consideration of the petition will generally be scheduled for the following Commission meeting. The Commission anticipates petition evaluations to be received no earlier than December 2025 and, with extensions, January 2026

For information about the petitions or to submit information to the Department relating to the petitioned species, interested parties may contact the Native Plant Program, California Department of Fish and

Wildlife, P.O. Box 944209, Sacramento, California 94244–2090, or at nativeplants@wildlife.ca.gov.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

ANNOUNCEMENT OF AVAILABILITY OF A DRAFT PUBLIC HEALTH GOAL FOR 1,4–DIOXANE IN DRINKING WATER, PUBLIC COMMENT PERIOD, AND PUBLIC WORKSHOP

The Office of Environmental Health Hazard Assessment (OEHHA) is announcing the availability of a draft document describing a proposed Public Health Goal (PHG) for 1,4–dioxane in drinking water.

A PHG is the level of a drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The United States Environmental Protection Agency has designated 1,4–dioxane as a likely human carcinogen. For carcinogens, health–protective concentrations (HPCs) are determined for both cancer and noncancer effects, and the lowest (most health–protective) value is selected as the PHG. The California Safe Drinking Water Act of 1996[1] requires OEHHA to develop PHGs based exclusively on public health considerations.[2] PHGs published by OEHHA are considered by the State Water Resources Control Board in setting drinking water regulatory standards (Maximum Contaminant Levels, or MCLs) for California.[3]

The draft technical support document, posted on the OEHHA website (https://oehha.ca.gov/water), presents the scientific information available on the cancer and noncancer toxicity of 1,4–dioxane, and the calculation of the proposed PHG. The proposed PHG of 0.04 parts per billion (ppb) is based on liver tumors in female rats exposed via drinking water, and multiple tumor types in male mice exposed via inhalation. Additionally, a noncancer HPC of 33 ppb was determined, based on degeneration and necrosis of the liver and kidney of male rats.

Any interested person or their authorized representative may submit public comments relevant to the proposed PHG. The public comment period for the draft document begins September 26, 2025, and ends November 10, 2025. The public is encouraged to submit written comments via OEHHA's website, rather than in paper form. Comments may be submitted electronically through the following link: https://oehha.ca.gov/comments.

Paper comments may be mailed or hand–delivered to the address below. Any written comments concerning the proposed PHG, regardless of the form or method of transmission, must be received by OEHHA by November 10, 2025, to be considered.

OEHHA will hold a hybrid public workshop/webinar on November 13, 2025, from 9:00 a.m. to 12:00 p.m. Pacific Time. Information about the workshop/webinar can be found on the OEHHA website at https://oehha.ca.gov/water.

Pursuant to Health and Safety Code section 57003, the workshop is provided to enable a dialogue between OEHHA scientists and the public to discuss the scientific basis of the proposed PHG, and to receive comments. After the workshop, OEHHA will submit the draft risk assessment for external scientific peer review.[4]

Following the workshop, public comment period and external scientific peer review, OEHHA will evaluate the comments received, revise the document as appropriate, and make it available for an additional 30–day public comment period. After any subsequent revisions, the final document will be posted on the OEHHA website along with responses to the external peer review comments and to comments received at the workshop and during the two public comment periods.

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

If you would like to receive further information on this announcement or have questions, please contact Hermelinda Jimenez at PHG.Program@oehha.ca.gov or at (916) 324–7572. Written inquiries should be sent to:

Pesticide and Environmental Toxicology Branch

Office of Environmental Health Hazard Assessment

California Environmental Protection Agency

P.O. Box 4010, MS–12B

Sacramento, California 95812–4010

Attention: PHG Program

[1] Codified at Health and Safety Code, section 116270 *et seq.*

[2] Health and Safety Code, section 116365(c).

[3] Health and Safety Code, section 116365(a) and (b).

[4] Health and Safety Code section 116365(c)(3)(D).

DECISION NOT TO PROCEED

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF DECISION NOT TO PROCEED

PURSUANT TO GOVERNMENT CODE SECTION 11347

DPH–25–004 CONFLICT OF INTEREST CODE

Pursuant to Government Code Section 11347, The California Department of Public Health hereby gives notice that it has decided not to proceed with the rulemaking action published in the California Regulatory Notice Register (CRNR) on 7/18/25 (Notice Register 2025 29–Z). The proposed rulemaking concerned the Conflict of Interest Code. (OAL Notice Z2025–0708–01)

Any interested person with questions concerning this rulemaking should contact Hannah Strom–Martin at (279) 217–0764 or Hannah.Strom–Martin@cdph.ca.gov

The Department will also publish this Notice on its website.

