



California Regulatory Notice Register

REGISTER 2025, NUMBER 40-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

OCTOBER 3, 2025

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

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 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: California Statewide
Automated Welfare System
(CalSAWS) Consortium

STATE AGENCY: Department of Motor Vehicles

A written comment period has been established commencing on October 3, 2025, and closing on November 17, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

The Executive Director of the Commission, upon their own motion or at the request of any interested person, will approve, or revise and approve, or re-

turn the proposed codes to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than November 17, 2025. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

EFFECT ON HOUSING COSTS AND BUSINESSES

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

AUTHORITY

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

REFERENCE

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

CONTACT

Any inquiries concerning the proposed conflict-of-interest codes should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email aspiller-hernandez@fppc.ca.gov.

**AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Andrea Spiller Hernandez, Fair Political Practices Commission, 1102 Q Street, Suite 3050, Sacramento, California 95811, or email aspiller-hernandez@fppc.ca.gov.

**TITLE 9. DEPARTMENT
OF REHABILITATION**

**BUSINESS ENTERPRISES PROGRAM FOR
THE BLIND VENDOR SELECTION**

The Department of Rehabilitation (hereinafter “Department”) proposes to adopt the proposed regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

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

Department of Rehabilitation
Office of Legal Affairs and Regulations
Attention: Michele Welz
721 Capitol Mall
Sacramento, California 95814

Comments may also be submitted electronically by email to Legal@dor.ca.gov. The written comment period closes at 5:00 p.m. on November 19, 2025. The Department will consider only comments received at the Department by that time. When commenting, please indicate the proposed rulemaking section number to which your comment refers, for example, “section 7214.2.”

PUBLIC HEARING

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

AUTHORITY

34 Code of Federal Regulations (CFR) Sections 395.3 and 395.4; and Sections 19006 and 19016, Welfare and Institutions Code.

REFERENCE

20 USC Section 107a; 34 CFR Sections 395.7; Welfare and Institutions Code Sections 19632, and 19639.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

The Department of Rehabilitation (hereafter “Department”) is the State Licensing Agency designated by the United States Department of Education responsible for administering the Business Enterprises Program for the Blind (hereafter “BEP”) in accordance with the Randolph–Sheppard Act (20 U.S.C. § 107 et seq.), Welfare and Institutions Code sections 19625 et seq., and implementing federal and state regulations (34 C.F.R. 395 et seq., Cal. Code of Regs., title 9, § 7210 et seq.). The purpose of the BEP is to provide people who are legally blind with remunerative employment, enlarging their economic opportunities, and stimulating their efforts in striving to be self-supporting. Eligible individuals are trained and licensed as vendors by the Department to operate vending facilities, including, but not limited to, vending machines, snack bars, cafeteria, sundry stands, and coffee carts, on state, federal, and other property. Currently, there are 51 vendors operating vending facilities in the program.

One of the federal food vending contracts that the Department enters into is with the United States Department of Defense (“DOD”). These federal vending facilities are different from those that are state or local-government owned in that they are awarded in response to a solicitation instead of being granted permits to operate them. The solicitation functions as a legally binding contract setting forth the operational obligations and responsibilities associated with the military food facility. The current regulation states that as part of the general selection interview process, a qualified applicant shall submit a business plan for each vending facility he or she is applying to operate (Cal. Code of Regs., title 9, § 7214.2, 7214.3, and 7214.4). However, in the case of DOD food service opportunities, the contract itself serves as the business plan and so an applicant’s business plan submitted pursuant to the regulation would functionally be irrelevant and will not be considered.

Accordingly, the Department proposes to amend the relevant sections of the California Code of Regula-

tions to include language explicitly excluding the submission of business plans in the selection processes of DOD facilities. The Department consulted with the California Vendors Policy Committee (CVPC), which is the biennially elected committee of licensed vendors who are fully representative of all state licensed vendors in the BEP, and through the collaborative efforts, the proposed amendments to sections 7214.2, 7214.3, and 7214.4 were developed.

Objective and Anticipated Benefits of the Proposed Regulation

The broad objective of this regulation is to make the state regulations consistent with the practical requirements of a DOD vending selection. More specifically, the proposed regulations will establish processes that inform vendors specifically about what is and is not required for applying for DOD vending contracts. The benefits will increase clarity and will lessen the burden on vendors in applying for DOD facilities, by eliminating the requirement.

Evaluation of Inconsistency or Incompatibility with Existing State Regulations

After conducting a review for any related regulations, the Department has found that these are the only regulations concerning the submission of business plans for the vending facility selection process. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

Mandate to local agencies or school districts: None.

Cost or savings to any state agency: None.

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

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

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

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

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

Significant effect on housing costs: None.

Small Business Determination: The proposed regulations will not affect small businesses because the

proposed regulations are identical to the federal regulations already in effect.

Results of the Economic Impact Analysis and Assessment

The Department concludes that it is unlikely that the proposal will (1) eliminate any jobs, (2) create any jobs, (3) create any new businesses, (4) eliminate any existing businesses, and (5) result in the expansion of businesses currently doing business within the state. The Department bases the assessment on the fact that the rulemaking is merely eliminating one required element of a vendor's selection process in a very specific contract and so has no detrimental or markedly beneficial economic impact.

Benefits of the Proposed Action: The proposed regulations will benefit the health and welfare of California residents who are involved in the BEP program and may apply for a DOD contract in the future.

The proposed regulations are not expected to affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

The Department has determined there was no alternative as effective as the one proposed herein. However, the Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Inquiries concerning the proposed rulemaking action may be directed to:

Department of Rehabilitation
Office of Legal Affairs and Regulations
Attention: Michele Welz
721 Capitol Mall
Sacramento, California 95814
Telephone: (916) 558-5825
Email: Legal@dor.ca.gov

The backup contact person for these inquiries is:

Le Wee Yun, Attorney I
Department of Rehabilitation

Office of Legal Affairs and Regulations
721 Capitol Mall
Sacramento, California 95814
Phone: (916) 558–5825
Email: Legal@dor.ca.gov

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

As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, Proposed Text of the Regulations, and Initial Statement of Reasons. Please direct requests for copies to the contact person(s) listed above. Please contact Legal@dor.ca.gov or (916) 558–5825 if you wish to make an appointment to review the rulemaking file in person. The documents identified above in the rulemaking file are also on the Department’s website at www.dor.ca.gov/Home/ProposedRulemakingandRegs. The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 calendar days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Michele Welz at the address or email indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they were made available.

**AVAILABILITY OF THE FINAL
STATEMENT OF REASONS**

Upon completion, copies of the Final Statement of Reasons may be obtained by contacting Michele Welz at the address or email address above.

**REASONABLE
ACCOMMODATION STATEMENT**

The Department shall provide, upon request, a narrative description of the proposed changes included in the proposed action, in the manner provided by Government Code section 11346.6, to accommodate a per-

son with a visual or other disability for which effective communication is required under state or federal law. Providing a description of proposed changes may require extending the period of public comment for the proposed action for the requesting party.

**AVAILABILITY OF DOCUMENTS
ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, Proposed Text of the Regulations, and the Initial Statement of Reasons are available on the Department’s website at www.dor.ca.gov/Home/ProposedRulemakingandRegs.

**TITLE 10. DEPARTMENT
OF INSURANCE**

**INTERVENOR AND ADMINISTRATIVE
HEARING BUREAU FAIRNESS AND
ACCOUNTABILITY REG–2025–00006**

Notice is given that California Insurance Commissioner Ricardo Lara will hold a public hearing to consider amending California Code of Regulations, Title 10, Chapter 5, Subchapter 4.8, Article 6, Section 2646.2 and Subchapter 4.9, Article 3, Section 2651.1; Article 4, Sections 2652.8 and 2652.9; Article 5, Sections 2653.1, 2653.4, and 2653.5; Article 8, Sections 2656.1, 2656.2, 2656.3, 2656.4; Article 13, Sections 2661.1, 2661.3, 2661.4; and Article 14, Sections 2662.1, 2662.2, 2662.3, 2662.5, 2662.6, 2662.7; adopting Subchapter 4.9, Article 6, Section 2654.3 and Article 13, Section 2661.5; and repealing Subchapter 4.9, Article 14, Section 2662.4 of the title and chapter referenced above, to enhance the role that intervenors and the Administrative Hearing Bureau play in the Proposition 103 prior approval process. The date, time, and location for the public hearing, as well as applicable contact information, are set forth in this Notice of Proposed Action for this rulemaking.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, concerning these regulations, as follows:

Date: November 20, 2025

Time: 1:00 p.m. The public hearing shall continue until all in attendance wishing to provide comments have commented, or **3:00 p.m.**

Location: https://us06web.zoom.us/webinar/register/WN_gseBV1xfQSaTzAAzRLxmRw

The telephonic call-in line that is available to access the public hearing is accessible to persons with hearing impairment. Persons with sight or hearing impairments are requested to notify one of the contact persons for this hearing (listed below) in order to review available accommodations, if necessary.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end on **November 20, 2025**. Please direct all written comments to the following contact person:

Jon Phenix, Attorney
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Phone: (916) 492–3705
Email: CDIregulations2025@insurance.ca.gov

The above contact person may be contacted with any questions regarding the substance of the proposed action.

The following contact person may also serve as a backup to the contact person listed above:

Lisbeth Landsman, Attorney
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Phone: (916) 492–3561
Email: CDIregulations2025@insurance.ca.gov

All other inquiries, including procedural questions related to submitting comments or participating in the hearing, should be addressed to the following contact person.

Zuleimy Delgadillo
California Department of Insurance
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
Phone: (213) 346–6418
Email: CDIregulations2025@insurance.ca.gov

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), any written and oral comments, and associated contact information included in such comments (e.g., electronic or physical address, phone number, etc.) become part of the public record and can be released to the public upon request.

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at the address listed above, no later than **November 20, 2025**. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL

The Commissioner will accept written comments transmitted by email provided they are sent to the following email address: CDIregulations2025@insurance.ca.gov.

Comments sent to email addresses other than that which is designated in this notice will not be accepted. Comments sent by email are subject to the deadline set forth above for written comments.

AUTHORITY AND REFERENCE

The proposed regulations will implement the provisions of Insurance Code sections 1861.01, 1861.05, 1861.055, 1861.06, 1861.07, 1861.10, and 12922, which also provide the rulemaking authority for this action. The Commissioner is authorized to promulgate regulations to implement Proposition 103. *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216.

INFORMATIVE DIGEST

Summary of Existing Law

Proposition 103 is codified in Insurance Code sections 1861.01 et seq., and establishes a “prior approval” system for property–casualty insurance rates, under which insurers must obtain prior approval from the Insurance Commissioner before implementing any rate change. The law grants the public a formal role in this process by allowing any person to initiate or intervene in a Proposition 103 proceeding. (Ins. Code section 1861.10.) Intervenors may participate in proceedings, including submitting evidence and presenting arguments. To be eligible for compensation, an intervenor must represent the interests of consumers and make a “substantial contribution” to the outcome of the proceeding. (Ins. Code section 1861.10.) Compensation for intervenors is paid by the insurer whose filing is at issue and must reflect reasonable advocacy and expert witness fees and expenses.

When an insurer application is subject to a public hearing, the hearing is conducted pursuant to the Administrative Procedures Act with modifications specific to Proposition 103. (Ins. Code section 1861.08.) These hearings are presided over by an administrative law judge (ALJ), who manages the proceeding, rules on evidence and motions, and issues a proposed decision based solely on the hearing record. The insurer

bears the burden of proving a rate request is not excessive, inadequate, or unfairly discriminatory. (Ins. Code section 1861.05.) The Commissioner retains final decision-making authority and may adopt, modify, or reject the ALJ’s proposed decision. Where intervenors participate and seek compensation, they must demonstrate they have made a substantial contribution.

