



California Regulatory Notice Register

REGISTER 2025, NUMBER 44-Z

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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. STATE LANDS COMMISSION

BALLAST WATER DISCHARGE PERFORMANCE STANDARDS

The California State Lands Commission (Commission) will consider whether to amend the Marine Invasive Species Act (MISA) ballast water discharge performance standards regulations described below, after considering all comments, objections, or recommendations regarding the proposed action.

WRITTEN COMMENT PERIOD

Any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Commission. The written comment period closes on December 15, 2025. Submit written comments to:

Jonathan Thompson
Senior Environmental Scientist
California State Lands Commission
Division of Environmental Science, Planning, and Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825

Written comments may also be submitted by email to cslc.regulations@slc.ca.gov. Please include “**Article 4.7 Comments**” in the subject line of the email.

PUBLIC HEARING

Commission staff has not scheduled a public hearing for this proposed action. However, the Commission will hold a public hearing, pursuant to Government Code section 11346.8, if it receives a written request for a public hearing from any interested person, or authorized representative, no later than 15 days prior to the close of the written comment period.

AUTHORITY AND REFERENCE

Authority: Public Resources Code (PRC) sections 71201.7, 71204.3, and 71204.5 provide the Commission with the authority to adopt the proposed amendments.

Reference: The proposed amendments would implement, interpret, and make specific PRC sections 71200, 71204, 71204.3, 71204.5, and 71206.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Public Resources Code section 71201, subdivision (d) declares that the purpose of the Marine Invasive Species Act (MISA) is to “move the state expeditiously toward elimination of the discharge of nonindigenous species into the waters of the State or into waters that may impact the waters of the State.” Nonindigenous species (NIS) are organisms that have been transported by humans to locations where they do not naturally or historically occur. Once established, NIS can have adverse economic, ecological, and public health consequences. The MISA established the Marine Invasive Species Program to reduce NIS introductions by regulating operational and reporting requirements for oceangoing vessels arriving at the state’s ports.

The proposed action amends existing regulations to make permanent the emergency ballast water management regulations that were implemented on June 16, 2025.

SUMMARY OF EXISTING LAWS AND EFFECT OF THE PROPOSED ACTION

The Commission implements ballast water discharge performance standards (Performance Standards) for vessels arriving at California ports (Cal. Code Regs., title 2, § 2293, subdivision (a)(1)). California’s Performance Standards set limits on the concentration of living organisms that may be discharged in ballast water and are identical to the federal Performance Standards implemented by the U.S. Environmental Protection Agency (EPA, 2013 Vessel General Permit Section 4.4.3.7) and the U.S. Coast Guard (USCG, 33 CFR 151.2030).

In addition to the Performance Standards that are implemented in California and at the national level, the EPA and USCG are working towards implementing new regulations authorized by Title IX of the Frank LoBiondo Coast Guard Authorization Act of 2018, Pub. L. Number 115–282, 132 Stat. 4192 (2018). Title IX, also known as the Vessel Incidental Discharge Act (VIDA), required the EPA to develop and adopt performance standards for ballast water and other vessel discharges and the USCG to adopt implementing regulations. The EPA and the USCG were directed to

adopt their respective regulations sequentially, each within a two-year timeline. The EPA adopted regulations (40 CFR Part 139) under authority granted in the VIDA in October 2024. The EPA VIDA regulations include a requirement for vessels with ballast water sourced from water that is 18 parts per thousand (ppt) salinity or less and that will discharge in California waters that are 18 ppt salinity or less to conduct ballast water exchange in addition to complying with the federal Performance Standards. These federal regulations are aligned with the Commission's proposed regulations but will not become effective until the USCG completes their rulemaking, likely no sooner than the fall of 2026.

Section 71204 of the Public Resources Code requires vessels operating in state waters to minimize the uptake and release of NIS via ballast water through specified actions. The proposed ballast water management amendments align seamlessly with Public Resources Code section 71204 and the legislative intent of the MISA, existing federal requirements (USCG (33 CFR 151.2030) and EPA (2013 Vessel General Permit Section 4.4.3.7), and relevant standards adopted by the EPA pursuant to the VIDA.

The Commission's proposed regulations do not interfere with existing state or federal laws or requirements or existing business operations.

DIFFERENCES FROM FEDERAL REGULATIONS

The existing federal Performance Standards implemented by the USCG (33 CFR 151.2030) and the EPA (2013 Vessel General Permit Section 4.4.3.7) differ substantially from, but are not incompatible with, the proposed regulations because they do not require vessels arriving at ports in the San Francisco Bay area east of, and including, the Port of Rodeo, extending to the Ports of Stockton and Sacramento to:

- Complete a ballast water exchange in addition to meeting Performance Standards.
- Measure and keep a record of ballast water source salinity and ballast water discharge salinity.

The EPA's regulations promulgated pursuant to the VIDA will require ballast water exchange in addition to meeting Performance Standards when the same conditions as the proposed action are present. However, the VIDA regulations are not expected to be implemented until the fall of 2026 or later.

OBJECTIVES AND ANTICIPATED BENEFITS OF THE PROPOSED ACTION

The proposed regulatory action is necessary to prevent serious harm to public health, safety, and welfare by preventing additional introductions of the gold-

en mussel (*Limnoperna fortunei*) and other potentially harmful NIS into California's freshwater and low-salinity (a salinity of greater than 0.5 ppt and less than 18 ppt) environments. The recent introduction of the golden mussel exposed the significant vulnerability of these environments to ballast water-mediated species introductions.

The objective of the proposed amendments is to close the gap in existing regulations that created this vulnerability. Vessels arriving in California ports are required to meet California's Performance Standards, which specify an allowable concentration of organisms in ballast water. Meeting these standards typically involves onboard ballast water treatment. The shift in ballast water management toward Performance Standards and away from ballast water exchange, implemented at the state, national, and international levels, was intended to more reliably and consistently reduce the likelihood of introducing NIS. However, for fresh or low-salinity ballast water discharges, the addition of high salinity marine ocean water (i.e., water with a salinity of 30 ppt or greater) during an exchange is an effective means of killing freshwater or low-salinity organisms (Briski et al., 2015; Drake et al., 2020; Bradie et al., 2023). The detection of the golden mussel highlighted that Performance Standards alone likely results in higher concentrations of living, freshwater or low-salinity organisms being discharged in ballast water than would be expected when treatment is combined with exchange.

The proposed amendments require vessels arrivals that are subject to the regulation to conduct a ballast water exchange, in addition to meeting the Performance Standards. This combination of management methods reduces the likelihood of new species invasions (Briski et al., 2015; Drake et al., 2020; Bradie et al., 2023).

Specifically, the proposed regulations require vessels carrying ballast water sourced from a location with a measured salinity of less than 18 ppt to conduct a ballast water exchange beyond 50 nautical miles from land prior to discharging at California's ports in the San Francisco Bay area east of, and including, the Port of Rodeo, extending to the Ports of Stockton and Sacramento. Additionally, the vessels must measure and keep a record of the salinity of ballast water at its source and discharge to determine applicability and implementation of the proposed rule.

Approximately 24 vessel arrivals per year discharge ballast water into ports in the San Francisco Bay area east of, and including, the Port of Rodeo, extending to the Ports of Stockton and Sacramento and would need to comply with the proposed rule. Vessels are readily able to comply with the proposed requirements, as no new equipment is required to implement them.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Aside from the Commission's existing regulations, there are no other California regulations governing ballast water management or for measuring and recording ballast water source and discharge salinity.

DETERMINATION ON MAJOR REGULATION DESIGNATION

Commission staff has determined that the proposed regulatory action is not a major regulation, as defined by Government Code section 11342.548. This proposed action establishes ballast water management and recordkeeping requirements under the MISA. The estimated costs associated with implementing the proposed regulations across the industry are between \$13,368 and \$176,472. This economic impact range is based on forecasted additional cumulative energy costs to perform a ballast water exchange for all vessels that would be subject to the requirements.

The majority of owners of vessels that operate in California are international companies and not California businesses. The affected industry will consist mainly of non-California based international businesses. These regulation amendments will not affect the ability of California businesses to compete with other states and will not make it more costly for California businesses to produce goods and services here.