RULEMAKING PETITIONS DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS

PURSUANT TO GOVERNMENT CODE 11340.7

PETITIONERS:

Jose Avila #AA1276
Housing: D3 212
P.O. Box 931
Imperial, CA 92251–0931

Douglas Cornejo #AS3012
Housing: D3 207
P.O. Box 931
Imperial, CA 92251–0931

AUTHORITY:

The authority granted by Government Code (GC) section 12838.5 vests to the California Department of Corrections and Rehabilitation (CDCR or the department) all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of the abolished Youth and Adult Correctional Agency, California Department of Corrections, Department of the Youth Authority, Commission on Correctional Peace Officer Standards and Training, Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. Penal Code (PC) section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections refers to the Secretary of the CDCR. PC section 5054 vests with the Secretary of the CDCR the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein. PC section 5055 provides that commencing July 1, 2005, all powers/duties previously granted to and imposed upon the CDC shall be exercised by the Secretary of the CDCR. PC section 5058 provides that the Director may prescribe and amend regulations for the administration of prisons.

CONTACT PERSON:

Please direct any inquiries regarding this action to Ying Sun, Associate Director, Regulation and Policy Management Branch, California Department of Corrections and Rehabilitation, P.O. Box 942883, Sacramento, CA 94283–0001.

AVAILABILITY OF PETITION:

The petition to amend regulations is available upon request directed to the department's contact person.

SUMMARY OF PETITION:

The Petitioners are petitioning to amend the California Code of Regulations (CCR), Title 15, Division 3, section 3097, Incarcerated Person Restitution Fine and Direct Order Collections. The Petitioners state that PC section 1202.4 stipulates that the victim of a crime shall receive restitution directly from the defendant convicted of the crime, and PC section 2085.5(a) authorizes CDCR to deduct a minimum of 20 percent up to a maximum of 50 percent from an incarcerated person's wages and trust deposits. The Petitioners recommend CDCR reduces the current restitution deduction of 50 percent or the balance owing, whichever is less, from the obligated incarcerated person's wage and trust accounts regardless of the source of the income as stated in CCR subsection 3097(a).

The Petitioners maintain the amendment is necessary because incarcerated persons have circumvented their restitution obligation because it is a burden to family and friends, who are the most common sources of income for an incarcerated person. This circumventing of paying restitution has become an issue at parole hearings, as the Board of Parole Hearings labels the nonpayment of restitution as "criminal thinking" that results in the denial of parole.

The Petitioners state that the money sent by friends and family to the incarcerated person is for the incarcerated person's dietary needs, and the shopping for hygiene products. The Petitioners assert that lowering the percentage deducted from wages and trust accounts will increase the amount of restitution paid as incarcerated persons are less likely to circumvent the restitution process if they are not forced to give up so much of their loved ones' money.

DEPARTMENT DECISION:

The department denies the petition to amend CCR, Title 15, Division 3, section 3097. The payment of court ordered restitution is viewed by the department as part of the process for incarcerated persons to take responsibility for their actions. Restitution, by definition, is the act of making good or compensating for loss, damage or injury. Criminal restitution is a process by which incarcerated persons are held accountable for the financial losses they have caused to the victims of their crimes, and payment of court ordered restitution is part of developing a community mindedness that recognizes the impact of one's own actions on others.

The department acknowledges that a significant portion of the money used to pay a restitution fine or direct order of restitution may come from an incarcerated person's family and friends. It is not the intention of the department to create any hardship on incarcerated persons and/or their families, however, the department must meet its statutory requirements as outlined in PC sections 1202.4 and 2085.5, and collect court ordered restitution. The majority of incarcerated persons who leave the jurisdiction of the department, leave owing restitution, therefore, by deducting the legal maximum percentage, the department will better be able to meet its legal mandate.

Regulations are a byproduct of law, and PC section 2085.5 clearly states the intention of the legislature to include all trust account deposits as a means of collecting restitution from incarcerated persons in order to satisfy their financial obligations to victims. If the Petitioners do not wish family and friends to be responsible for their court ordered financial obligations, the simple remedy is for family and friends to stop sending money to the Petitioners' trust accounts.

Regarding the Petitioners' assertion that money sent from friends and family is needed for the incarcerated person's dietary and hygienic needs, the department contends it provides for the adequate care and basic necessities of life. As stated in the CCR Title 15 section 3050, each incarcerated person shall be provided a wholesome, nutritionally balanced diet that meets the Recommended Dietary Allowances and Dietary Reference Intakes as established by the Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences. Additionally, in accordance with Title 15 section 3060, the department provides means for all incarcerated persons to keep themselves and their living quarters clean and to practice good health habits.