Effect of Proposed Action

The proposed amendments in this rulemaking will clarify and strengthen regulations to improve the standards related to assessing whether intervenors represent the interests of consumers, how they participate in the process, and how their compensation claims should be evaluated. In connection with the process for assessing an intervenor’s claims that it represents the interests of consumers, the proposed amendments codify a process for public comment on those claims. The proposed amendments also codify a more formal process through which intervenors disclose and update the issues they intend to argue in a proceeding. With respect to compensation, the proposed amendments streamline and improve the process, including by aligning the “substantial contribution” standard with applicable appellate law and establishing a regulatory standard for evaluating the reasonableness of fees: the intervenor’s services should be necessary to a fair resolution of the matter. The role of Public Advisor, which is the Department staff person responsible for overseeing the intervention process, has also been clarified.

The proposed regulations also improve the administrative hearing process. Hearing procedures have been revamped in order to ensure transparency, accountability, and procedural fairness, while the role that administrative law judges play in the rate approval process has been clarified.

The end result sought by this effort is to clarify and strengthen regulations so that they hold insurance commissioners, Department staff, and all parties in the rate-review process more accountable to consumers and taxpayers. This is consistent with Commissioner Lara’s earlier efforts under his Sustainable Insurance Strategy.

Policy Statement Overview

Under Proposition 103, insurance companies are responsible for filing their requested rate applications to the Department to review and approve. Insurance companies are expected to request rates that they need to be justified, backed up by complete rate applications with comprehensive data, and adequately cover the risks they have in order to cover all policyholder claims fully and quickly.

The regulations governing intervenors and participants have played a role in facilitating public participation and independent scrutiny of insurance rate filings, a process that will be maintained by these pro-

posed regulations. However, with the passage of time since these regulations were last amended — the last substantive amendment occurred in 2006 — they have become less optimally structured to achieve Proposition 103’s intent and purpose. In practice, they have become deficient in addressing:

- The increasing volume and complexity of rate filings;
- The clarity, predictability, and administrative efficiency of the current intervenor regulatory process;
- The concentration of interventions among a small number of recurring participants; and,
- The improper delays and exercises of discretion by administrative law judges in certain instances.

Stakeholders — including consumer groups, insurers, and members of the general public at hundreds of town halls and forums across the state conducted by the Department of Insurance during Commissioner Lara’s tenure — have expressed concerns that the current system does not strike an appropriate balance among the goals of public participation, fairness to all parties, procedural efficiency, cost-effectiveness, and transparency.

Consistency or Compatibility with Existing State Regulations

After conducting a review for any related regulations, the Department has found that these are the only regulations concerning the Administrative Hearing Bureau or intervention under Proposition 103. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

NOT MANDATED BY FEDERAL LAW OR REGULATIONS

These regulations are not mandated by federal law. There are no existing federal regulations or statutes comparable to these proposed regulations as no federal statutes or regulations address property and casualty insurance rating factors.

OTHER STATUTORY REQUIREMENTS

The Department evaluated whether there were other requirements prescribed by statute applicable to these regulations by reviewing statutes and regulations relating to this issue, and determined that there were no such requirements.

LOCAL MANDATE

The proposed regulations do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part

7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

FISCAL IMPACT

Provisions in the proposed regulation are anticipated to result in a fiscal impact on the Department. The reporting requirements listed above in the cost section provide additional documentation that the Department will need to review. Additionally, section 2654.2 adds a requirement for Administrative Law Judges to provide periodic updates on pending matters and section 2662.5 requires the Public Advisor to publish a report on intervenor activity, annually, and maintain a publicly available webpage.

The Department estimates that the proposed regulations will add 22 hours to the workload of Administrative Law Judges, 146 hours to the workload of Department attorneys (cost impacts calculated at the level of Attorney IV), and 10 hours to the workload of Legal Analysts, annually. In all the proposed regulation is expected to result in a fiscal impact to the Department of \$13,000 in fiscal year 2025–26 (the regulation is only anticipated to be in effect for the second half of the fiscal year), \$25,000 in fiscal year 2026–27, and \$25,000 in fiscal year 2027–28.

The Department anticipates no further fiscal impacts on the following: cost or savings to any other state agency; other non-discretionary cost or savings imposed upon local agencies; and cost or savings in federal funding to the state.

HOUSING COSTS

The proposed regulations will have no significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the adoption of the proposed amendments of the regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulation is expected to impact insurance companies and nonprofit organizations that intervene on the public's behalf.

The proposed regulations introduce new compliance requirements related to stipulations and settlements submitted by parties in matters pending before the Administrative Hearing Bureau, including new timelines for the submissions of documents related to stipulations and settlements and requirements

that concern the manner in which the Administrative Hearing Bureau will evaluate such settlements.

The proposed regulations introduce new compliance requirements related to intervenors and participants. This includes requirements to amend petitions to intervene to reflect new issues, identify conflicts of interest and areas in which intervenor and consumer interests may diverge in requests for findings of eligibility to seek compensation, a process through which the public may respond to requests for findings of eligibility to seek compensation, and additional showings that must be made in requests for award.

The Department anticipates that intervenor efforts and compensation will not significantly change, but instead the regulations will lead to more focused intervenor contributions. The regulations also add reporting requirements that are meant to increase clarity and governmental transparency. These reporting requirements are expected to result in a direct cost to both insurers and intervenors.

The Department has considered proposed alternatives that would lessen any adverse economic impact on business and invites interested parties to submit proposals. Submissions may include the following considerations:

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

STATEMENT OF RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Below is a summary of the results of the Economic Impact Assessment pursuant to Government Code sections 11346.3(b)(1)(A) through (D). A detailed analysis of the results follows.

- A. The proposed regulations are not estimated to impact job gains within the State of California.
- B. The proposed regulations are estimated to have a minimal effect, a loss of 0.09 jobs within the State of California. The net impact of the regulation on employment is expected to be less than one-millionth of a percent of the projected total nonfarm employment in California ($0.09 / 18,057,000 = 0.0000005\%$).
- C. Since the regulation is not expected to result in any direct monetary benefits, it is not anticipated that the proposed regulation will result in the expansion of existing businesses in California.

- D. Given that the total direct cost to impacted insurers and intervenors is estimated to be \$10,300, it is not anticipated that the proposed regulation will result in the elimination of existing businesses in California.
- E. Given the estimated net loss to total output is \$20,000, the proposed regulation is not anticipated to impact the ability of businesses located in California to expand.
- F. The proposed regulations are expected to benefit California's insurance consumers by establishing rules for public intervention in the rate review process that allow the state's insurance marketplace to be competitive and accessible.

POTENTIAL COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESSES

The estimated cost on a typical impacted business in California is \$1,700 (\$10,300 / 6 businesses).

The proposed regulation is estimated to result in direct cost of \$10,300 to up to 6 insurers and public intervenors per year as a result of reporting requirements in the proposed regulations.

BUSINESS REPORT

The Department finds that it is necessary for the health, safety or welfare of the people of the state that the regulations apply to businesses.

IMPACT ON SMALL BUSINESSES

The proposed regulation is not expected to have an adverse impact on small businesses. The regulation is expected to adversely impact insurance companies. The definition of "small business" in California Government Code section 11342.610(b)(2) specifically excludes insurance companies. Businesses that intervene in rate filings are also exempted from the small business definition under California Government Code section 11342.610(b)(6) that excludes entities organized as a nonprofit institution.

ALTERNATIVES INFORMATION

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which this 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 underlying Insurance Code sections 1861.01 *et seq.*

AVAILABILITY STATEMENTS

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed action. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above.

The file for this proceeding includes a copy of the express terms of the proposed action, the Initial Statement of Reasons, the Economic Impact Assessment, and all the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file. The documents described above may be inspected in person or provided electronically. Please direct such requests to the contact person above.

MODIFIED TEXT

If the amended regulations adopted by the Department differ from those which have originally been made available 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. Interested persons should request a copy of these amended regulations prior to adoption from the contact person listed above.

FINAL STATEMENT OF REASONS

Once it has been prepared, the Final Statement of Reasons will be part of the file for this proceeding. The documents described above may be inspected in person or provided electronically. Please direct such requests to the contact person above.

INTERNET ACCESS

Documents concerning proposed regulations are available on the Department's website at the following link: <https://legaldocs.insurance.ca.gov/publicdocs/RegulationList>.

TITLE 16. BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS

FEES

NOTICE IS HEREBY GIVEN that the Board for Professional Engineers, Land Surveyors, and Geologists (hereafter Board) 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 Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or their authorized representative, no later than 15 days 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 or email to the addresses listed under “Contact Person” in this Notice, must be **received by the Board at its office no later than Monday, November 17, 2025** (Note: 5 p.m. is not a full day, so either 45 full days or 46 days with day 46 ending at 5 p.m.), or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 6716, 6799, 7818, 7887, 8710, and 8805 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 158, 6706.3, 6795, 6796, 6798, 6799, 7844, 7851, 7880, 7881, 7887, 8775.3, 8801, 8802, 8804, 8804.5, and 8805, the Board is considering amending sections 407 and 3005 of title 16 of the California Code of Regulations (CCR)¹.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Board is a state agency within the Department of Consumer Affairs (DCA). The Board’s mission is to protect the public’s safety and property by promoting standards for competence and integrity through licensing and regulating the Board’s professions as pro-

fessional engineers, land surveyors, geologists, and geophysicists.

Existing law provides that BPC sections 6716, 7818, and 8710 authorize the Board to adopt, amend, or repeal rules and regulations which are reasonably necessary to carry out the provisions of the Professional Engineers Act (BPC sections 6700, et seq.), the Geologist and Geophysicist Act (BPC sections 7800, et seq.), and the Professional Land Surveyors’ Act (BPC sections 8700, et seq.), respectively. BPC sections 6799, 7887, and 8805 prescribe and establish the statutory limits for the fees that the Board may charge and collect for each of the professions under the regulatory jurisdiction of the Board.

This regulatory proposal will amend sections 407 and 3005 of Divisions 5 and 29 of the CCR. The purpose of amending CCR sections 407 and 3005 is to address the structural imbalance in the Board’s budget and to ensure future fiscal solvency so the Board can maintain its level of service, enforcement, and public protection. Analysis of the Fund Condition statement confirms the Board must implement budgetary adjustments by addressing fees among all professions it regulates to protect the Board’s fund from becoming insolvent in Fiscal Year (FY) 2025–26 (Attachment II — Fund Condition statement updated with the 2025–26 Governor’s Proposed Budget). Analysis of the Board’s fund balance measured by Months in Reserve (MIR) projects that if the Board does not raise fees, the Board’s budget will become insolvent in FY 2025–26, with a deficit of \$–1.7 million and \$–1.4 MIR. In FY 2026–27, this deficit will be approximately \$–5.3 million and \$–4.2 MIR (see, Attachment II).

The Board is seeking to increase the fees charged and collected by the Board for an initial license, examinations, renewal of a license, and retired license. The fee increases are necessary to help alleviate the structural imbalance that the Board will face, due in part to the rising cost of operational expenses, while ensuring that the Board has sufficient funding to meet its consumer protection mandate and mission.

Anticipated Benefits of Proposal

This regulatory proposal will benefit the health and welfare of California residents as it allows the Board to continue to protect consumers through licensing and enforcement activities. This regulatory proposal does not affect worker safety or the state’s environment. This regulatory proposal seeks to amend the Board’s fee schedule in CCR sections 407 and 3005 to help ensure the Board has sufficient funding to meet its consumer protection mandate while also meeting the Board’s mission to protect the public’s safety and property by promoting standards for competence and integrity through licensing and regulating the Board’s professions.