DISCLOSURES REGARDING THE PROPOSED ACTION

Commission staff, acting on behalf of the Commission, has made the following determinations:

Mandate on Local Agencies or School Districts:

None. The proposed rulemaking is for the regulation of commercial shipping vessels and does not impose a mandate on local agencies or school districts. No local agency or school district is required to undertake new activities that would necessitate reimbursement, nor are there other nondiscretionary costs or savings imposed on local agencies.

Cost to Any Local Agency or School District Which Must Be Reimbursed in Accordance with Government Code Sections 17500 Through 17630:

None. The proposed regulatory action imposes no such costs.

other non-discretionary costs or savings imposed on local agencies:

None. The proposed regulatory action will have no non-discretionary costs or savings imposed upon local agencies.

Cost or Savings to Any State Agency

None. The proposed regulatory action will have no impact on cost or savings to any state agency.

Cost or Savings in Federal Funding to the State:

None. The proposed action will have no impact on costs or savings in federal funding to the State.

Housing Costs:

None. The proposed action will have no impact on housing costs.

Statement Regarding Adverse Economic Impacts Directly Affecting Businesses, Including Ability To Compete

The proposed regulations will have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The regulations are not expected to have a significant impact on existing maritime shipping industry business activities.

Cost Impacts on Representative Persons or Businesses

The annual overall economic impact of this regulation across the regulated industry is estimated as an approximate range between \$13,368 and \$176,472. This economic impact range is based on forecasted additional cumulative energy costs for all vessels that would be subject to the requirements. This range is based on the estimated cost to complete a ballast water exchange for small to large vessels (see Worksheet for STD.399 Calculations contained within the rulemaking record).

This cost is insignificant compared to the current costs of operation in California ports. For example, the average partial cost of a container vessel calling at the Port of Los Angeles, including dockage and pilotage fees, is about \$58,061^{1,2}. The overall average cost is likely higher, as there are other fees associated with the total costs of a port call, but Commission staff could not obtain reliable values, and they are not included in this estimate.

There are no expected economic impacts from the proposed requirement for vessels to measure and record the salinity of ballast water. Measuring water density, with a hydrometer, and temperature, with a thermostat, is standard practice for cargo operations

¹ This estimate includes an average port call length of 4.5 days for a container vessel about 150,000 gross registered tons in size.

² The numbers used for the cost calculations were obtained from the Pacific Merchant Shipping Association in June 2023.

on board commercial vessels that are subject to this proposed regulation. The density measurement is specific gravity. Salinity is derived by converting temperature and specific gravity using a formula.

Small Business Determination

There are no small businesses that are expected to be subject to the proposed regulations because the regulated community consists mostly of shipping businesses that generate too much revenue to qualify as small businesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Through the Economic Impact Assessment, Commission staff has determined that the proposed regulations will have no impact upon the following:

- Creation or elimination of jobs within the State of California.
- Creation of new businesses or elimination of existing businesses within the State of California.
- Expansion of businesses currently doing business within the State of California.
- Worker safety within the State of California.

Commission staff has determined that the proposed regulations meet the purpose of the MISA (Public Resources Code section 71201, subdivision (d)): "...to move the State expeditiously toward elimination of the discharge of nonindigenous species into the waters of the state..." and will benefit the following:

- (1) The state's environment by reducing the likelihood of future environmental, human health, and economic impacts resulting from the introduction and establishment of new NIS.
- (2) The health and welfare of California residents by strengthening protection of California's natural ecosystems and water infrastructure from the impacts of new species introductions. This will reduce the risk of vessel-mediated introductions of:
 - pathogens and parasites.
 - harmful and invasive NIS (e.g., harmful algal blooms and toxic diatoms).

CONSIDERATION OF ALTERNATIVES

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

provision of law. The Commission invites interested persons to submit comments on potential alternatives to the proposed regulations during the written comment period.

CONTACT PERSONS

Direct inquiries concerning the substance of the proposed regulation to:

Jonathan Thompson

Senior Environmental Scientist
California State Lands Commission
Division of Environmental Science, Planning, and
Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825–8202
Telephone: (916) 574–2276
Email: cslc.regulations@slc.ca.gov

or:

Nina Tantraphol

Staff Attorney
California State Lands Commission
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825–8202
Telephone: (916) 574–0452
Email: cslc.regulations@slc.ca.gov

Requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based should be directed to:

Jonathan Thompson

Senior Environmental Scientist
California State Lands Commission
Division of Environmental Science, Planning, and
Management
100 Howe Avenue, Suite 100 South
Sacramento, CA 95825–8202
Telephone: (916) 574–2276
Email: cslc.regulations@slc.ca.gov

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

Commission staff will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its Sacramento office listed above. As of the date this notice is published in the Notice Register, the rulemaking file consists of the following:

- Notice of Proposed Rulemaking (this notice).
- Proposed text of the regulations.

- Initial Statement of Reasons (includes the economic impact assessment).
- Relevant sources of information upon which the proposed rulemaking is based.

Interested parties may obtain copies of any of the aforementioned files by contacting Jonathan Thompson as listed above, or by visiting the website listed below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT OF ORIGINALLY PROPOSED REGULATIONS

After considering all timely and relevant comments, the Commission may adopt the proposed regulations substantially as described in this notice. If Commission staff makes any substantial and sufficiently related modifications to the proposed text, the modified text with changes clearly indicated will be available to the public for at least fifteen days prior to the date that the Commission considers adopting the regulations. Interested parties shall send requests for copies of any modified regulations to the attention of Jonathan Thompson at the address indicated above. The Commission will accept written comments on the modified regulations for fifteen days after the date that they are available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, interested parties may obtain a copy of the Final Statement of Reasons by contacting Jonathan Thompson at the address, telephone number, or email address listed above or by accessing the website listed below.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the notice of proposed rulemaking, the initial statement of reasons, the proposed text of regulations, the economic impact assessment, relevant documents, and any future changes or modifications to the proposed text can be accessed through our website at: <http://www.slc.ca.gov/>.

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: Merced Community College
District
Yolo Subbasin Groundwater
Agency

ADOPTION

STATE AGENCY: Office of Exposition Park
Management (OEPM)

A written comment period has been established commencing on October 31, 2025, and closing on December 15, 2025. Written comments should be directed to the Fair Political Practices Commission, Attention: Andrea Spiller Hernandez, 1102 Q Street, Suite 3050, Sacramento, California 95811.

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

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

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

Any interested person may present statements, arguments, or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest codes. Any written comments must be received no later than December 15, 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 4. HORSE RACING BOARD

AMEND RULE 1588, HORSE INELIGIBLE TO START IN A RACE AND RULE 1878, WORKOUTS

The California Horse Racing Board (Board) proposes to amend the regulation described below after

considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1588, Horses Ineligible to Start in a Race and Board Rule 1878, Workouts. The proposed amendment will add new subsection 1588(a)(16) to establish a maximum age a horse is ineligible to race and new subsection 1588(a)(17) to establish a maximum age a maiden is ineligible to race. The proposed amendment will add new subsection 1878(b)(3) to establish a maximum age a horse may workout and 1878(b)(4) to establish a maximum age a maiden may race.

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 his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **December 15, 2025**. The Board must receive all comments by that time. Submit comments to:

Brooke Tuchman, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 869-3221
Email: batuchman@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440, and 19562 Business and Professions Code (BPC).

Reference: Sections 19440 and 19562, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of Horse Racing Law, whereby responsibilities of the Board shall include, but not be limited to, adopting rules and regulations that protect and advance the health, safety, welfare, and aftercare of racehorses.

BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with Horse Racing Law, under which all horse races with wagering on their results shall be conducted in California.