DIVISION OF WORKERS' COMPENSATION

DECISION ON PETITION TO AMEND REGULATION

(GOVERNMENT CODE § 11340. 7)

TITLE 8, CALIFORNIA CODE OF REGULATIONS, § 30, ARTICLE 3 OF CHAPTER 1

PETITIONER:

By letter received on August 12, 2025, Scott Ford, Tim W. English and Ryan Vego (Petitioners) petitioned the Division of Workers' Compensation (DWC) in accordance with Government Code § 11340.6. The petitioners requested that the DWC amend California Code of Regulations, title 8 ("8 CCR"), § 30 to require service of Qualified Medical Evaluator ("QME") panel requests and related documents be made in accordance with the service options set forth in 8 CCR § 10625.

AUTHORITY

Labor Code § 133 gives the Administrative Director the power and jurisdiction to do all things necessary or convenient in the exercise of any power or jurisdiction conferred upon the Administrative Director under the Labor Code. The statute establishing the procedures for administration of the Qualified Medical Evaluation program in the California Workers' Compensation System, Labor Code sections 139.2 is found in Division 1.

Labor Code § 5307.3 authorizes the Administrative Director of DWC to adopt, amend, or repeal any rule or regulation that is reasonably necessary to enforce Division 4 of the Labor Code, except where that power is specifically given to the Workers' Compensation Appeals Board. The statutes establishing the procedures for Medical Examinations and the QME panel selection process, Labor Code sections 4050 through 4068 are found in Division 4.

CONTACT PERSON

Please direct any inquiries regarding this action to Winslow F. West, Industrial Relations Counsel, Division of Workers' Compensation — Legal Unit, P.O. Box 70823, Oakland, CA 94612.

AVAILABLITY OF PETITION

The Petition to Amend the regulation is available upon request directed to the Division's contact person.

SUMMARY OF THE PETITION

Petitioners request that the DWC allow parties to select from the methods of service in 8 CCR § 10625, which includes electronic service, when requesting a QME panel under § 30. Under § 30, parties to a workers' compensation dispute must request a QME panel by printing and serving a paper copy of the online panel request and supporting documents. Parties are afforded more flexibility regarding service of documents under § 10625 in Workers Compensation Appeals Board ("WCAB") proceedings, which allows for: personal service, electronic service, mail service, "alternative methods," and other methods upon mutual agreement.

Petitioners state that the current inconsistency between the service requirement for requesting a QME panel under § 30 and the service options when adjudicating a case before the WCAB under § 10625 creates ambiguity and results in "avoidable disputes." Petitioners argue that parties who have consented to electronic service "game" the system by objecting to electronic service when requesting QME panels. Petitioners, who are all board members of the California Applicant Attorneys' Association ("CAAA"),[1] argue that "harmonizing" the two regulations would benefit both the applicant and defense bars, by ensuring that all parties operate on equal footing when requesting QME panels.

Specifically, Petitioners propose amending § 30 to allow for service in accordance with § 10625, in the following manner:

QME Panel Requests

"… (C) ~~Print and serve a paper copy of the online request~~, ***Serve, in accordance with 8 Cal. Code Regs. § 10625, a copy of the online request,*** the panel list, and a copy of any supporting documentation that was submitted online, upon the opposing party with a proof of service, within 1 (one) working day after generating the QME panel list. Within 10 (ten) days of service of the panel, each party may strike one name from the panel…"

DEPARTMENT DECISION

The Administrative Director of the DWC grants the petition in part.

Electronic service in WCAB proceedings was initially adopted, on an emergency basis, in March 2020 when the WCAB transitioned to virtual operations at the beginning of the COVID–19 pandemic. (See COVID–19 State of Emergency Miscellaneous *En Banc Orders* numbers 260–266). Because electronic service "increased access to the workers' compensation system for parties, their representatives, and the public", in 2022 the WCAB made electronic service permanent by amending § 10625. (See *Initial Statement of Reasons (ISOR)*, Title 8 California Code of Regulations § 10300–10995, effective January 1, 2022).[2]

However, § 10625 also provides for additional service options, not contemplated or discussed by Petitioners, including: personal service, service by first class mail, "alternative method(s)" of service equivalent to or more expeditious than first class mail; and "another method if the service and receiving parties have agreed." (8 CCR § 10625(b)).