¹ All CCR references are to Title 16 unless otherwise noted.

The Board anticipates the proposed fee structure will balance the Board’s fund and maintain appropriate fund reserves effective no later than July 1, 2026. This will help the Board remain solvent, align fees with the full cost of operational services, and facilitate the effective administration of the Board while meeting the needs of the public, applicants, and licensees. The proposed fees will apply to the renewal of licenses that expire after the effective date of the regulatory amendments and all other specified fees apply as of the effective date of the regulatory amendments.

The Board must take immediate action to raise the regulatory fees it collects to increase the Board’s revenue and have funding available to continue the Board’s daily functions, enforcement, and licensing operations without interruption.

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board 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.

INCORPORATION BY REFERENCE

There are no forms or documents incorporated by reference.

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:

The Board estimates the proposed regulations will increase revenues by approximately \$4.4 million a year and up to \$44 million over a ten-year period.

Because the Board currently charges the fees in this proposal and performs workload associated with these programs and fees, no additional workload and costs are anticipated.

The Board estimates one-time information technology (IT) costs of \$43,000 to update cashing and accounting software. Any IT costs will be absorbed within existing resources.

The regulations do not result in any 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 Board has made the initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Representative Private Person or Business

The regulations will increase Board fees as follows:

- Application fees (All Disciplines): \$175 to \$250.
- Application fees (Engineer–In–Training, Land Surveyor–In–Training, and Geologist–In–Training): \$75 to \$100.
- Examination fees (All Disciplines): \$175 to \$250.
- Renewal fees (All Disciplines): \$180 to \$250.
- Delinquency fees (All Disciplines): \$90 to \$125.
- Retired license (All Disciplines): \$75 to \$100.

The proposed regulations are estimated to increase costs to licensees by approximately \$4.4 million per year and up to \$44 million over a ten-year period. Please see the Initial Statement of Reasons for additional information.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

The Board has made the initial determination 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.

Changes in licensing fees in the amounts proposed are anticipated to have minimal impact on licensees and applicants and will not create nor eliminate jobs for engineers, land surveyors, geologists, and geophysicists in California.

The proposed fee increases will not affect the expansion of businesses currently operating within the State of California and are not sufficient to eliminate existing businesses.

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents because it will increase the Board’s revenue

so the Board can remain fiscally solvent, allowing it to administer and enforce the provisions of the Professional Engineers Act, Professional Land Surveyors' Act, and the Geologist and Geophysicist Act in the interest of consumer protection. This 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 Board.

Effect on Small Business

The Board has determined that the proposed regulations may affect small businesses because this proposal will increase fees for individual licensees. The proposed regulations will not affect the expansion or elimination of small businesses and are not sufficient to eliminate existing small businesses. Although small businesses owned by licensees of the Board may be impacted, any impact would be minimal because the proposed incremental fee increase is negligible compared to the average salary of licensees. Further, the Board does not have, nor does it maintain, data to determine if any of its licensees are a "small business," as defined in Government Code section 11342.610, and therefore the number or percentage of small businesses that may be impacted cannot be predicted.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would 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 Board in writing relevant to the above determinations at 2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board 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 Board at 2535 Capitol Oaks Drive, Suite 300 Sacramento, CA 95833.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, 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 person designated in this Notice as the Contact Person 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 Person named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Angela Yu
Address: Board for Professional Engineers, Land Surveyors, and Geologists
2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone Number: (916) 999-3610
Email Address: Angela.yu@dca.ca.gov

The backup contact person is:

Name: Richard Moore
Address: Board for Professional Engineers, Land Surveyors, and Geologists

2535 Capitol Oaks Drive, Suite 300
Sacramento, CA 95833
Telephone Number: (916) 999–3579
Email Address: Ric.moore@dca.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 Board website at https://www.bpelsg.ca.gov/about_us/rulemaking.shtml.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

CHANGE OF ADDRESS REQUIREMENTS

NOTICE IS HEREBY GIVEN that the Bureau of Automotive Repair (Bureau or BAR) is proposing to take the rulemaking action described below under the heading Informative Digest/Policy Statement Overview, 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. The Bureau will, however, 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 17, 2025**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 9882, 9884.2, 9884.4, 9884.19, 9886.3, and 9888.5, to implement, interpret, and make specific BPC sections 27, 30, 31,

114.5, 115.4, 135.4, 141, 142, 152.6, 163, 163.5, 480, 490, 9884, 9884.1, 9884.2, 9884.4, 9884.7, 9886.3, 9888.2, 9888.5 and 9889.52, the Bureau proposes adopting the following changes to California Code of Regulations (CCR) Title 16, Division 33, Chapter 1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair is the state agency charged with licensing automotive repair dealers (ARDs), Smog Check stations, STAR stations, Vehicle Safety Systems Inspection Stations, and their respective inspectors and repair technicians. Pursuant to Article 1 of Chapter 20.3 of Division 3 of the Business and Professions Code (commencing with section 9880), the Bureau regulates automotive repair and has the authority to adopt, amend, and repeal necessary rules and regulations.

The Bureau proposes to amend sections 3312.1, 3351, and 3351.1 of Chapter 1 of Division 33 of Title 16 of the CCR as follows:

- Amend section 3312.1 to 1) update the timeframe within which a vehicle safety systems inspection station seeking licensure shall notify the Bureau of material changes (to the information submitted to the Bureau on applications for licensure) from 14 days to 30 days and 2) relocate the existing regulatory provision stating that a vehicle safety systems inspection station shall notify the Bureau of a change of address within 14 days (as this provision is currently located in the subdivision for which the timeframe to notify the Bureau of material changes is being changed from 14 days to 30 days).
- Amend section 3351 to remove unnecessary text and relocate the regulatory provision stating that an automotive repair dealer seeking licensure shall notify the Bureau of a change of address within 14 days. This provision is being relocated in order to update the timeframe for notice of such a change from 30 days to 14 days (thereby making it consistent with the timeframe within which vehicle safety systems inspection stations seeking licensure must similarly notify the Bureau of address changes).
- Amend section 3351.1 to remove outdated and duplicative text, and unincorporate a form (currently incorporated by reference) which will no longer be used.
- Additionally, nonsubstantive changes will be made throughout these sections, including some necessitated by the substantive changes above

(re–lettering of subdivisions, capitalization of Bureau, etc.).

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

The Bureau has determined this regulatory proposal will have the following benefits to the welfare of California residents: by implementing these regulatory changes, the Bureau will make specific and clarify timeframes for reporting material changes in information submitted to the Bureau on applications for licensure, which will also remove inconsistencies in the current regulations. These proposed regulatory changes will also remove duplicative text and make some nonsubstantive changes for consistency and clarity.

This regulatory proposal does not affect the health of California residents, worker safety, or the state’s environment.

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

DISCLOSURES REGARDING THE 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 regulations do not result in a fiscal impact to the state. The amendments are intended to provide additional clarity consistent with current law and existing practice.

The 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 this regulatory proposal would have no significant statewide adverse economic impact directly affecting

businesses, including small businesses and the ability of California businesses to compete with businesses in other states.

This initial determination is based on the fact that this proposal will modify the timeline for existing requirements for the regulated public. The amendments are intended to provide additional clarity consistent with current law and existing practice.

Cost Impact on Representative Private Person or Business: None.

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.

The amendments are intended to provide additional clarity consistent with current law and existing practice.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Bureau has determined this regulatory proposal will have the following benefits to the welfare of California residents: by implementing these regulatory changes, the Bureau will make specific and clarify timeframes for reporting material changes in information submitted to the Bureau on applications for licensure, which will also remove inconsistencies in the current regulations. These proposed regulatory changes will also remove duplicative text and make some nonsubstantive changes for consistency and clarity.

This regulatory proposal does not affect the health of California residents, worker safety, or the state’s environment.

The amendments are intended to provide additional clarity consistent with current law and existing practice.

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.

The regulatory amendments will make specific and clarify timeframes for reporting material changes in information submitted to the Bureau on applications for licensure, which will also remove inconsistencies in the current regulations. These proposed regulatory changes will also remove duplicative text and make some nonsubstantive changes for consistency and clarity.

Benefits of Regulation:

The Bureau has determined this regulatory proposal will have the following benefits to the welfare of California residents: by implementing these regulatory changes, the Bureau will make specific and clarify timeframes for reporting material changes in information submitted to the Bureau on applications for licensure, which will also remove inconsistencies in the current regulations. These proposed regulatory changes will also remove duplicative text and make some nonsubstantive changes for consistency and clarity.

This regulatory proposal does not affect the health of California residents, worker safety, or the state's environment.

Business Reporting Requirements:

The regulatory action does require businesses to notify the Bureau of any address change, as specified.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations will have no negative effect on small businesses.

The amendments are intended to provide additional clarity consistent with current law and existing practice.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), BAR must determine that no reasonable alternative to this proposed regulatory action it considered, or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the 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 present statements orally or in writing relevant to the above determinations 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, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Automotive Repair, 10949 North Mather Boulevard, Rancho Cordova, California 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 person designated in this Notice as the Contact Person 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 RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

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 person named below, or by accessing the website listed below.

CONTACT PERSONS

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

Holly Helsing
Bureau of Automotive Repair
10949 North Mather Boulevard
Rancho Cordova, CA 95670
Telephone: (916) 970-8421
Email: Holly.Helsing@dca.ca.gov

The backup contact person is:

Tessa Miller
Bureau of Automotive Repair

10949 North Mather Boulevard
Rancho Cordova, CA 95670
Telephone: (916) 403–8600
Email: Tessa.Miller@dca.ca.gov

Regulation 3021: Government Code (GC) Sections 15570.22 and 15570.24 and RTC section 43501.
Regulation 3001: RTC section 43501.

REFERENCE

Regulation 3000: HSC sections 25174.7, 25205.1, subdivision (e), 25205.22, 25250.24, former HSC section 25205.5, RTC section 43152.15, and former RTC section 43152.7.

Regulation 3021: RTC section 43159.

Regulation 3001: HSC section 25205.1 and current HSC section 25205.5, RTC sections 43053, 43155.01, and current RTC section 43152.7.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background and Current Law

Specified hazardous waste fees imposed by the HSC are administered and collected pursuant to the Hazardous Substances Tax Law (HSTL) (RTC section 43001 et seq.). Those fees include the generator fee imposed by former HSC section 25205.5 (originally enacted by Sen. Bill Number (SB) 2014 (Stats. 1998, chapter 737)) and the generation and handling fee imposed by new HSC section 25205.5 (enacted by SB 158 (Stats. 2021, chapter 73)). Also, division 20 of HSC authorizes the Department of Toxic Substances Control (DTSC) to adopt regulations to implement, interpret, and make specific the HSC provisions imposing the generation and handling fee, and providing exemptions and exclusions from the fee. (See, e.g., HSC sections 25141, 25205.5.1, 25205.5.3, 25205.5.4.)

GC section 15570.22 transferred the administration and collection of the hazardous waste fees collected pursuant to the HSTL from the State Board of Equalization (Board) to the Department, operative July 1, 2017. GC section 15570.24 and RTC section 20 also generally provide that any references to the Board in the HSC, HSTL, and any implementing regulations with respect to those functions mean the Department, unless the context clearly requires otherwise.

Generator Fee Prior to January 1, 2022

Prior to the amendments made by SB 158 (discussed below), subdivision (a) of former HSC section 25205.5 provided that every generator of hazardous waste was required to pay the Board a specified generator fee for each generator site that generated five or more tons of hazardous waste for each calendar year, or portion thereof, unless the generator had paid a facility fee or received a credit, as specified in HSC section 25205.2, for each specific site, for the calendar year for which the generator fee is due. Subdivision (b) of former HSC section 25205.5 established a tiered rate system so that the amount of the generator fee imposed on

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://www.bar.ca.gov/regulatory-actions>.