Board Rule 1588, Horse Ineligible to Start in a Race, sets forth various conditions in which a horse would be ineligible to start in a race. Currently, Rule 1588 does not have a statutory maximum age limit for a horse to compete in a race. The proposed amendment to Board Rule 1588 will add a new subsection 1588(a)(16) to establish a horse ineligible to start in a race if it is fifteen (15) years of age or older if the horse is a standardbred, or eleven (11) years of age or older if any other breed, providing uniformity in the industry and protecting the health and welfare of horses, as older horses performance declines, making it difficult to compete with younger horses, and are more susceptible to injury and fatalities. The proposed amendment to Board Rule 1588 will also add a new subsection 1588(a)(17) to establish a horse ineligible to start in a race when the horse is a maiden and six (5) years of age or older, protecting the health and welfare of horses and increasing their chances of having a second career.

Board Rule 1878, Workouts, sets forth various conditions in which a horse is permitted to workout. Currently, Rule 1878 does not have a statutory age limit for a horse to compete in a race. The proposed amendment will add a new subsection 1878(b)(3) to permit a horse to workout if it is fourteen (14) years or younger if a standardbred and ten (10) years or younger for all other breeds. The proposed amendment will also add a new subsection 1878(b)(4) to permit a horse to workout if it is a maiden as defined by rule 1420(k), and five (5) years of age or younger.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendments to Board Rule 1588 and 1878 will continue to support the safety, welfare, and public perception of horses that race in California by establishing a maximum age a horse may be eligible to race and workout. By establishing a maximum age a horse may race or workout, it not only increases the likelihood that horses will have second careers after retiring from racing, but also improve public perception and animal welfare, which is essential to the continuance of racing and success of the horse racing industry in California.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the regulatory action, the Board conducted

a search of any similar regulations on the topic and concluded that Board Rule 1588 is the only regulation that concerns a horse ineligible to race in addition to any other ground or reason. Board Rule 1878 is the only regulation that concerns the conditions in which a horse is permitted to workout. Accordingly, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, as proposed amendment to Board Rule 1588 will define a maximum age a horse may race, which the California racehorse tracks already have in place as house rules. The proposed amendment to Board Rule 1878 will define a maximum age a horse is eligible to workout.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action will not create or eliminate jobs within the state, will not create new businesses or eliminate existing businesses within the state, will not result in the expansion of businesses currently doing business with the state, and will not benefit the health and welfare of California residents, worker safety, or the state's environment.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement

of the regulation. The proposed regulatory action will define a maximum age a horse may race and workout.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Brooke Tuchman, Regulatory Affairs Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 869–3221
Email: batuchman@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Chris Garmire, Board Operations Specialist
California Horse Racing Board
Telephone: (279) 300–7421
Email: cmgarmire@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Brooke Tuch-

man or the alternative contact person at the address, phone number, or email address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulation should be sent to the attention of Brooke Tuchman at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Brooke Tuchman at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is www.chrb.ca.gov.

TITLE 4. HORSE RACING BOARD

AMEND RULE 1699, RIDING RULES

The California Horse Racing Board (Board) proposes to amend the regulation described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Board proposes to amend Board Rule 1699, Riding Rules. The proposed amendment will rename subsection (a) to (b) to accommodate a new subsection (a) to address a leading horse crossing over to shorten a passing horse's stride. The proposed amendment will rename (b) to (c) and eliminate the term "floating in or out". The proposed amendment will rename (c) to (d). Subsection (d) will be renamed to subsection (e).

Subsection (e) will be renamed to subsection (f), and current subsection (f) will be eliminated to eliminate the confusion established by the regulation and allow stewards to utilize their discretion when determining a penalty for an infraction of the rule.

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 his or her authorized representative, no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes on **December 15, 2025**. The Board must receive all comments by that time. Submit comments to:

Brooke Tuchman, Regulations Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 869–3221
Email: batuchman@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Section 19562 Business and Professions Code (BPC).

Reference: Sections 19461 and 19562, BPC.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 19461 states that every license granted under this chapter is subject to suspension or revocation by the Board if the Board has reason to believe that any condition has not been complied with, or if any law or regulation of the Board has been violated. BPC section 19562 provides that the Board may prescribe rules, regulations, and conditions, consistent with Horse Racing Law, under which all horse races with wagering on their results shall be conducted in California.

Board Rule 1699, Riding Rules, outlines that jockeys and their horse shall not interfere or ride in a careless manner and defines penalties for horses and jockeys riding in a manner contrary to this rule. Currently, Rule 1699 has a minimum penalty set for infractions of this rule. However, the minimum penalty has led to confusion, especially for secondary violations.

The proposed amendment will allow the stewards more discretion when determining if a violation has occurred. The proposed amendment will rename subsection (a) to (b) to accommodate a new subsection (a) to address a leading horse crossing over to shorten a passing horse's stride. This scenario is not covered through the definition of interference and can now be addressed as a violation. The proposed amendment will rename (b) to (c) to accommodate new subsection (a) and eliminate the term "floating in or out". The proposed amendment will rename subsection (c) to (d) and replace "better placing" to "reasonably expected to finish" to make it clear that the placement of the disqualified horse is subjective and to acknowledge that the place is only one part of the decision but also includes distance and whether the sufferer of the interference finishes the race or not. Subsection (d) will be renamed to subsection (e) to accommodate new subsection (a). Subsection (e) will be renamed to subsection (f), and current subsection (f) will be eliminated to address the confusion established by the regulation and allow stewards to utilize their discretion when determining a penalty for an infraction of the rule.

ANTICIPATED BENEFIT OF THE PROPOSED REGULATION

The proposed amendments to Board Rule 1699 will address the confusion caused by subsection (f). The elimination of subsection (f) will alleviate the confusion of this regulation of how to issue a penalty and allow the stewards to use their discretion when issuing a penalty as they see fit to best suit the situation.

CONSISTENCY EVALUATION

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the regulatory action, the Board conducted a search of any similar regulations on the topic and concluded that Board Rule 1699 is the only regulation that concerns the interference of a horse and jockey during the running of the race. It is the only regulation that defines interference and riding carelessly and ascertains that infractions of this practice will lead to penalties. Accordingly, the proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

Cost to local agencies and school districts that must be reimbursed in accordance with Government Code (GC) sections 17500 through 17630: none.

Other non-discretionary cost or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, as the proposed regulatory action will merely address a leading horse crossing over to shorten a passing horse's stride and to allow the stewards to utilize their discretion when issuing a penalty.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: none. The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Significant effect on housing costs: none.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The adoption of the proposed regulatory action will not create or eliminate jobs within the state, will not create new businesses or eliminate existing businesses within the state, will not result in the expansion of businesses currently doing business with the state, and will not benefit the health and welfare of California residents, worker safety, or the state's environment.

Effect on small business: none. The proposed regulatory action does not affect small business because small businesses are not legally required to comply with or enforce the regulation and neither derive a benefit nor incur a detriment from the enforcement of the regulation. The proposed regulatory action will address a leading horse crossing over to shorten a passing horse's stride and to allow the stewards to utilize their discretion when issuing a penalty.

CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5, subdivision (a)(13), the Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective

in implementing the statutory policy or other provision of law.

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

CONTACT PERSONS

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any, and other information upon which the rulemaking is based should be directed to:

Brooke Tuchman, Regulatory Affairs Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 869-3221
Email: batuchman@chrb.ca.gov

If the person named above is not available, interested parties may contact:

Chris Garmire, Board Operations Specialist
California Horse Racing Board
Telephone: (279) 300-7421
Email: cmgarmire@chrb.ca.gov

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies of these documents, or any of the information upon which the proposed rulemaking is based, may be obtained by contacting Brooke Tuchman or the alternative contact person at the address, phone number, or email address listed above.

AVAILABILITY OF MODIFIED TEXT

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made that are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regula-

tion. Requests for copies of any modified regulation should be sent to the attention of Brooke Tuchman at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Requests for copies of the final statement of reasons, which will be made available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Brooke Tuchman at the address stated above.

BOARD WEB ACCESS

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its website. The rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. The Board's website address is www.chrb.ca.gov.

TITLE 10. DEPARTMENT OF INSURANCE

AMEND CONFLICT-OF-INTEREST CODE

REG-2025-00014

NOTICE IS HEREBY GIVEN that the California Department of Insurance (the "Department"), pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict-of-interest code. A comment period has been established commencing on October 31, 2025 and closing on December 16, 2025. All inquiries should be directed to the contact listed below.