Importantly, while their proposed amendment to § 30 incorporates the service options of § 10625 in their entirety, Petitioners only articulate reasons for incorporating its electronic service option. For example, Petitioners argue:

> "… Currently, § 10625 allows the serving party to select the method of service, including electronic service. However, § 30(b)(1)(C) requires the party requesting a QME panel to "print and serve a paper copy of the online request," which creates a direct conflict with the service options authorized under § 10625…."

And:

> "…When a party has consented to electronic service, it is fundamentally unfair to allow the opposing party to exploit a procedural technicality to invalidate a panel. Aligning these regulations will prevent such gamesmanship, pro-

[1] According to the CAAA website, the organization promotes legal, policy and educational advocacy in support of injured workers within the state's workers' compensation system. (See www.caaa.org).

[2] Additionally, an amendment to § 10625, subdivision (c), set forth requirements for the proof of service, when served electronically, including that it state the name and email addresses of both the person serving and the person receiving electronically. An amendment to subdivision (d) set forth the requirement of "re–serving" documents when the sending party receives notification that the electronic service failed.

mote greater procedural consistency, and reduce unnecessary litigation…"

Because Petitioners only articulate reasons for adding *electronic service* of QME panel requests to § 30, pursuant to Government Code § 11340.7(b) the Administrative Director grants their petition in part, limited to the addition of electronic service.

Electronic service increases access to the workers' compensation system by the public because is both faster than traditional mail and, because it eliminates the cost of printing, postage and traditional delivery, it is also less expensive. Because increased access to the workers' compensation system, which was the rationale behind the addition of electronic service to § 10625, is as important in the context of QME panel requests as it is to litigants before the WCAB, the Administrative Director grants in part the Petitioners' request. Specifically, the Administrative Director grants Petitioner's request for the addition of electronic service to § 30 in a manner to be determined by the Division.

The addition of electronic service to § 30 will be the subject of the next rulemaking for QME process regulation part two, anticipated to begin in the latter part of this year.

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.

Fish and Game Commission

File # 2025–0905–01

Restricted Animals: Golden Mussel

This emergency rulemaking action readopts amendments to the existing importation, transportation, and possession of live restricted animals list by adding golden mussels (Limnoperna fortunei) as originally adopted in emergency rulemaking actions 2024–1213–03E and 2025–0606–03EE.

Title 14
Amend: 671
Filed 09/15/2025
Effective 09/17/2025
Agency Contact:
Sherrie Fonbuena (916) 902–9284

Seismic Safety Commission

File # 2025–0811–04

Conflict–of–Interest Code

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

Title 02
Amend: 40000
Filed 09/11/2025
Effective 09/11/2025
Agency Contact: Tanya Black (916) 224–8819

Board of Naturopathic Medicine

File # 2025–0811–03

Delegation of Functions

This regular rulemaking action by the California Board of Naturopathic Medicine (Board) specifies duties of the Board's executive officer. This action also delegates from the Board to the executive officer certain functions related to administrative adjudicatory hearings and to nonsubstanative rulemaking actions.

Title 16
Adopt: 4201
Filed 09/16/2025
Effective 01/01/2026
Agency Contact: Rebecca Mitchell (916) 928–5862

Fish and Game Commission

File # 2025–0801–02

Falconry

In this action, the Fish and Game Commission conformed the required language on the certification in falconry license applications pursuant to Stavrianoudakis et al. v. United States Fish and Wildlife Service et al., 108 F.4th 1128 (2024), required falconers to take only California–administered falconry examinations pursuant to Title 50, Code of Federal Regulations, Part 21.82, removed restrictions on commercial exhibiting falconry raptors pursuant to the First Amendment, updated fees pursuant to Fish and Game Code section 713; and made nonsubstantive amendments to expand gender options on the forms.

Title 14
Amend: 670, 703
Filed 09/15/2025
Effective 01/01/2026
Agency Contact: Jenn Bacon (916) 902–9285

Department of Food and Agriculture

File # 2025–0818–03

Citrus Yellow Vein Clearing Virus Interior Quarantine

This action adopts regulations which create an interior quarantine for regulating the movement of hosts and possible carriers of the Citrus Yellow Vein Clearing Virus.

Title 03
Adopt: 3447
Filed 09/17/2025
Effective 09/17/2025
Agency Contact: Keith Okasaki (916) 704–5464

State Mining and Geology Board

File # 2025–0808–02

Greater Sacramento P–C Region

This resubmittal action designates certain mineral resource sectors within geographical areas to be of regional significance within the greater Sacramento area Production– consumption (PC) region (GSA).

Title 14

Adopt: 3550.18

Filed 09/16/2025

Effective 01/01/2026

Agency Contact: Paul Fry (916) 212–1139

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.