TITLE 18. DEPARTMENT OF TAX AND FEE ADMINISTRATION

AMENDMENTS TO SECTION 3000, GENERATOR OF HAZARDOUS WASTE, AND SECTION 3021, RELIEF FROM LIABILITY; PROPOSED ADOPTION OF SECTION 3001, GENERATION AND HANDLING OF HAZARDOUS WASTE FEE OPERATIVE ON AND AFTER JANUARY 1, 2022

NOTICE IS HEREBY GIVEN that the California Department of Tax and Fee Administration (Department), pursuant to the authority in Revenue and Taxation Code (RTC) section 43501, proposes to adopt amendments to California Code of Regulations, title 18, section (Regulation) 3000, *Generator of Hazardous Waste*, and Regulation 3021, *Relief from Liability*, and proposes to adopt new Regulation 3001, *Generation and Handling of Hazardous Waste Fee Operative on and after January 1, 2022*. The proposed amendments to Regulation 3000 clarify that the regulation applies to the administration of the generator fee imposed pursuant to former Health and Safety Code (HSC) section 25205.5 prior to its repeal operative January 1, 2022. The proposed adoption of Regulation 3001 clarifies the payment and return filing requirements for the generation and handling fee imposed by current HSC section 25205.5 and provides notice regarding new penalty and interest provisions that apply to the generation and handling fee. The proposed amendments to Regulation 3021 clarify that Regulation 3021 applies to the generation and handling fee.

AUTHORITY

Regulation 3000: RTC section 43501.

each ton of hazardous waste increased when the hazardous waste generated, per site, each calendar year exceeded specified thresholds. Former HSC section 25205.5 also provided that the generator fee shall be paid in accordance with the HSTL.

Prior to the amendments made by SB 158 (discussed below), former RTC section 43152.7 provided that the generator fee was due and payable on the last day of the second month following the end of the calendar year. Former RTC section 43152.7 required the generator fee to be offset by any fees paid by the generator for the preceding calendar year for a local hazardous waste management program conducted by a local agency pursuant to a memorandum of understanding with the DTSC. Also, prior to the amendments made by SB 158, former RTC section 43152.7 required every generator subject to the generator fee to file an annual return with the Board and pay the Board the proper amount of generator fee due.

The Board adopted Regulation 3000, *Generator of Hazardous Waste*, in 1999 to implement, interpret, and make specific the collection of the generator fee imposed by former HSC section 25205.5 under the HSTL. Regulation 3000 defines the term “generator,” as used in former HSC section 25205.5, and provides examples of specific persons that are included in that definition. Regulation 3000 defines the term “site or onsite,” as used in former HSC section 25205.5. Regulation 3000 clarifies the reporting period of the return on which hazardous waste is required to be reported under former RTC section 43152.7. Regulation 3000 clarifies that where hazardous waste is commingled with non-hazardous waste and manifested as hazardous waste, the entire mixture constitutes hazardous waste for purposes of the generator fee. Finally, the regulation lists persons and types of waste that are exempt from the generator fee under the HSC.

Regulation 3021

The Board adopted Regulation 3021, *Relief from Liability*, in 2003 to implement, interpret, and make specific RTC section 43159, which provides, “If the board finds that a person’s failure to make a timely return or payment is due to the person’s reasonable reliance on written advice from the board, the person may be relieved of the taxes imposed or administered under [the HSTL] and any penalty or interest added thereto.” Regulation 3021 provides, in part, that a person may be relieved from the liability for the payment of the taxes or fees required to be collected pursuant to the HSTL, including any penalties and interest added to the taxes or fees, when that liability resulted from the failure to make a timely return or a payment and such failure was found by the Board to be due to reasonable reliance on written advice given by the Board as described in Regulation 4902. Regulation 3021 further specifies that the fees and taxes collected pursuant

to the HSTL include the Hazardous Substance Taxes (Disposal Fee, Environmental Fee, Facility Fee, Generator Fee and Activity Fee), Childhood Lead Poisoning Prevention Fee and Occupational Lead Poisoning Prevention Fee.

SB 158

On July 12, 2021, the Legislature enacted SB 158. SB 158 amended former HSC section 25205.5, which imposed the generator fee, so that it would be repealed on January 1, 2022. SB 158 also added new HSC section 25205.5 to impose a new generation and handling fee on a generator of hazardous waste for each generator site that generates an amount equal to, or more than, five tons for each calendar year, operative on January 1, 2022. New HSC section 25205.5, as added by SB 158, provides that for the 2022–23 fiscal year, the generation and handling fee rate shall be forty–nine dollars and twenty–five cents (\$49.25) for each ton or fraction of a ton of hazardous waste generated in calendar year 2021 and commencing July 1, 2023, the generation and handling fee rates established pursuant to HSC section 25205.5.01 shall apply. It also provides that the generation and handling fee shall be paid in accordance with the HSTL.

In addition, SB 158 amended former RTC section 43152.7, which specified reporting and payment requirements for the generator fee, so that it would be inoperative on July 1, 2022, and repealed on January 1, 2023. SB 158 added new RTC section 43152.7, which became operative on July 1, 2022, to specify how the new generation and handling fee shall be reported and paid to the Department. New RTC section 43152.7, as added by SB 158, provides that the generation and handling fee is due and payable in two equal installments, on or before November 30 and February 28 of each fiscal year. It also requires every generator subject to the generation and handling fee to file an annual return, accompanying the second installment payment. However, new RTC section 43152.7, unlike former RTC section 43152.7, does not require an offset for any fees paid by the generator for the preceding calendar year for a local hazardous waste management program conducted by a local agency.

Further, SB 158 made other minor revisions to the HSC and HSTL, including replacing references to the Board with references to the Department in RTC section 43053, former HSC section 25205.5, and former RTC section 43152.7.

Assembly Bill Number 203 and SB 156

On June 30, 2022, the Legislature enacted Assembly Bill Number (AB) 203 (Stats. 2022, chapter 60). AB 203 amended RTC section 43152.7 to require generators to file their generation and handling fee returns with the Department using electronic media.

On July 2, 2024, the Legislature enacted SB 156 (Stats. 2024, chapter 72). SB 156 amended new HSC

section 25205.5 to clarify that commencing July 1, 2023, the fee rates for the generation and handling fee established pursuant to HSC section 25205.5.01 apply “to each ton, including the first five tons, or fraction of a ton rounded up to the next nearest ton, of hazardous waste generated.” SB 156 amended new HSC section 25205.5 to clarify that it applies to the generation and handling fees imposed “for hazardous waste generated on and after January 1, 2021.” SB 156 also amended new RTC section 43152.7 to provide that the generation and handling fee is due and payable in two equal installments, on or before “the last day of November and the last day of February” of each fiscal year, for waste generated in the 2023 calendar year and subsequent years.

SB 156 also added RTC section 43155.01. It imposes penalties on any person who fail to timely pay any generation and handling fee or installment or timely file a generation and handling fee return that is due on or after November 30, 2024. It also requires a person that fails to timely pay the generation and handling fee to pay interest at the modified adjusted rate per month, or fraction of a month, established pursuant to RTC section 6591.5, from the date on which the fee or the amount of fee became due and payable to the state until the date of payment.

Generation and Handling Fee on and after January 1, 2022

Subdivision (a)(1) of new HSC section 25205.5 currently provides that a generator of hazardous waste shall pay to the Department a generation and handling fee for each generator site that generates an amount equal to, or more than, five tons for each calendar year, or portion of the calendar year.

Subdivision (a)(2) of new HSC section 25205.5 currently specifies that for the 2022–23 fiscal year, the generation and handling fee rate shall be forty–nine dollars and twenty–five cents (\$49.25) for each ton or fraction of a ton of hazardous waste generated in calendar year 2021 and subdivision (a)(3), as amended by SB 156, specifies that commencing July 1, 2023, the fee rates established pursuant to HSC section 25205.5.01 shall apply to each ton, including the first five tons, or fraction of a ton rounded up to the next nearest ton, of hazardous waste generated.

Subdivision (a)(4) provides that for purposes of calculating the amount of the generation and handling fee, a generator of hazardous waste that is issued a hazardous waste facilities permit from the DTSC and that pays the annual facility fee, as specified in HSC section 25205.2, may deduct, from the amount of hazardous waste otherwise subject to this subdivision that is generated per calendar year, the amount of hazardous waste that is stored, bulked, or transferred solely through the location of the permitted hazardous waste

facility and that is in route to another facility that is authorized to do any of the following:

- (A) Manage the hazardous waste for reclamation and recovery, including fuel blending before energy recovery at another site.
- (B) Manage the hazardous waste through destruction methods or treatment before disposal at another site.
- (C) Manage the hazardous waste by any form of treatment.
- (D) Dispose of the hazardous waste.

Subdivision (b) of new HSC section 25205.5 currently provides that the generation and handling fee shall be paid in accordance with the HSTL. Subdivision (c) of new HSC section 25205.5 also currently provides that new HSC section 25205.5 is operative on January 1, 2022, and applies to the generation and handling fees imposed for hazardous waste generated on or after January 1, 2021.

HSC sections 25174.8.1 and 25205.5.1 provide exemptions or exclusions from the generation and handling fee for specified hazardous waste. Also, the DTSC is the agency that regulates hazardous waste in California and has the authority to adopt regulations to implement, interpret, and make specific those HSC sections.

Subdivision (a) of new RTC section 43152.7 currently provides that the generation and handling fee is due and payable in two equal installments, on or before the last day of November and the last day of February of each fiscal year. Subdivision (b) of new RTC section 43152.7 currently provides that every generator subject to the generation and handling fee shall file a return each fiscal year, accompanying the second installment payment required pursuant to subdivision (a), and pay the proper amount of fee due. Also, subdivision (b) of new RTC section 43152.7 currently specifies that the return shall be filed with the Department using electronic media.

RTC section 43053 currently provides that the generation and handling fee imposed pursuant to HSC section 25205.5 shall be administered and collected by the Department in accordance with the HSTL. Also, RTC section 43501 authorizes the Department to prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of the HSTL.

Proposed Amendments to Regulation 3000, Generator of Hazardous Waste

Amendments to Title and Subdivision (a) of Regulation 3000

After reviewing Regulation 3000, the Department determined that there is an issue (or problem within the meaning of GC section 11346.2, subdivision (b)) because:

- SB 158 repealed former HSC section 25205.5, which imposed the generator fee, operative January 1, 2022;
- SB 158 added new HSC section 25205.5, which imposes a new generation and handling fee, operative January 1, 2022; and,
- Generators of hazardous waste may be confused about whether Regulation 3000 applies to the generation and handling fee.

The Department determined that it is reasonably necessary to propose to amend the title and subdivision (a) of Regulation 3000 to have the effect and accomplish the objective of addressing that issue (or problem). The proposed amendments change the regulation's title from "Generator of Hazardous Waste" to "Generator of Hazardous Waste Fee Operative Prior to January 1, 2022," to expressly clarify that the provisions of Regulation 3000 apply only to the generator fee imposed prior to January 1, 2022.

In addition, the proposed amendments reformat the first sentence in subdivision (a) as subdivision (a)(1) and the rest of subdivision (a) as subdivision (a)(2). They revise the first sentence in reformatted subdivision (a)(1) to specify that Regulation 3000's provisions apply to the collection of the generator fee imposed pursuant to "former HSC section 25205.5 prior to its repeal operative January 1, 2022." They also add a new second sentence to reformatted subdivision (a)(1) to clarify that Regulation 3001 (discussed below) applies to the collection of the generation and handling fee imposed pursuant to HSC section 25205.5, as added by section 55 of SB 158, on and after January 1, 2022. The Department determined these proposed amendments are reasonably necessary to further clarify that Regulation 3000 applies only to the generator fee imposed pursuant to former HSC section 25205.5 prior to January 1, 2022, and Regulation 3001 applies to the generation and handling fee imposed pursuant to new HSC section 25205.5 on and after January 1, 2022, to avoid any potential confusion as to whether Regulation 3000 applies the generation and handling fee.