The Department proposes to amend its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. The amendment carries out the purposes of the law and no other alternative would do so and be less burdensome to affected persons.

Changes to the conflict-of-interest code include: changes to the branches of the Department and positions under each, reflecting the Department's reorganization as of April 1, 2025; additions of new positions to branches of the Department; and also makes other technical changes.

The Department has determined that the proposed amendments:

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

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than December 16, 2025, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than December 1, 2025.

The proposed amendment and explanation of the reasons can be obtained from the agency's contact. All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: CDIRegulations@insurance.ca.gov.

Please note that under the California Public Records Act (Government Code Section 6250, et seq.), any written 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.

TITLE 13. DEPARTMENT OF MOTOR VEHICLES

REGISTRATION AND TITLING

The Department of Motor Vehicles (department) proposes to amend Sections 153.00, 153.02, 153.04, 153.06, 153.08, 153.10, 153.12, 153.14, 153.16, 153.18, 153.20, 153.22, 153.24, 153.26, and 153.28, in Article 3, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related the Electronic Lien and Title Program.

PUBLIC HEARING

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a

written request to the contact person identified in this notice no later than fifteen (15) days prior to the close of the written comment period.

DEADLINE FOR WRITTEN COMMENTS

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **December 15, 2025**, the final day of the written comment period, for them to be considered by the department before it adopts the proposed regulation.

AUTHORITY AND REFERENCE

The department proposes to adopt/amend/ repeal these regulations under the authority granted by Vehicle Code sections 1651 and 4450.5, to implement, interpret, or make specific Vehicle Code sections 1808.47, 4450.5, 4451, and 4453.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Vehicle Code section 4450.5 authorizes the department to establish an Electronic Lien and Title (ELT) Program that would require lienholder's title information to be held electronically. Under the ELT Program, when the department receives an application for title or registration showing the lienholder's name, address, and ELT ID number, and electronic record is produced by the department in lieu of a paper title. A web-based connectivity system allows for Secure File Transfer between the department and service providers.

Vehicle Code section 1801 and 1801.1 authorize the department to allow a person to submit any document required to be submitted to the department by using electronic media instead of requiring the actual submission of the original document. Vehicle Code section 1801.1(c) authorizes the department to, among other things, establish security standards and technological requirements, or terms and conditions, including methods of authentication for electronically submitted signatures.

In addition to updating several forms used in the ELT Program and making various non-substantive amendments, this action proposes the following changes:

§ 153.00. Definitions.

Clarifying changes are made to several definitions used in the ELT Program.

§ 153.06. Review of Service Provider's Application.

Adds text notifying the applicant that the department may also choose to refuse an application for an ELT Service Provider's Permit for reasons specified in Section 153.10, related to refusal to approve an application for service provider's permit.

§ 153.14. Suspension or Revocation of Service Provider's Permit.

Establishes the failure to respond to departmental communications or directives within a specified time as a reason for suspension or revocation. Also makes clear a Service Provider cannot take additional Lienholders during a suspension and requires transfer of Lienholders to another Service Provider, unless a hearing has been demanded.

§ 153.18. Reinstatement of Service Provider's Permit.

Makes clear that, once the suspension has ended, the Service Provider may resume providing service to additional Lienholders.

§ 153.20. Lienholder's Permit.

Makes clarifying change that a Lienholder cannot file title information unless they have applied for *and* been issued a Lienholder's Permit.

§ 153.22. Lienholder's Permit Application.

Requires changes to a Lienholder's Permit to be submitted on an ELT Program Change Request, form REG 673, and requires submission of a REG 673 when applying to change Service Provider. Also requires a Service Provider to transfer the Lienholder's electronic titles to the Lienholder's preferred Service Provider.

§ 153.26. Term of Lienholder's Permit.

Clarifies that a Lienholder's Permit will be valid until the Lienholder requests withdrawal from the program or if the Lienholder's Permit is suspended or revoked. Also allows the department to suspend a Lienholder's Permit if they do not respond to the department's communications or directives within 30 days and allows the department to revoke the Lienholder's Permit if they do not respond to the department's communications or directives for another 30 days after the suspension is effective.

§ 153.28. Lienholder Withdrawal from the Electronic Lien and Title Program and Conversion of Electronic Titles.

Clarifies withdrawal procedures by requiring a Lienholder to request its Service Provider to transfer all electronic titles to paper and submit an ELT Program Withdrawal Request, form REG 674. If a Service Provider fails to meet the Lienholder's Request to transfer electronic titles to paper, the proposed rule clarifies that the department may require the Service Provider to transfer the titles. Lastly, the amendments to Section 153.28 prohibit the approval of a Lienhold-

er’s withdrawal request until the department verifies that all titles have been transferred to paper.

BENEFITS OF THE PROPOSED REGULATION

The department anticipates this action will benefit California residents who are vehicle owners by reducing instances of title fraud. The proposed rules prevent access to the department’s records when a lienholder or service provider is not authorized to hold titles. The proposed rules also require the service provider to transfer titles to another specified lienholder when they are not authorized to hold titles. Furthermore, the proposed rules require a lienholder to transfer all electronic titles to paper when they cease doing business. These new requirements create protections to ensure a service provider or a lienholder does not retain vehicle titles when they are not participating in the ELT program.

CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS

The department has conducted a review of other state regulations and has determined this action is neither inconsistent nor incompatible with other state regulations.

COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS

The department has conducted a review of other state and federal regulations and has found there are no comparable regulations related to the titles being held in an electronic format.

DOCUMENTS INCORPORATED BY REFERENCE

The following documents are incorporated by reference:

- Electronic Lien and Title (ELT) Program Service Provider Application, form REG 670, from version NEW 1/2019 to Rev. 11/2025, in Section 153.04.
- Electronic Lien and Title (ELT) Program Lienholder Application, form REG 671, from version NEW 1/2019 to Rev. 11/2025, in Section 153.22.
- Electronic Lien and Title (ELT) Program Service Provider’s Permit, form REG 672, from version NEW 1/2019 to Rev. 11/2025, in Section 153.06.
- Electronic Lien and Title (ELT) Program Lienholder’s Permit, form REG 672 F, from version NEW 1/2019 to Rev. 11/2025, in Section 153.24.

- Electronic Lien and Title (ELT) Program Change Request, form REG 673 (Rev. 11/2025), in Section 153.22.
- Electronic Lien and Title (ELT) Program Withdrawal Request, form REG 674, from version NEW 1/2019 to Rev. 11/2025, in Section 153.28.

These forms are not published in the California Code of Regulations because it would be impractical and cumbersome to do so; however, the documents are readily available to interested parties by contacting the department representative identified below.

ECONOMIC AND FISCAL IMPACT DETERMINATIONS

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: None.
- Other Non–Discretionary Cost or Savings to Local Agencies: None.
- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulation.
- Small Business Impact: There is no small business impact. The regulation provide clarification related to the disposition of electronic titles when a lienholder or a service provider are not authorized to process transactions. These provisions do not have any economic or fiscal impact to small businesses.
- Local Agency/School District Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The department has made the initial assessment that this proposed action will not have a significant statewide adverse economic impact that directly affects businesses, including the ability of California businesses to compete with businesses from other states. This

action makes clarifying changes to the current ELT regulations and bolsters the suspension and revocation process.

RESULTS OF THE ECONOMIC IMPACT STATEMENT

The department has made the initial determination that this action will not impact 1) the creation of jobs or elimination of jobs within the State of California, 2) the creation of new businesses or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This action will benefit the welfare of Californian residents who are vehicle owners by creating protections to ensure a service provider or a lienholder does not retain vehicle titles when they are not actively participating in the ELT program.

PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

ALTERNATIVES CONSIDERED

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

CONTACT PERSON

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

Randi Calkins, Regulations Specialist
Department of Motor Vehicles
Legal Affairs Division
P.O. Box 932382, MS C-244
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 282-7294

Facsimile: (916) 657-6243

Email: LADRegulations@dmv.ca.gov

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Peggy Gibson, Attorney IV

Department of Motor Vehicles

Telephone: (916) 657-6469

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The department has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strike-out to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports, documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

AVAILABILITY OF MODIFIED TEXT

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.