Non-substantive Amendments to Subdivisions (a), (b), (c), (d), and (e)

After reviewing Regulation 3000, the Department also determined that there are non-substantive issues (or problems) with the regulation. This is because there are no periods at the end of the regulation's subdivision headings. This is also because the regulation contains typographical errors and citations that are not consistent with the format prescribed by the California Style Manual. Therefore, the Department determined that it is reasonably necessary to propose to amend subdivisions (a) through (e) of Regulation 3000 to have the effect and accomplish the objective of addressing those issues (or problems). The proposed amendments add

periods at the end of each subdivision heading. The proposed amendments delete the parentheticals creating the unnecessary acronyms "EPA" and "CAMU," replace a reference to the "Department of Toxic Substances Control" with the acronym "DTSC," and replace "clean-up" with "cleanup" in subdivision (b) to correct the typographical errors. They also replace the capitalized letters with lower case letters in "Title" in subdivisions (a) and (b) and "Section," "Division," "Chapter," and "Article" in subdivision (e) to make the regulation's citations consistent with the format prescribed by the California Style Manual.

Proposed Amendments to Regulation 3021, Relief from Liability

After reviewing Regulation 3021, the Department determined that there are issues (or problems) because:

1. New HSC section 25205.5 imposes a new generation and handling fee, which is required to be paid and collected pursuant to the HSTL, but is not listed in Regulation 3021 among the fees collected pursuant to the HSTL, so it's not clear whether the provisions of Regulation 3021 apply to the generation and handling fee;
2. The regulation contains outdated references to the "board" in the first paragraph because the Department is now responsible for the administration and collection of the hazardous waste fees collected pursuant to the HSTL, and the references to the "board" in RTC section 43159 means the Department pursuant to GC section 15570.24 and RTC section 20; and,
3. The regulation contains citations that are not consistent with the format prescribed by the California Style Manual.

The Department determined that it is reasonably necessary to propose to amend Regulation 3021 to add "Generation and Handling Fee" between "Facility Fee" and "Generator Fee" in the second paragraph of Regulation 3021 to have the effect and accomplish the objective of addressing the first issue (or problem) by clarifying that the provisions of Regulation 3021 apply to the generation and handling fee. The Department determined that it is reasonably necessary to propose to amend Regulation 3021 to replace "board" with "Department" for the to have the effect and accomplish the objective of addressing the second issue (or problem) by updating the regulation's agency references. The Department also determined that it is reasonably necessary to propose to amend Regulation 3021 to replace the capitalized letters with lower case letters in "Part," "Title," "Section," and "Division" to have the effect and accomplish the objective of addressing the third issue (or problem) by making the regulation's citations consistent with the format prescribed by the California Style Manual.

Proposed Regulation 3001, Generation and Handling of Hazardous Waste Fee Operative on and after January 1, 2022

After the passage of SB 158 and SB 156, the Department determined that there are also issues (or problems) because:

- SB 158 added new HSC section 25205.5, which imposes a new generation and handling fee;
- SB 158 added new RTC section 43152.7, which provides the payment and return filing requirements for the generation and handling fee;
- SB 156 added new RTC section 43155.01, which imposes penalties on any person who fails to timely pay the generation and handling fee or timely file a generation and handling fee return and requires a person that fails to timely pay the generation and handling fee to pay interest; and,
- There is no regulation that clarifies the payment and return filing requirements for the generation and handling fee or provides notice regarding the new penalty and interest provisions that apply to the generation and handling fee.

The Department determined that it is reasonably necessary to propose to adopt new Regulation 3001, *Generation and Handling of Hazardous Waste Fee Operative on and after January 1, 2022*, to be included in chapter 8 of division 2 of title 18 of the CCR to have the effect and accomplish the objective of addressing those issues (or problems) by clarifying the payment and return filing requirements and providing notice regarding the penalty and interest provisions under the HSTL.

Subdivision (a), Scope

The Department determined that it is reasonably necessary for subdivision (a) of new Regulation 3001 to expressly clarify that the provisions of proposed Regulation 3001 apply to the generation and handling fee imposed by new HSC section 25205.5, on and after the January 1, 2022, and that Regulation 3000 applies to the collection of the generator fee imposed pursuant to former HSC section 25205.5 prior to its repeal operative January 1, 2022, to avoid any potential confusion as to whether proposed Regulation 3001 applies to the generator fee or generation and handling fee. Therefore, subdivision (a) clarifies that Regulation 3001's provisions apply to the collection of the generation and handling fee imposed pursuant to HSC section 25205.5, as added by section 55 of SB 158, on and after January 1, 2022. It also clarifies that Regulation 3000 applies to the collection of the generator fee imposed pursuant to former HSC section 25205.5 prior to its repeal operative January 1, 2022.

Subdivision (b), Definitions

The Department determined that it is reasonably necessary for subdivision (b) of new Regulation 3001

to clarify the meaning of the key terms used in Regulation 3001 to avoid potential confusion about the meaning of those terms. Therefore, subdivision (b)(1) of new Regulation 3001 defines "Department" to mean the California Department of Tax and Fee Administration. Subdivision (b)(2) of the new regulation also clarifies that the terms "disposal," "facility," "generator," "hazardous waste," "site," and "treatment" have the same meaning as set forth in HSC section 25205.1 and any regulations adopted by DTSC or any successor implementing, interpreting, or making specific the definition of any of these terms in HSC section 25205.1. This is because the definitions in HSC section 25205.1 apply to new HSC section 25205.5 and DTSC has authority to adopt regulations that clarify the meaning of the definitions in HSC section 25205.1, not the Department.

Subdivision (c), Generation and Handling Fee

The Department determined that it is reasonably necessary for subdivision (c) of new Regulation 3001 to incorporate the provisions of subdivision (a) of new HSC section 25205.5 that impose the fee, establish the rates, and provide a deduction from the fee to avoid confusion and ensure that Regulation 3001 satisfies the clarity requirement in subdivision (a)(3) of GC section 11349.1. The Department also determined that it is reasonably necessary for subdivision (c) of the new regulation to provide notice that division 20 of the HSC provides exemptions and exclusions from the fee, to avoid potential confusion about the application of the generation and handling fee. Therefore, subdivision (c)(1) of new Regulation 3001 provides that unless an exemption or exclusion applies pursuant to division 20 of the HSC or any regulations adopted by DTSC or any successor implementing, interpreting, or making specific division 20 of the HSC, a generator of hazardous waste shall pay to the Department a generation and handling fee for each generator site that generates five tons or more of hazardous waste in a calendar year, or portion of a calendar year. Subdivision (c)(1) of the new regulation also provides that the fee rates established pursuant to HSC section 25205.5.01 apply to each ton of hazardous waste generated at a generator site in a calendar year or portion of a calendar year, including the first five tons, or fraction of a ton rounded up to the next nearest ton.

Also, subdivision (c)(2) of new Regulation 3001 provides that for purposes of calculating the amount of the generation and handling fee, a generator of hazardous waste that is issued a hazardous waste facilities permit from DTSC or any successor and that pays the annual facility fee, as specified in HSC section 25205.2, may deduct, from the amount of hazardous waste generated per calendar year, the amount of hazardous waste that is stored, bulked, or transferred solely through the location of the permitted hazardous waste facility and

that is in route to another facility that is authorized to do any of the following:

- (A) Manage the hazardous waste for reclamation and recovery, including fuel blending before energy recovery at another site.
- (B) Manage the hazardous waste through destruction methods or treatment before disposal at another site.
- (C) Manage the hazardous waste by any form of treatment.
- (D) Dispose of the hazardous waste.

Subdivision (d), Payment and Return Due Date

The Department determined that it is reasonably necessary for subdivision (d) of new Regulation 3001 to incorporate and clarify the provision of new RTC section 43152.7, to avoid potential confusion about the payment and return filing requirements for the generation and handling fee under the HSTL. Also, the generation and handling fee is imposed on a calendar year basis. So, the Department determined that the clarifications should specify the calendar years, rather than the fiscal years, in which the payments and returns are due to avoid confusion. Therefore, subdivision (d) of proposed Regulation 3001 specifies that the generation and handling fee imposed on hazardous waste generated in a calendar year or portion of a calendar year is due and payable in two equal installments. Subdivision (d)(1) clarifies that for hazardous waste generated in the 2023 calendar year and subsequent calendar years, the first installment payment is due on or before November 30 of the calendar year following the calendar year in which the hazardous waste was generated. The second payment is due on or before the last day of February of the calendar year following the calendar year in which the first payment was due.

Subdivision (d)(2) clarifies that every generator subject to the generation and handling fee shall electronically file an annual return on or before the due date of the second installment payment through the Department's online services portal via its website at www.cdtfa.ca.gov for the hazardous waste generated in the calendar year for which the second installment payment is due. Subdivision (d) also includes an example to illustrate that a generator required to pay the generation and handling fee for hazardous waste generated in calendar year 2024 shall pay the first half of the generation and handling fee on or before November 30, 2025, and shall pay the second half of the generation and handling fee on or before February 28, 2026. The generator must also electronically file a return on or before February 28, 2026, through the Department's online services portal via its website at www.cdtfa.ca.gov for the hazardous waste generated in calendar year 2024.

Subdivision (e), Penalties

The Department determined that it is reasonably necessary for subdivision (e) of new Regulation 3001 to provide notice regarding the penalty and interest provisions that apply to the generation and handling fee to encourage timely compliance with the payment and return filing requirements in new RTC section 43152.7. Therefore, subdivision (e) of proposed Regulation 3001 clarifies that any generator who fails to timely pay the generation and handling fee, or any required portion thereof, or fails to timely file a return, will be subject to penalties and interest pursuant to RTC section 43155.01.

Determinations

The Department has determined that the adoption of the proposed amendments to Regulations 3000 and 3021 and the adoption of new Regulation 3001 through the Administrative Procedure Act's regular rulemaking process are reasonably necessary to have the effects and accomplish the objectives of addressing all the issues (or problems) discussed above. The Department anticipates that their adoption will promote fairness and benefit generators and the Department by:

- Clarifying that Regulation 3000 applies to the administration and collection of the generator fee imposed pursuant to former HSC section 25205.5 prior to its repeal operative January 1, 2022;
- Clarifying that the provisions of Regulation 3021 apply to the generation and handling fee;
- Clarifying the payment and return filing requirements for the generation and handling fee;
- Providing notice regarding the penalty and interest provisions that apply to the generation and handling fee;
- Updating the agency references in Regulation 3021; and,
- Making minor non-substantive clarifications to Regulations 3000 and 3021 to correct typographical errors and make the regulations' citations consistent with the format prescribed by the California Style Manual.

The Department has performed an evaluation of whether the proposed adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 are inconsistent or incompatible with existing state regulations and determined that they are not inconsistent or incompatible with existing state regulations. This is because there are no other state regulations that clarify the application, administration, and collection of the generator fee or the generation and handling fee, or that clarify relief from liability under the HSTL. The Department has also performed an evaluation of whether the proposed adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 differ substantial-

ly from an existing comparable federal regulation or statute and determined that they do not because there are no federal regulations or statutes that are comparable to Regulations 3000 and 3021, or to new Regulation 3001.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department has determined that the adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 will not impose a mandate on local agencies or school districts, including a mandate that requires state reimbursement under part 7 (commencing with section 17500) of division 4 of title 2 of the GC.