TITLE 14. DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CALRECYCLE INFORMAL HEARING RULES REGULATIONS

NOTICE IS HEREBY GIVEN that the Department of Resources Recycling and Recovery (CalRecycle) proposes to adopt the California Code of Regulations, Title 14, Division 7, Chapter 1, Article 6, commencing with Section 17063.1.

CalRecycle additionally proposes to amend the California Code of Regulations, Title 14, Division 2, Chapter 5, Subchapter 2, Articles 4 and 5, sections 2100 and 2130; Subchapter 4.5, Article 5, section 2385 and 2386; Subchapter 6, Article 1, section 2500.5; Division 7, Chapter 4, Article 4, section 17974; Chapter 6, Article 8.5, section 18464 and 18466; Chapter 8, Article 5, section 18643.0; Chapter 11, Articles 3 and 4, sections 18971, 18975.1, and 18975.2; and Chapter 12, Article 16, sections 18997.5 and 18997.6.

The proposed regulations are intended to implement a unified set of hearing procedures applicable to CalRecycle’s hearings conducted pursuant to Chapter 4.5 of the California Administrative Procedure Act (Government Code section 11400 et seq.), referred to herein as “informal” hearings.¹ After considering all comments, objections, and recommendations regarding the proposed action, CalRecycle may adopt the proposals substantially as described in the below Informative Digest or may modify such proposals if such modifications are sufficiently related to the original text.

PUBLIC HEARING

CalRecycle will hold a hybrid public hearing starting at 9:00 AM (PDT) on December 17, 2025, and concluding upon submission of any public hearing comments. The public hearing will be accessible in person in the Byron Sher Auditorium located on the 2nd floor of the CalRecycle headquarters at 1001 I Street, Sacramento, California. The Byron Sher Auditorium is wheelchair accessible. The public hearing will also be accessible virtually via Zoom for direct participation and via Webcast for observation only. Instructions for how to access the Zoom public hearing (registration required) or Webcast (no registration

required), can be found on CalRecycle’s website at <https://calrecycle.ca.gov/Laws/Rulemaking/>.

Please note that Webcast participants will not be able to provide comments during the public hearing. To participate remotely and provide comments, it is recommended to join via Zoom. No registration is necessary to view the Webcast.

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

Simultaneous Spanish interpretation will be available in-person at the public hearing and remotely via Zoom or Webcast. For in-person interpretation services, headsets will be available and can be provided by CalRecycle staff prior to or during the hearing. If interpretation services are needed in a language other than Spanish, please notify CalRecycle at regulations@calrecycle.ca.gov by December 8, 2025, and CalRecycle staff will do their best to accommodate this request.

WRITTEN COMMENT PERIOD

The written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or support the proposed regulations, should indicate the section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the written comment period, which begins on October 31, 2025, and ends on December 17, 2025. Written comments received by CalRecycle after the close of the public comment period are considered untimely. CalRecycle may, but is not required to, respond to untimely comments, including those raising significant environmental issues. Comments submitted in writing must be addressed to one of the following:

Postal mail:

Donnet McFarlane
CalRecycle Informal Hearing Rules Regulations
Department of Resources Recycling and
Recovery, Regulations Unit
1001 I Street, MS–24B, Sacramento, CA 95814

Electronic submittal:

<https://calrecycle.commentinput.com/?id=PaFx23AuSJ>. CalRecycle Informal Hearing Rules Regulations 45–Day Comment Period.

¹ These proceedings are referred to herein as “informal” administrative proceedings or hearings to distinguish them from “formal” proceedings under Chapter 5 the APA. The term is used here to refer to proceedings pursuant to Chapter 4.5 generally rather than only those pursuant to Article 10 of Chapter 4.5, which concerns a subset of hearings.

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

AUTHORITY AND REFERENCES

Government Code section 11400.20 and Public Resources Code sections 14530.5, 14530.5(b), 14536, 14578.5, 40401, 40502, 42031.2, 42652.5, 42962, 42966, 43020, 43021 and 48641 provide authority for these regulations. The purpose of the proposed actions is to create a uniform set of hearing procedures to govern informal administrative hearings conducted by CalRecycle.

The following is a list of references cited in this proposed regulation: Government Code sections 11400.20, 11415.40, 11415.60, 11420.10, 11420.30, 11425.10, 11425.20, 11425.30, 11425.40, 11425.50, 11425.60, 11430.10, 11430.20, 11430.30, 11430.40, 11430.50, 11430.60, 11430.70, 11430.80, 11435.05, 11435.10, 11435.15, 11435.20, 11435.25, 11435.30, 11435.55, 11435.60, 11435.65, 11440.20, 11440.30, 11440.50, 11450.05, 11450.10, 11450.20, 11450.30, 11450.40, 11450.50, 11455.10, 11455.20, 11455.30, 11500, 11501, 11502, 11503, 11504, 11504.5, 11505, 11506, 11507, 11507.3, 11507.5, 11507.6, 11507.7, 11508, 11509, 11511, 11511.5, 11511.7, 11512, 11513, 11514, 11515, 11516, 11517, 11518, 11518.5, 11519, 11519.1, 11520, 11521, 11522, 11523, 11524, 11526, 11527 and 11528. Public Resources Code sections 14511.7, 14538, 14539, 14541, 14578, 14578.5, 14591, 14591.1, 14591.2, 14593, 14594, 42030, 42032, 42033.2, 42035, 42035.2, 42035.4, 42035.6, 42035.8, 42652.5, 42790, 42791, 42951, 42952, 42955, 42960, 42961, 42962, 42985, 42986, 42993, 42993.1, 42993.2, 42993.3, 48624 and 48662. Health and Safety Code section 39730.6.

INFORMATIVE DIGEST

Summary of Existing Laws and Effect of the Proposed Action

The proposed regulations establish a comprehensive framework for informal hearings conducted under CalRecycle's jurisdiction.

Under existing law, each program within CalRecycle conducts informal hearings according to different procedures and practices. Where no procedures are specified, hearings default to the general standards set by the California Administrative Procedure Act's (APA) Administrative Adjudication provisions (Gov. Code, §§ 11400–11475.70). The different procedures and deadlines across programs create inconsistencies and a lack of clarity for participants.

The proposed regulations will standardize procedures, making the rules clear and uniform across all informal hearings conducted by CalRecycle. These hearings will continue to align with the APA's principles of fair and efficient adjudication while providing additional procedural clarity.

Key elements include:

- Procedural rules to ensure accessibility, including accommodations for disabilities and provisions for language access and interpretation.
- Comprehensive pleading requirements, stating the burden of proof and the party that bears that burden.
- Clear timelines and processes for filing pleadings, conducting discovery, seeking subpoenas, and presenting evidence.
- Provisions to ensure transparency and fairness, including public observation of hearings and the right to representation by an attorney or other representative.
- Requirements for the sufficiency and timeliness of decisions and procedures for correcting clerical errors.

The proposed regulations do not govern formal hearings under Chapter 5 of the Administrative Procedure Act, hearings conducted by local enforcement entities and local jurisdictions, and time-sensitive matters, such as emergency decisions and interim suspensions.

To facilitate the use of the proposed regulations, existing program regulations will be amended to adopt the proposed regulations as the governing procedures. Any conflicting procedures or deadlines in the existing regulations will be deleted or superseded by the proposed regulations unless a different procedure is required by statute.

Policy Statement Overview/Anticipated Benefits of Proposal

The goal of the CalRecycle Informal Hearing Rules is to maintain flexibility in CalRecycle's informal hearings while creating a clear and uniform set of deadlines and procedures.

The proposed regulations are expected to provide the following benefits:

- Improve efficiency and clarity in CalRecycle's informal adjudicative processes.
- Provide fair and consistent rules for all participants.
- Promote transparency and public confidence in CalRecycle's informal hearing procedures.
- Increase access for parties and the public by defaulting to a virtual hearing process, allowing participation regardless of location.
- Reduce use of paper resources by formalizing an electronic filing requirement.