ONE–TIME COST TO THE DEPARTMENT, BUT NO OTHER COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Department has determined that the adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 will result in an absorbable \$484 one–time cost for the Department to update its website after the proposed regulatory action is completed. The Department has determined that the adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 will not result in any other direct or indirect cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the GC, no other non–discretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Department has made an initial determination that the adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESS

The Department has determined that the adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 may affect small business.

NO COST IMPACTS TO PRIVATE PERSONS OR BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GC SECTION 11346.3, SUBDIVISION (B)

The Department assessed the economic impact of adopting new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 on California businesses and individuals and determined that the proposed regulatory action is not a major regulation, as defined in GC section 11342.548 and California Code of Regulations, title 1, section 2000. Therefore, the Department prepared the economic impact assessment required by GC section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons. In the economic impact assessment, the Department determined that the adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 will neither create nor eliminate jobs in the State of California nor result in the creation of new businesses or the elimination of existing businesses within the state and will not affect the expansion of businesses currently doing business within the State of California. Furthermore, the Department determined that the adoption of new Regulation 3001 and the amendments to Regulations 3000 and 3021 will not affect the benefits of the regulations to the health and welfare of California residents, worker safety, or the state’s environment.

NO SIGNIFICANT EFFECT ON HOUSING COSTS

The adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 will not have a significant effect on housing costs.

DETERMINATION REGARDING ALTERNATIVES

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

statutory policy or other provision of law than the proposed action.

CONTACT PERSONS

Questions regarding the substance of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 should be directed to Robert Wilke, Business Taxes Specialist II, by telephone at (916) 309–5302, by email at Robert.Wilke@cdtfa.ca.gov, or by mail at California Department of Tax and Fee Administration, Attention: Robert Wilke, MIC:50, 651 Bannon Street, Suite 100, Sacramento, CA 95811–0299.

Written comments for the Department’s consideration, written requests to hold a public hearing, notices of intent to present testimony or witnesses at the public hearing, and other inquiries concerning the proposed regulatory action should be directed to Kim DeArte, Regulations Coordinator, by telephone at (916) 309–5227, by fax at (916) 322–2958, by email at CDTFA-Regulations@cdtfa.ca.gov, or by mail to: California Department of Tax and Fee Administration, Attention: Kim DeArte, MIC:50, 651 Bannon Street, Suite 100, Sacramento, CA 95811–0299. Kim DeArte is the designated backup contact person to Robert Wilke.

WRITTEN COMMENT PERIOD

The written comment period ends on November 17, 2025. The Department will consider the statements, arguments, and/or contentions contained in written comments received by Kim DeArte at the postal address, email address, or fax number provided above, prior to the close of the written comment period, before the Department decides whether to adopt new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021. The Department will only consider written comments received by that time.

However, if a public hearing is held, written comments may also be submitted during the day of and at the public hearing and the Department will consider the statements, arguments, and/or contentions contained in written comments submitted during the day of or at the public hearing before the Department decides whether to adopt new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021.

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Department has prepared copies of the text of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 illustrating the express terms of the proposed action.

The Department has also prepared an initial statement of reasons for the proposed adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021, which includes the economic impact assessment required by GC section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed regulatory action is based are available to the public upon request. The rulemaking file is available for public inspection at 651 Bannon Street, Suite 100, Sacramento, California. The express terms of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021, and the initial statement of reasons are also available on the Department’s website at www.cdtfa.ca.gov/taxes-and-fees/regscont.htm.

PUBLIC HEARING

The Department has not scheduled a public hearing to discuss the proposed adoption of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021. However, any interested person or their authorized representative may submit a written request for a public hearing no later than 15 days before the close of the written comment period, and the Department will hold a public hearing if it receives a timely written request.

SUBSTANTIALLY RELATED CHANGES PURSUANT TO GC SECTION 11346.8

The Department may adopt new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 with changes that are non–substantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made pursuant to GC section 11346.8, the Department will make the full text of the resulting regulation, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting regulations will be mailed to those interested parties who commented on the original proposed regulation orally or in writing or who asked to be informed of such changes. The text of the resulting regulations will also be available to the public from Kim DeArte. The Department will consider timely written comments it receives regarding a sufficiently related change.

AVAILABILITY OF FINAL STATEMENT OF REASONS

If the Department adopts new Regulation 3001 and the proposed amendments to Regulations 3000 and

3021, the Department will prepare a final statement of reasons. Upon its completion, the final statement of reasons will be made available for inspection at 651 Bannon Street, Suite 100, Sacramento, California, and available upon request by contacting the contact person(s) named above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice, initial statement of reasons, and the text of new Regulation 3001 and the proposed amendments to Regulations 3000 and 3021 are available on the Department’s website at www.cdtfa.ca.gov/taxes-and-fees/regscont.htm. If the Department publishes other related documents, they will also be available at that website.

TITLE 22. DEPARTMENT OF AGING

QUARTERLY REVIEWS

Notice is hereby given that the California Department of Aging (CDA), is proposing the regulation described below related to the timing of quarterly reviews conducted by the interdisciplinary team for medical interventions. This notice of proposed rulemaking commences to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

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

To request copies of the regulatory proposal in an alternate format, please write or call: Selamaria Nua, California Department of Aging, 2880 Gateway Oaks Drive, Suite 200, Sacramento, CA 95833 at (916) 928–3327 or email to selamaria.nua@aging.ca.gov.

PUBLIC HEARINGS

A public hearing regarding this proposed regulatory action is not scheduled. However, CDA will conduct a public hearing if a written request for a public hearing is received from any interested person, or their authorized representative, no later than (15) days prior to the close of the written comment period, pursuant to Government Code section 11346.8.

Assistive Devices

CDA is committed to providing assistive services for individuals with disabilities. Available services include converting written materials into alternative formats such as Braille, large print, audiocassette, and computer disk. For public hearings, assistive services may also include sign language interpretation, real-time captioning, note-taking, and reading or writing assistance.

To request these services, please contact Yarin Ascencio at (279) 667–3776, email yarin.ascencio@aging.ca.gov, or write to CDA at the address listed above.

Please note: The availability of certain services may be limited if requests are made fewer than 10 business days before the public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit comments in writing about the proposed regulatory action. All written comments pertaining to this proposal, regardless of the method of transmittal, much be received by **November 17, 2025**, which is hereby designated as the close of the written period. Comments received after this date will not be considered timely.

Written comments must be submitted as follows:

1. By email to regulations@aging.ca.gov. It is requested transmission of comments, particularly those with attachments, contain the regulation package identifier “CDA–2025–OPR–001” in the subject line to facilitate timely identification and review of the comment.
2. By fax transmission to (916) 928–2506.
3. By postal service or hand delivery to:

California Department of Aging
Division of Home and Community Living
2880 Gateway Oaks Drive, Suite 200
Sacramento, CA 95833
Attention: Selamaria Nua.

All comments, including email or fax transmission, should include the regulation package identifier “CDA–2025–OPR–001” along with your name and your mailing address or email address for CDA to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

CDA proposes to adopt the proposed regulation under the authority by the California Health and Safety Code, Section 131200, which empowers the department to adopt and enforce regulations for the ex-

ecution of its duties and responsibilities. This proposal implements, interprets, makes specific, or clarifies section 1418.8(e) and (g) of the Health and Safety Code, pursuant to the decision of *California Advocates for Nursing Home Reform v. Smith* (2019) 38 Cal. App. 5th 838 and Notice of Entry of Judgement in *California Advocates for Nursing Home Reform v. Sonia Angel* (2022) Alameda County Superior Court Case Number RG13700100. The *California Advocates for Nursing Home Reform v. Sonia Angel* (2022) Alameda County Superior Court Case Number RG13700100 is the same case on remand after the decision in *California Advocates for Nursing Home Reform v. Smith* (2019) 38 Cal.App.5th 838.

Additionally, Welfare and Institution Code Section 9260 and 9295 establishes that the Office of the Long-Term Care Patient Representative, which is responsible for coordinating and overseeing the statewide provisions of public patient representative services.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Proposal

This proposed regulatory action implements, interprets, and makes specific Health and Safety Code (HSC) § 1418.8 (g) concerning the evaluation of prescribed medical interventions in skilled nursing or intermediate care facilities. The statute mandates that interdisciplinary teams conduct quarterly reviews of all prescribed interventions but does not account for the nature of specific treatments. This proposed regulation clarifies: the frequency of evaluations for one-time procedures, which may not require quarterly reviews; the types of medical interventions subject to review; and the potential for more flexible scheduling based on clinical need. This regulatory action aims to reduce unnecessary administrative burdens, ensure resources are allocated effectively, and better align evaluation practices with the clinical needs of residents.

Additionally, in accordance with the requirements set forth in Government Code §§ 11343 and 11346.2 et al., CDA will ensure proper notice is provided to stakeholders, including public notifications and opportunities for comment, as part of the regulatory process. This will ensure transparency and compliance with established procedures for regulatory changes.

Background

Chapter 3.6 (beginning with Section 9260) of Division 8.5 of the California Welfare and Institutions Code established the Long-Term Care Patient Representative Program within the California Department of Aging. This program ensures the availability of a public patient representative when a family member,

friend or authorized individual is unable to participate in an interdisciplinary team review, as required by Section 1418.8(e) of the Health and Safety Code (HSC).

An interdisciplinary team review is used to determine the appropriateness of prescribed medical interventions for residents deemed by their attending physician to lack the capacity to provide informed consent. Previously, participation by a patient representative in these reviews was optional. However, following the court rulings in *California Advocates for Nursing Home Reform v. Smith* (2019) 38 Cal.App.5th 838 and the Notice of Entry of Judgement in *California Advocates for Nursing Home Reform v. Sonia Angell* (2022) Alameda County Superior Court Case Number RG13700100, facilities are now required to include a patient representative whenever an interdisciplinary team is convened for healthcare decisions requiring informed consent. This requirement took effect on January 27, 2023, and the Office of the Long-Term Care Patient Representative Program serves as the operative representative when no family member, friend or authorized person is available.

Problem Statement

The current statute in HSC § 1418.8(g) requires quarterly evaluations of prescribed medical interventions in skilled nursing and intermediate care facilities, but it does not account for the varying nature of treatments and/or interventions. Some interventions, such as one-time procedures, may not require such frequent reviews, and the regulation lacks clarity on which interventions should be reviewed. This inflexibility creates unnecessary administrative burdens and may not align with the best clinical interests of residents, potentially diverting resources from more critical care needs.

Objectives (Goals) of the Regulation

The objectives of this proposed regulatory action are to:

- Enhance regulatory clarity and effectiveness by improving the framework and reducing confusion or misinterpretation.
- Align evaluation schedules with clinical needs by differentiating review frequencies for various medical interventions, ensuring timely monitoring for critical treatments and reducing unnecessary evaluations for one-time procedures.
- Optimize patient care and healthcare resources through tailored evaluation schedules that focus on appropriate treatments and minimize administrative burdens.
- Support resident well-being by ensuring more efficient, relevant care practices and strengthening safety measures in long-term care facilities.

Anticipated Benefits

The expected benefits of this proposed regulatory action include:

- Greater clarity and precision in the regulatory framework.
- Differentiated review schedules that align evaluation frequencies with clinical needs.
- Less frequent evaluations for one-time medical interventions that don't require quarterly check-ups.
- More appropriate monitoring for critical treatments and certain medications.
- Reduced confusion and misinterpretation of the regulation.
- Optimization of patient care through more tailored evaluation schedules.
- Efficient use of healthcare resources by avoiding unnecessary evaluations.
- Enhanced safeguarding of residents' well-being in long-term care facilities.