Consistency With State Regulations

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

INCORPORATION BY REFERENCE

No documents or forms are incorporated by reference in the proposed regulation.

EXISTING COMPARABLE FEDERAL REGULATION OR STATUTE

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

OTHER STATUTORY REQUIREMENTS (GOVERNMENT CODE SECTION 11346.5, SUBDIVISION (A)(4))

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

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

CalRecycle has determined that the proposed regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

Local Agencies or School Districts Subject to Reimbursement

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

Cost or Savings to Any State Agency

The proposed regulations are not expected to result in significant costs or savings to any state agency. While the establishment of standardized hearing procedures may require one-time training or minor operational adjustments for staff involved in administrative hearings, these impacts are anticipated to be minimal and absorbable within existing budgets.

Non-Discretionary Cost or Savings Imposed Upon Local Agencies

CalRecycle has determined that there are no non-discretionary costs or savings imposed upon any local agencies.

Cost or Savings in Federal Funding to the State

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

HOUSING COSTS

CalRecycle has determined that adoption of these regulations will not have a significant effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

CalRecycle has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. This proposal is not intended to create, expand, or eliminate businesses within the State of California. The scope of the proposed regulations is limited to implementing a uniform set of hearing procedures to govern informal administrative appeals conducted at CalRecycle.

RESULTS OF ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs within the State of California

CalRecycle has determined that the proposed regulations will not result in the creation or elimination of jobs within the State of California. The regulatory changes are procedural in nature and primarily serve to enhance consistency, accessibility, and efficiency in CalRecycle's informal administrative hearing processes.

Creation of New Businesses or Elimination of Existing Businesses within California

The proposed regulations govern internal procedures for informal administrative hearings and do not impose new operational, licensing, or reporting requirements on regulated businesses. They are limited to specifying how a party may request a hearing and how that hearing is conducted. Accordingly, no businesses are expected to be created or eliminated because of this rulemaking.

This conclusion is supported by several factors. First, the agency-wide analysis of anticipated hearings across CalRecycle programs yielded an estimat-

ed 208 informal hearings annually, which represents a very small subset of total businesses regulated by CalRecycle. Second, these procedures are only triggered at the election of the regulated entity, after they request a hearing. And third, these proposed regulations do not alter core business operations, market entry conditions, or economic incentives related to industry participation.

Thus, CalRecycle has concluded there are no anticipated economic impacts related to business creation or elimination because the proposed regulations affect only procedural conduct once enforcement has already occurred. Additionally, the procedural clarity and expanded use of remote hearings may create minor administrative efficiencies or cost savings for businesses facing enforcement. However, these benefits are not expected to shift market dynamics, affect business viability, or alter the number of businesses operating in the state.

Expansion of Businesses Doing Business within the State

The proposed regulations are procedural in nature, establishing clear and accessible rules for requesting and conducting informal administrative hearings. They do not regulate new markets, introduce new business opportunities, or affect demand for specific goods or services. As a result, the proposed regulations are not expected to lead to the expansion of businesses within California.

Rather, by reducing travel costs, administrative burdens, and paperwork requirements for regulated parties participating in enforcement hearings, the regulations may produce modest operational savings for existing businesses. However, these savings are unlikely to be substantial enough or apply to enough businesses to directly influence business formation, expansion, or relocation decisions.

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

The proposed regulations will benefit California by increasing transparency, consistency, and procedural fairness in informal administrative hearings conducted by the Department. Standardizing the conduct of these hearings ensures that all participants receive a predictable and equitable process.

The regulations also support public health, safety, and environmental goals by formalizing CalRecycle's preference for remote hearings. Remote hearings reduce the need for in-person attendance, thereby minimizing the risk of illness transmission and workplace violence. Additionally, remote participation eliminates the need for travel, which reduces greenhouse gas emissions and contributes to the state's climate objectives. These benefits align with California's broad-

er efforts to protect public health and reduce environmental harm.

COST IMPACTS TO REPRESENTATIVE PRIVATE PERSON OR BUSINESS

CalRecycle is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. These regulations do not impose new substantive obligations or fees but instead clarify procedural rights and responsibilities during informal hearings. Participation in a hearing remains voluntary, and the cost of participation, if any, will vary depending on the extent to which an individual or business chooses to engage in the process.

BUSINESS REPORT

The proposed regulation does not require a report, nor does a reporting requirement apply to businesses.

DETERMINATION OF EFFECT ON SMALL BUSINESS

CalRecycle has determined that the proposed regulations will not have a significant adverse economic impact on small businesses. The proposed hearing procedures are procedural in nature and do not create or modify substantive compliance obligations. While small businesses may occasionally participate in hearings, the regulations are designed to enhance procedural clarity and fairness for all participants, including small businesses.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSONS

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

Donnet McFarlane
CalRecycle Informal Hearing Rules Regulations
Department of Resources Recycling and
Recovery, Regulations Unit
1001 I Street, MS–24B, Sacramento, CA 95814
Phone: (916) 327–0089
Email: regulations@calrecycle.ca.gov

The backup contact person is:

Craig Castleton
CalRecycle Informal Hearing Rules Regulations
Department of Resources Recycling and
Recovery, Regulations Unit
1001 I Street, MS–24B, Sacramento, CA 95814
Phone: (916) 327–0089
Email: regulations@calrecycle.ca.gov

AVAILABILITY STATEMENTS

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

CalRecycle will have the entire rulemaking file, the express terms of the proposed regulations, and all information that provides the basis for the proposed action, available for public inspection and copying during normal business hours at the address provided above. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the text of the proposed regulations, the Initial Statement of Reasons, the documents relied upon for the proposed action, and the economic and fiscal impact statement. Copies may be obtained by contacting the contact persons at the address, email, or phone number listed above.

Availability of Modified Text

CalRecycle may adopt the proposed regulations substantially as described in this Notice. If CalRecycle makes substantial changes to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least fifteen (15) days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the scheduled public hearing, all persons who submit a written comment at the scheduled public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

Availability of the Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by request from the contact persons identified in this Notice or accessed through CalRecycle’s website at www.calrecycle.ca.gov/Laws/Rulemaking.

INTERNET ACCESS

For more timely access to the rulemaking file, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle’s Internet webpage for the rulemaking at www.calrecycle.ca.gov/Laws/Rulemaking.

All rulemaking files published through CalRecycle’s internet website will be available on that page.

TITLE 16. ARCHITECTS BOARD

RETIRED LICENSE REINSTATEMENT

NOTICE IS HEREBY GIVEN that the California Architects Board (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 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 Board at its office no later than by Thursday, December 18, 2025**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 5526 and 5600.4 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 23.8, 30, 144, 486, 5600.2, 5600.3, and 5600.4, the Board is considering amending sec-

tion 109.1 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Currently, Board regulations 16 CCR section 109.1 describes the method by which licensees apply for a retired license and should they choose, reinstate that license back to active. The existing regulation states licensees should submit an application with the required fee and a statement they have completed the continuing education (CE) requirement, if they want to reinstate the license. Additionally, the current regulation states a retired license may be reinstated at any time up to five years from the expirations date of their original architect's license.

This proposal will require that retired licensees wait at least one year after placing their license into retirement status prior to applying to reinstate a retired license back to an unrestricted license and require proof of CE completion be submitted with the reinstatement application.

This regulatory proposal will amend 16 CCR section 109.1. The amendment to the regulation through this proposed rulemaking is as follows:

Amend 16 CCR 109(c)(1) to state that a retired license can be brought back to active status one year after issuance.

Amend 16 CCR 109.1(c)(1)(B)(iv) for consistency in syntax and numbering.

Remove 16 CCR 109(c)(1)(B)(v) because this is being changed to requiring proof of completion in newly proposed (c)(1)(C).

Amend 16 CCR section 109.1(c)(1)(B)(vi) for consistency in syntax and numbering.

Add 16 CCR section 109.1(c)(1)(C) to replace what was deleted from prior (c)(1)(B)(v) and require proof of CE completion.