Evaluation as to Whether the Proposed Regulations are Inconsistent or Incompatible with Existing State and Federal Regulations

CDA has reviewed relevant state regulations and determined that these are the only regulations addressing the frequency of interdisciplinary reviews. As a result, this action is consistent with and compatible with existing state regulations. Additionally, there are no comparable federal statutes or state regulations.

FORMS INCORPORATED BY REFERENCE (IDENTIFIED IN THE INFORMATIVE DIGEST)

None.

MANDATED BY FEDERAL LAW OR REGULATIONS

None.

OTHER STATUTORY REQUIREMENTS

None.

LOCAL MANDATE

The Department has determined that this regulatory action does not mandate local agencies or school districts and incurs no costs requiring state reimbursement under Part 7, beginning with Section 17500 of Division 4 of the Government Code.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of Government Code:

The Department has determined that the proposed regulatory action does not mandate any local agencies or school districts.

The cost or savings to any state agency:

The Department does not anticipate any fiscal impact, as the proposed regulation will not alter the number of reviews conducted. Instead, it clarifies language and defines the scope of services provided by the Office of the Long-Term Care Patient Representative Program. Since the regulation does not introduce new requirements or expand service obligations, it will not impose additional administrative or economic burdens on businesses.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies:

The Department has determined that the proposed regulation will not impact local government.

Cost or Savings in Federal Funding to the State:

The Department has determined that the proposed regulation will not affect federal funding.

HOUSING COSTS

The Department has determined that the proposed regulation would not have an impact on housing costs.

SIGNIFICANT STATEWIDE ADVERSE IMPACT ON BUSINESS

The Department has made an initial determination that the proposed regulation is not expected to have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This provision primarily addresses medical decision-making for residents in long-term care facilities who lack decision-making capacity and do not have a legal representative.

The regulation is focused on patient rights and care standards within healthcare settings rather than imposing new financial or operational burdens on businesses. Since it does not introduce additional costs, fees, or compliance requirements beyond existing healthcare regulations, it is unlikely to create a competitive disadvantage for California businesses. Moreover, long-term care facilities are already subject to comprehensive state and federal regulations govern-

ing patient care. As a result, this provision aligns with existing industry standards rather than imposing significant new obligations that could adversely impact businesses.

ECONOMIC IMPACT ASSESSMENT (EIA)

The Department has assessed the potential economic impact of the proposed regulation concerning quarterly reviews of medical intervention evaluations in skilled nursing and intermediate care facilities. Based on this assessment, the Department has determined the following:

- A. *The creation or elimination of jobs within the State of California:* The proposed regulatory action will not create or eliminate jobs in California. It solely revises evaluation procedures in healthcare settings without affecting overall employment dynamics.
- B. *The creation of new businesses or the elimination of existing businesses within the State of California:* The proposed regulation will not affect business creation or closure in California. It only updates administrative procedures in existing healthcare facilities without impacting the broader business environment.
- C. *Impact on Business Expansion:* The proposal will not impact the expansion of businesses in California, as it only affects healthcare facility operations and does not influence broader business activities or market conditions.
- D. *Benefits to Health, Welfare, Worker Safety, and Environment:* The proposed regulation improves healthcare for residents in skilled nursing and intermediate care facilities by aligning medical intervention evaluations with individual health needs. While it enhances patient care and safety, it does not directly affect worker safety or the environment, as it applies only to internal healthcare procedures.

The Department recognizes that small businesses in healthcare settings must comply with the proposed regulation; however, the economic impact is expected to be minimal. These administrative changes are designed to enhance healthcare quality without imposing significant new burdens on small businesses.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Department is not aware of any necessary costs that a private individual or business would incur to reasonably comply with the proposed action.

BUSINESS REPORTING REQUIREMENTS

None.

EFFECT ON SMALL BUSINESS

The Department has determined that the proposed regulatory action will have a minimal impact on small businesses in skilled nursing and intermediate care facilities, as they must comply with its requirements. However, the effect is not expected to be significant since the regulation primarily involves administrative procedures for medical decision-making. It aims to enhance healthcare quality without imposing substantial financial or operational burdens on small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

None.

ALTERNATIVE CONSIDERED

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

CONTACT PERSON

For any inquiries or comments regarding the proposed rulemaking action, please contact:

Selamaria Nua, Policy Manager
California Department of Aging
Regulation and Policy Development
2880 Gateway Boulevard, Suite 200
Sacramento, CA 95833
Phone: (916) 928–3327
Email: regulations@aging.ca.gov

In the event the contact person is unavailable, please direct inquiries to:

Yarin Ascencio, Health Program Manager II
Division of Home and Community Living
Phone: (279) 667–3776

For all inquiries or written comments, please reference the Department regulation package identifier: CDA–2025–OPR–001.

AVAILABILITY STATEMENTS

The Department has prepared the text of the proposed regulation, and Initial Statement of Reasons (ISOR), and all the information upon which the proposal is based for public review. The designated contact person in this notice serves as the custodian of public records, including reports, documentation, and other materials related to the rulemaking file.

In order to request that a copy of this public notice, the regulation text, and the Initial Statement of Reasons or alternate formats for these documents be mailed to you, please send an email to regulations@aging.ca.gov or write to the designated contact person at the address previously noted. Upon request, the document can be provided in an alternative format or another language as a disability-related accommodation.

If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least 15 days before it adopts the regulation as revised. Please send requests for copies of any modified text to the attention of Selamaria Nua using the contact information above. The Department will accept written comments on the modified text for 15 days after the date on which it is made available.

Final Statement of Reasons

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

INTERNET ACCESS

The Notice of Proposed Action, Initial Statement of Reasons, and proposed regulation text are available on the Office of the Long-Term Care Patient Representative homepage: https://www.aging.ca.gov/Providers_and_Partners/Office_of_the_Long-Term_Care_Patient_Representative.

TITLE 22/MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0425–03

ITEM 2025 UPDATES TO THE SEMI-ANNUAL REPORTING (SAR) REGULATIONS

The California Department of Social Services (CDSS) hereby gives notice of the proposed regulatory action(s) described below. A public hearing regarding this proposal is not currently scheduled. No

later than 15 days prior to the close of the public comment period, any interested person or his or her authorized representative may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be sent to:

California Department of Social Services
Office of Regulations Development
744 P Street, MS 8–4–192
Sacramento, CA 95814
Telephone: (916) 657–2586
Email: ord@dss.ca.gov

Statements or arguments relating to the proposals may be submitted in writing or email to the address/email listed above. All comments must be received by November 19, 2025.

Following the public comment period, CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. Except for nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed above. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at *Regulations in Process* [<https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/regulations-home-page/regulations-in-process>]. Additionally, all the information which CDSS considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading at the address listed above. Following the public comment period, copies of the Final Statement of Reasons will be available at the above address.

CHAPTERS

Division 40, Chapter 100 and Division 44, Chapter 300

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Changes to the regulations are part of ongoing regulatory cleanup efforts and also implement changes imposed by Assembly Bill (AB) 79 (Chapter 11, Statutes of 2020) and AB 120 (Chapter 43, Statutes of 2023).

Per AB 120, a new reminder notice at redetermination will be required to remind recipients that their annual redetermination is incomplete or overdue and their benefits will discontinue if the annual redetermination is not completed by the end of the month.

The changes to the regulations implemented by AB 79 include eliminating the requirement that the Semi-Annual Report form (SAR 7) be signed no earlier than the first day of the sixth month of the semi-annual reporting period as a criterion for completeness.

Additionally, clarifying language has been added to midperiod reporting requirements for Annual Reporting/Child Only (AR/CO) cases to define what constitutes a change in household composition.

Consistency/Non-Duplication

CDSS conducted a review of existing regulations and evaluated the proposed regulations for any inconsistency or incompatibility. The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Further, this regulatory action does not serve the same purpose as a state or federal statute or another regulation.

Benefits

The benefits of the proposed regulations include clarified guidance from changes brought forth by AB 79 and AB 120 that impact the Manual of Policies and Procedures sections 40–103, 40–107, 40–181, and 44–316. The intention of AB 79 and AB 120 is to consider changes to the semi-annual and annual reporting requirements with the goal of reducing the cognitive burden on recipients, capturing the latest income information, and reducing the workload for county eligibility staff. These improvements are expected to enhance the overall health and welfare of Californians by promoting more efficient access to benefits and reducing administrative stress. Additionally, the proposed regulations promote compatibility between the CalWORKs and CalFresh programs which helps minimize the potential for payment errors. Other changes have also been incorporated for clarity and consistency throughout the regulations. There are no anticipated benefits to worker safety or the state’s environment.

Incorporation by Reference

There are no documents proposed to be incorporated by reference in this action.

COST ESTIMATE

1. Costs or Savings to State Agencies: None.
2. Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630: None.
3. Nondiscretionary Costs or Savings to Local Agencies: None.

4. Federal Funding to State Agencies: There is no fiscal impact from these regulations beyond what is already budgeted and enacted in statute. The 2024 May Revision Tables included \$121,000 of federal funds in FY 2023–24 for CDSS to provide a reminder to CalWORKs recipients prior to discontinuing their aid due to recipients not providing a completed SAR 7 periodic report. There are no county funds as this item is budgeted as 100 percent federal fund.

LOCAL MANDATE STATEMENT

These regulations do not impose a mandate upon local agencies, nor on school districts. There are no “state-mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact state and county agencies and recipients of the CalWORKs program and would not affect businesses.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would incur in reasonable compliance with the proposed action. This regulatory action is designed to impact only state and county agencies and recipients of the CalWORKs program, and there are no known expected costs associated to private persons or businesses.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies and recipients of the CalWORKs program; therefore, they do not have a cost impact on the private sector, including small businesses.

STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or creation of new businesses or expand businesses in the State of California. The implementation of this regulatory action will affect only recipients of the CalWORKs program.

Benefits of the Regulation

The benefits of the proposed regulations include clarified guidance from changes brought forth by AB 79 and AB 120 that impact the Manual of Policies and Procedures sections 40–103, 40–107, 40–181, and 44–316. The intention of AB 79 and AB 120 is to consider changes to the semi-annual and annual reporting requirements with the goal of reducing the cognitive burden on recipients, capturing the latest income information, and reducing the workload for county eligibility staff. These improvements are expected to enhance the overall health and welfare of Californians by promoting more efficient access to benefits and reducing administrative stress. Additionally, the proposed regulations promote compatibility between the CalWORKs and CalFresh programs which helps minimize the potential for payment errors. Other changes have also been incorporated for clarity and consistency throughout the regulations. There are no anticipated benefits to worker safety or the state's environment.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

In developing the regulatory action, CDSS did not consider any other alternatives as there were no other alternatives proposed. CDSS has determined that no other reasonable alternative was identified and brought to the attention of the Department that would be more effective in carrying out the purpose for which the regulations are proposed or would be less burdensome to affected private persons that 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.

AUTHORITY AND REFERENCE CITATIONS

Authority — Sections 10553, 10554, 10604, 11203, 11265.1, 11369, and 18904, Welfare and Institutions Code. Reference — Sections 11265 and 11265.1, Welfare and Institutions Code.

CDSS REPRESENTATIVE REGARDING THE RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Kenneth Jennings (916) 657–2586.
Backup: Oliver Chu (916) 657–2586.

GENERAL PUBLIC INTEREST

DEPARTMENT OF HEALTH CARE SERVICES

PROPOSED AMENDMENT TO MEDI-CAL HOME AND COMMUNITY BASED SERVICES (HCBS) 1915(C) WAIVER FOR THE DEVELOPMENTALLY DISABLED

The Department of Health Care Services (DHCS) requests input from beneficiaries, providers, and other interested stakeholders concerning a proposed amendment to the Medi-Cal 1915(c) Home and Community-Based Services Waiver for the Developmentally Disabled (HCBS-DD Waiver). A copy of which is attached.