Anticipated Benefits of Proposal

This proposal will require licensees wait a minimum of one year after issuance prior to reinstating a retired license and require submission of proof of CE completion. This will allow the Board to make the retired license more meaningful by discouraging licensees from treating it as an inactive license, and protect the public by ensuring licensees coming out of retired status have met the education requirements to renew their license and are submitting documentation in accordance with the reporting requirements of CCR sections 165 and 166 so the Board can ensure relevant education was utilized. This will ultimately benefit the public by ensuring returning licensees are up to date with the latest educational requirements of the profession.

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

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.

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 regulations do not result in a fiscal impact to the state. This proposal clarifies the timeline to reinstate a retired license and the documentation required to request reinstatement. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

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

The regulations do not result in additional workload or costs to businesses and therefore are not anticipated to result in any negative impacts.

Cost Impact on Representative Private Person or Business

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

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

- 1) Creation or elimination of jobs within California,
- 2) Creation of new businesses or elimination of existing businesses within California, or,
- 3) Expansion of businesses currently doing business within the state.

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

Benefits of Regulation

The Board has determined that the regulatory proposal will ensure licensees reinstating their license from a retired status to a fully unrestricted status are up to date with current practices by ensuring they have completed the required CE. This will assist the Board’s continuance in regulating the profession of architecture and protection of the public, which will benefit the health and welfare of California residents.

This regulatory proposal does not affect worker safety because it does not involve worker safety.

This regulatory proposal does not affect the state’s environment because it does not involve the environment.

Business Reporting Requirements

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

Effect on Small Business

The Board does not maintain data to define if any of its licensees are a “small business” as defined in Government Code section 11342.610. However, in the event a licensee is affiliated with a small business, the regulations do not result in additional workload or costs and are not anticipated to result in any negative impacts to small businesses.

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 written comments relevant to the above determinations at the

Board’s office at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 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 2420 Del Paso Road, Suite 105, Sacramento, California 95834.

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: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: (279) 895–1246
Email Address: timothy.rodde@dca.ca.gov

The backup contact person is:

Name: Laura Zuniga
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone Number: (916) 471–0760
Email Address: laura.zuniga@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Materials regarding this proposal can be found at https://www.cab.ca.gov/resrcs/laws_regs/prop_reg.shtml

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's website at https://www.cab.ca.gov/resrcs/laws_regs/prop_reg.shtml.

GENERAL PUBLIC INTEREST

FISH AND GAME COMMISSION

NOTICE OF FINAL CONSIDERATION OF PETITION

NOTICE IS HEREBY GIVEN pursuant to the provisions of Fish and Game Code Section 2078, that the California Fish and Game Commission (Commission), has scheduled final consideration of the petition to list Bear Lake buckwheat (*Eriogonum microtheca* var. *luciusursi*) as an endangered species for its December 10–11, 2025 meeting. It is expected that consideration of the petition will be heard December 10, 2025 in Sacramento, California.

Consideration of the petition will be heard at the California Natural Resources Headquarters Building, 715 P Street, Sacramento California. Members of the public can participate in person or via webinar/teleconference. Instructions for participation in the hear-

ing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899.

The agenda of the December 10–11, 2025 meeting, and the agendas and video archive of previous meetings where actions were taken on Bear Lake buckwheat are available online at <http://www.fgc.ca.gov/meetings/>.

Pursuant to the provisions of Fish and Game Code, sections 2075 and 2075.5, the Commission will consider the petition and all other information in the record before the Commission to determine whether listing Bear Lake buckwheat as an endangered species is warranted.

The petition, the California Department of Fish and Wildlife's evaluation report, and other information in the records before the Commission are posted on the Commission website at <https://fgc.ca.gov/CESA>.

DEPARTMENT OF REAL ESTATE

ANNUAL FEE REVIEW — REQUIRED BY STATUTE

Real Estate Commissioner Chika Sunquist proposes to consider whether the fees charged by the Department of Real Estate ("DRE") should be lower than the maximum amount allowed pursuant to California Business and Professions Code ("the Code") Sections 10209.5, 10210, 10214.5, 10215, 10250.3 and 11011. The Commissioner's consideration will include all comments, objections and recommendations regarding such fees.

PUBLIC HEARING ANNOUNCEMENT

Sections 10226 and 11011 of the Code require, among other things, that at least one regulation hearing be held each calendar year to determine if fees lower than those authorized under Section 10226.5(b) of the Code should be prescribed. The hearing referred to below shall serve as the regulation hearing for the purpose of satisfying the requirement of Sections 10226(a) and 11011(a) of the Code. DRE may present, at this hearing, relevant data compiled by the DRE, and other sources, if appropriate, that have been used or which may be used in making the determination if fees should be lower. There is no proposal to adopt, amend and/or repeal any sections of the California Code of Regulations (CCR) at this time. The Commissioner wishes to consider all comments, objections and recommendations regarding such fees.

Pursuant to Sections 10226(a) and 11011(a), on December 1, 2025, DRE will post on its website a report on the financial status of the department, including the

revenues, expenditures, and reserves as of the end of the 2024–25 fiscal year.

DRE will hold a public hearing starting at 10:00 a.m., on Wednesday, December 17, 2025, at the DRE’s Sacramento Office, located at 651 Bannon Street, Sacramento, California. The hearing room is wheelchair accessible. As in the report posted to the website in November, DRE will report on the financial status of the department, including the revenues, expenditures, and reserves as of the end of the 2024–25 fiscal year. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

DRE is also making this year’s hearing available online through Microsoft Teams. Contact DRE’s contact person via the channels listed below for an email invitation to the event.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to DRE’s fee structure. The written comment period closes on December 17, 2025. All written comments must be received by 5:00 p.m. on that date at DRE’s Sacramento Office as follows:

Daniel E. Kehew, Real Estate Counsel
California Department of Real Estate
651 Bannon Street, Suite 507
Sacramento, CA 95811
Email: DRE.RegComments@dre.ca.gov
Telephone: (916) 737–4391

Backup contact person for this proposed action is James B. Damrell at (916) 737–4386.

DRE will mail or deliver a copy of this Hearing Notice by the Commissioner to DRE’s list of interested persons including:

1. Every person who has filed a Request for Notice of Regulatory Action with DRE.
2. The Secretary of the Business, Consumer Services and Housing Agency.
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by any fee adjustment. DRE has no way of knowing which licensees are small businesses.
4. The California Association of Realtors (a real estate licensee trade organization) and the California Building Industry Association (a home builders trade organization).

5. A substantial number of land developers. Not small businesses by definition, they may, nevertheless, be affected by any fee adjustment.

DECISION NOT TO PROCEED

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION NOT TO PROCEED PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 11347

RE: CORRECTIONAL PEACE OFFICER STANDARDS AND TRAINING

Pursuant to California Government Code section 11347, the California Department of Corrections and Rehabilitation (CDCR) hereby gives notice that it has decided not to proceed with the rulemaking action published in the Office of Administrative Law (OAL) California Regulatory Notice Register on March 7, 2025, Register 2025, Number 10–Z. The proposed rulemaking concerned Correctional Peace Officer Standards and Training (OAL Notice File Number Z2025–0214–01).

Any interested person with questions concerning this rulemaking should contact Dmitriy Kostyuk at (279) 223–2313 or by email at RPMB@cdcr.ca.gov.

The CDCR will also post this Notice of Decision Not to Proceed on its Pending Changes to Department Regulations webpage.

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS PURSUANT TO GOVERNMENT CODE 11340.7

Petitioner

Incarcerated person: ERIC DAVID MILLS;
CDCR #: BY3716.

Department Contact Person

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

Availability of Petition

The petition to amend regulations is available upon request directed to the Department’s contact person.

Authority

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

Provisions of California Code of Regulations Affected:

Title 15, Division 3, Chapter 1, Administrative Determinants.

Summary of Petition and Department Decision:

Section 3375.2(a)(6).