Under the Lanterman Developmental Disabilities Services Act (Lanterman Act), Welfare & Institutions (W&I) Code section 4500 et seq., people with developmental disabilities, as defined in W&I Code section 4512(a), are eligible to receive services and supports that meet their individual needs and choices as defined in W&I Code section 4512(a). The Department of Developmental Services (DDS) administers the Lanterman Act.

DDS administers the HCBS-DD Waiver. DDS ensures, under the oversight of DHCS as the State Medicaid agency, that the HCBS-DD Waiver is implemented by regional centers in accordance with Medicaid law and the State's approved Waiver application. Regional centers coordinate, provide, and arrange or purchase the services and supports available under the HCBS-DD Waiver. Information about the HCBS-DD Waiver can be found at www.dds.ca.gov/initiatives/hcbs/.

This amendment proposes to:

- Implement final rate adjustments as a result of rate reform,
- Add Trainer as a new provider type and payment methodology under Communication Aides,
- Add a new service titled Remote Support Services and a corresponding provider type and payment methodology for the service, and,
- Add supplemental payments for providers for excess mileage.
- The fiscal impact of this amendment is estimated to be \$7,526,351,788 in waiver year four (4) and \$7,756,095,672 in waiver year five (5). All proposed HCBS–DD Waiver amendments must be approved by the Centers for Medicare and Medicaid Services (CMS) to be effective.

PUBLIC REVIEW AND COMMENTS

DHCS plans to submit the proposed waiver amendment to CMS by November 28, 2025, for a proposed effective date of March 1, 2026.

A copy of the proposed waiver amendment will be posted on October 3, 2025, at <https://www.dhcs.ca.gov/services/Pages/Medi-CalWaivers.aspx> and at <https://www.dds.ca.gov/initiatives/hcbs/>.

Copies of the proposed amendment can be obtained by sending a written request to the mailing or email addresses listed below, or by visiting your local regional center. Please indicate ‘HCBS Waiver’ in the subject line or message

Written comments may be sent to the following address:

Department of Developmental Services

Attention: Jonathan Hill

1215 O Street MS 7–40

Sacramento, CA 95814

Email: Federal.Programs@dds.ca.gov

To be assured consideration prior to DHCS’ submission of the waiver amendment to CMS, comments must be received no later than October 30, 2025. Please note that comments will continue to be accepted after October 30, 2025, but DHCS may not be able to consider those comments prior to the initial submission of the HCBS–DD waiver amendment to CMS.

DEPARTMENT OF FISH AND WILDLIFE

CONSISTENCY DETERMINATION REQUEST FOR HOLE IN THE GROUND RANCH DIVERSION EFFICIENCY & COLD WATER EXCHANGE PROJECT (TRACKING NUMBER: 1653–2025–175–001–R1) SISKIYOU COUNTY

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 22, 2025, that Emmerson Investments, Inc. proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves increasing the availability of cold water to divert and expand cold water habitat during summer months. The proposed project will be carried out on the Shasta River, 3.9 miles downstream of Dwinnell Dam, Siskiyou County, California.

On December 17, 2024, the North Coast Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the Hole in the Ground Ranch Diversion Efficiency and Cold Water Exchange Project. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 1A24165WNSI) for coverage under the General 401 Order on September 12, 2025.

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

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

**DEPARTMENT OF
FISH AND WILDLIFE**

**CONSISTENCY DETERMINATION
REQUEST FOR MCCLOUD RIVER
REDBAND REFUGE POOL HABITAT
ENHANCEMENT (TRACKING NUMBER:
1653–2025–174–001–R1) SISKIYOU COUNTY**

California Department of Fish and Wildlife (CDFW) received a Request to Approve on September 18, 2025, that California Trout proposes to carry out a habitat restoration or enhancement project pursuant to Fish and Game Code section 1653. The proposed project involves implementing a series of rock cross–vane step pool structures, as well as excavation of accumulated excess fine sediment materials, to develop and enhance pools. The proposed project will be carried out on Sheepheaven and Edson Creeks, located 16 miles northeast of the town of McCloud, Siskiyou County, California.

On September 9, 2025, the Central Valley Regional Water Quality Control Board (Regional Water Board) received a Notice of Intent (NOI) to comply with the terms of, and obtain coverage under, the General 401 Water Quality Certification Order for Small Habitat Restoration Projects (General 401 Order) for the McCloud River Redband Refuge Pool Habitat Enhancement. The Regional Water Board determined that the Project, as described in the NOI, was categorically exempt from California Environmental Quality Act (CEQA) review (section 15333 — Small Habitat Restoration Projects) and met the eligibility requirements for coverage under the General 401 Order. The Regional Water Board issued a Notice of Applicability (WDID Number 5A47CR00067) for coverage under the General 401 Order on September 18, 2025.

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

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

**OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

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

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

QR Code for Access:



On October 16, 2025, at 10:00 a.m.
Van Nuys State Building
Auditorium
6150 Van Nuys Boulevard
Van Nuys, California 91401

as well as via the following:

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

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

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

DISABILITY ACCOMMODATION NOTICE: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Board should contact the Disability Accommodation Coordinator at (916) 274–5721 or the state–wide Disability Accommoda-

tion Coordinator at 1 (866) 326–1616 (toll free). The state–wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1 (800) 735–2929 (TTY) or 1 (800) 855–3000 (TTY–Spanish).

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

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

INITIATION OF PROCESS TO DEVELOP/ UPDATE PUBLIC HEALTH GOALS IN DRINKING WATER AND REQUEST FOR RELEVANT INFORMATION: PERFLUOROHEXANE SULFONIC ACID (PFHXS) AND ARSENIC.

The Calderon–Sher California Safe Drinking Water Act of 1996 requires the Office of Environmental Health Hazard Assessment (OEHHA) to post a notice on its website when initiating the development or update of public health goals (PHGs) for contaminants in drinking water. PHGs are concentrations of chemicals in drinking water that pose no significant risk to health. PHGs are non–regulatory in nature but are used as the health basis to support California’s primary drinking water standards (*Maximum Contaminant Levels, or MCLs*) established by the State Water Resources Control Board (SWRCB) for chemicals subject to regulation.

This public notice announces the initiation of reviews for two chemicals:

- Perfluorohexane Sulfonic Acid (PFHxS).
- Arsenic.

The development of a PHG for PFHxS and update of the PHG for arsenic are both being initiated at the request of SWRCB. The PHG development/update will incorporate relevant new data. OEHHA is requesting information on these contaminants that could assist in conducting the risk assessments and in calculating the PHGs.

All information submitted to OEHHA in response to this request is considered public. Please do not submit proprietary information. In order to be considered during the PHG development or update process,

OEHHA must receive information by November 03, 2025. Electronic submission of information via OEHHA’s website (<https://oehha.ca.gov/comments>) is encouraged. Information submitted in paper form may be mailed or delivered in person to the address below:

Pesticide and Environmental Toxicology Branch

Office of Environmental Health Hazard
Assessment

P.O. Box 4010, MS–12B

Sacramento, California 95812–4010

Attention: PHG Program

If you have any questions, please contact Hermelinda Jimenez at (916) 324–7572 or email PHG.Program@oehha.ca.gov.

DECISION NOT TO PROCEED

DEPARTMENT OF CORRECTIONS AND REHABILITATION

RE: NOTICE OF PROPOSED RULEMAKING CONCERNING HEALTH CARE ALLEGATIONS OF STAFF MISCONDUCT

NOTICE IS HEREBY GIVEN that pursuant to Government Code section 11347, the California Department of Corrections and Rehabilitation (CDCR) has decided not to proceed with the rulemaking action published on the California Notice Registry on May 30, 2025, Register 2025, Number 22–Z. The proposed rulemaking concerned health care allegations of staff misconduct (OAL Notice Z2025–0516–01).

Any interested person with questions concerning this rulemaking should contact R. Hart, at either (916) 691–2922 or by email at: CDCRHealthCareRegulationsandPolicySection@cdcr.ca.gov.

The Department will also post this Notice of Decision Not to Proceed on its website at <https://cchcs.ca.gov/> and CDCR institution law libraries.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Food and Agriculture
File # 2025–0915–02
Japanese Beetle Exterior Quarantine

This emergency rulemaking action by the California Department of Food and Agriculture (“Department”) amends the Japanese beetle exterior quarantine area to include the entire state of Oregon.

Title 03
Amend: 3280
Filed 09/19/2025
Effective 09/19/2025
Agency Contact: Rachel Avila (916) 698–2947

Department of Corrections and Rehabilitation
File # 2025–0915–03
Health Care Allegations of Staff Misconduct

This emergency re-adoption action of OAL Matter Number’s 2024–1224–02EON and 2025–0512–01EON adopts procedures regarding reporting and reviewing allegations of health care staff misconduct.

Title 15
Adopt: 3999.239
Amend: 3999.231
Filed 09/23/2025
Effective 09/23/2025
Agency Contact: Robin Hart (916) 896–6780

California Privacy Protection Agency
File # 2025–0808–04
CCPA Updates, Cyber, Risk, Automated
Decisionmaking Technology and Insurance
Regulations

This rulemaking action by the California Privacy Protection Agency adopts and amends regulations that further implement the California Consumer Protection Act (CCPA), commencing with Civil Code section 1798.100 et seq., to: (1) update existing CCPA regulations, (2) specify requirements for businesses to

conduct cybersecurity audits and risk assessments, (3) specify consumers’ rights to access and opt-out of businesses’ use of automated decision-making technology, and (4) specify when insurance companies must comply with the CCPA.

Title 11
Adopt: 7120, 7121, 7122, 7123, 7124, 7150, 7151, 7152, 7153, 7154, 7155, 7156, 7157, 7200, 7220, 7221, 7222, 7270, 7271
Amend: 7001, 7002, 7003, 7004, 7010, 7011, 7012, 7013, 7014, 7015, 7020, 70221, 7022, 7023, 7024, 7025, 7026, 7027, 7028, 7050, 7051, 7053, 7060, 7062, 7063, 7070, 7080, 7102, 7300, 7302
Filed 09/22/2025
Effective 01/01/2026
Agency Contact: Tamara Colson (916) 244–6652

Department of Corrections and Rehabilitation
File # 2025–0806–01
Tuberculosis Program

This action by the Department of Corrections and Rehabilitation amends regulations to ensure staff properly screen and document patient tuberculosis symptoms.

Title 15
Amend: 3999.98, 3999.410
Filed 09/18/2025
Effective 01/01/2026
Agency Contact: Robin Hart (916) 896–6780

Speech–Language Pathology and Audiology and
Hearing Aid Dispensers Board
File # 2025–0811–01
Audiology Supervised Clinical Experience

In this regular rulemaking action, the Speech–Language Pathology and Audiology and Hearing Aid Dispensers Board clarifies requirements for supervised clinical experience.

Title 16
Amend: 1399.152.2
Filed 09/22/2025
Effective 01/01/2026
Agency Contact: Maria Liranzo (916) 905–5441

Speech–Language Pathology and Audiology and
Hearing Aid Dispensers Board
File # 2025–0811–02
Processing Times

In this rulemaking action, the Board removes language related to the Board’s processing time for applications for licensure, approval of a continuing education provider, and approval as a continuing professional development provider.

Title 16

Amend: 1399.141, 1399.153.2, 1399.160.6,
1399.170.4, 1399.170.13

Repeal: 1399.113, 1399.151.1

Filed 09/23/2025

Effective 01/01/2026

Agency Contact: Maria Liranzo (916) 905–5441

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

**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.