Petitioner’s Request: Amend Title 15 California Code of Regulations (CCR) Section 3375.2(a)(6) to permit eligible classified Level II incarcerated persons (IPs), with life without the possibility of parole (LWOP) sentences, with equal opportunity for housing at the Non–Designated Program Facility (NDPF) that is in the closest proximity to an IP’s underage child(ren) or family member(s) — references PC sections 5068(c)(2)(A) and 2023 Assembly Bill 1226. Additionally, the petitioner requests to be given equal opportunity to participate in the rehabilitative programs that are offered at the NDPF Level II San Quentin Rehabilitation Center and other Level II NDPF’s that do not have the lethal electrified fence.

Reason for Request: Amend Title 15 California Code of Regulations (CCR) Section 3375.2(a)(6) to permit eligible classified Level II incarcerated persons (IPs), with LWOP sentences, with equal opportunity for housing at the NDPF that is in the closest proximity to an IP’s underage child(ren) or family member(s) — references PC sections 5068(c)(2)(A) and 2023 A.B. 1226. Additionally, the petitioner requests to be given equal opportunity to participate in the rehabilitative programs that are offered at the NDPF Level II San Quentin Rehabilitation Center and other Level II NDPF’s that do not have the lethal electrified fence.

Department’s Response: Mr. Mill’s request is denied. CDCR *denies* the petition to amend CCR, Title 15, Division 3, Chapter 1, Section 3375.2(a)(6).

CDCR is committed to housing incarcerated persons in the least restrictive environment while supporting rehabilitation, maintaining institutional security, and ensuring public safety.

CDCR currently houses male, Level II incarcerated persons at 23 of their 31 institutions throughout the state of California. Of those 23 institutions, only five do not have a lethal electrified fence security perimeter. There are 18 institutions available for LWOP incarcerated persons, allowing them to program within close proximity to their families from the northern border of California to the southern border. Available Institutions include Avenal State Prison, California Correctional Institution, California Health Care Facility, California Institution for Men, California Men’s Colony, California Medical Facility, California State Prison, Corcoran, California State Prison, Los Angeles, California State Prison, Sacramento State Prison, High Desert State Prison, Ironwood State Prison, Mule Creek State Prison, North Kern State Prison, Pelican Bay State Prison, Pleasant Valley State Prison, Richard J. Donovan Correctional Facility, Substance Abuse Treatment Facility, and Valley State Prison.

CDCR provides various in–prison rehabilitative programs at every institution. While some specific programs may vary, all institutions provide multiple activity groups, educational programs, career technical education programs, treatment programs, pre–release programs and grant self–help programs. Mr. Mills refers, specifically, to the anticipated UC Berkeley, Bachelor of Arts (BA) Program at San Quentin Rehabilitation Center. This program is not currently in operation; however, CDCR currently provides face–to–face bachelor’s degree completion programs at 10 alternate male institutions. Of the Level II institutions with lethal electrified fences noted above, seven of those institutions offer a bachelor’s degree program.

The intent of the administrative determinants policy is to permit the placement of LWOP incarcerated persons in Level II facilities, consistent with subsec-

tion 3375.1(a)(2). The February 20, 2017 amendment was supported by research cited within the 2011 Expert Panel study that LWOP incarcerated persons are less likely to engage in violent behavior than incarcerated persons sentenced to lengthy determinate prison terms. Therefore, the change was implemented to help ensure Level III housing availability for incarcerated persons who pose greater risks to the safety and security of the public, staff, and incarcerated persons, relative to positively programming LWOP incarcerated persons. Changes to the subsection also added a requirement for LWOP incarcerated person's housed within general population facilities with security Levels of II, III, or IV to be housed in facilities with lethal electrified fences, to prevent incarcerated person's escapes and to ensure the safety of the public.

The language contained in subsection 3375.2(a)(6) of the CCR, Title 15, Division 3, is in compliance with the Administrative Procedures Act. This regulation language went through the regulatory process for adoption and is in compliance with Government Code 11340 et seq. Through the public notice and comment process, the public was given an opportunity to review and comment on the proposed regulations prior to their adoption and final review and official approval by the Office of Administrative Law.

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 Public Health

File # 2025–0908–01

Serving Size and Age for Industrial Hemp

This timely Certificate of Compliance action by the Department of Public Health permanently adopts emergency regulations that establish serving size and package size limits for industrial hemp final form food products intended for human consumption and an age requirement for offering or sale of industrial hemp final form food products (See OAL file numbers 2024–0913–02E, 2025–0313–02EE).

Title 17

Adopt: 23000, 23005, 23015, 23100

Filed 10/20/2025

Effective 10/20/2025

Agency Contact: Dawn Basciano (916) 440–7367

California Alternative Energy and Advanced

Transportation Financing Authority

File # 2025–1008–01

GoGreen Home Energy Financing Program

This emergency rulemaking action by the California Alternative Energy and Advanced Transportation Financing Authority amends the GoGreen Home Energy Financing Program to allow for financing to cover reconstruction of residential buildings destroyed by natural disasters and to require lenders to submit loans for enrollment within 180 days of completing projects. This is a deemed emergency pursuant to Public Resources Code section 26009.

Title 04

Amend: 10091.5, 10091.9

Filed 10/20/2025

Effective 10/20/2025

Agency Contact: Kevin Nakano (916) 653–0015

State Allocation Board

File # 2025–1010–03

Leroy F. Greene School Facilities Act of 1998;

Natural Disaster Provisions

This emergency action implements Proposition 2 (2024) and AB 247 (Muratsuchi, Chapter 81, Statutes 2024) by adopting regulations to implement a funding program for natural disaster assistance impacting school district construction. The regulations delineate an application process, eligibility criteria, funding apportionments, categorical funding limits, documentation requirements, timelines, and forms, among other things.

Title 02

Adopt: 1859.84, 1859.84.1, 1859.84.2

Amend: 1859.2, 1859.31, 1859.51, 1859.80,

1859.81.1, 1859.90, 1859.93, 1859.93.1, 1859.104,

1859.106

Filed 10/20/2025

Effective 10/20/2025

Agency Contact: Lisa Jones (279) 946–8459

Board of Forestry and Fire Protection

File # 2025–1010–02

Forest Resilience Exemption and Oak Woodland

Exemption Amendment

The Z'berg–Nejedly Forest Practices Act of 1973 (the “Act”) prohibits a person from conducting timber operations, as defined, unless a timber harvest-

ing plan prepared by a registered professional forester has been submitted to, and approved by, the Department of Forestry and Fire Protection. The Act authorizes the Board of Forestry and Fire Protection (the “Board”) to exempt from some or all of those provisions of the Act a person engaging in specified forest management activities, as prescribed, including: (1) for a period of five years following the adoption of emergency regulations, the cutting or removal of trees on the person’s property that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for the purpose of reducing flammable materials and maintaining a fuel break, known as the Small Timberland Owner Exemption; (2) until January 1, 2026, the harvesting of those trees that eliminates the vertical continuity of vegetative fuels and the horizontal continuity of tree crowns for specified purposes, known as the Forest Fire Prevention Exemption; (3) until January 1, 2026, the cutting or removal of trees on the person’s property in compliance with specified defensible space requirements, as provided; and (4) the cutting or removal of trees to restore and conserve California black or Oregon white oak woodlands and associated grasslands. Assembly Bill 2276 (2023–2024 Reg. Sess.) (1) repealed the Small Timberland Owner Exemption; (2) renamed the Forest Fire Prevention Exemption the Forest Resilience Exemption, revised standards and criteria for qualifying for that exemption, and extended that exemption until January 1, 2031; and (3) extended until January 1, 2031 the other exemption described above. A.B. 2276 also revised requirements governing compliance with the cutting or removal of trees to restore and conserve California black or Oregon white oak woodlands and associated grasslands. In this second emergency readopt of OAL Matter Nos. 2025–0106–01E and 2025–0627–01EE, the Board is amending regulations necessary to implement and ensure compliance with these requirements and with the Forest Resilience Exemption requirements, as required by the statutory changes made by A.B. 2276.

Title 14

Amend: 1038, 1038.3, 1038.4

Filed 10/16/2025

Effective 10/16/2025

Agency Contact: Daniel Craig (916) 956–4920

Office of Tax Appeals

File # 2025–0925–02

Conflict-of-Interest Code

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

Title 02

Amend: 59850

Filed 10/16/2025

Effective 11/15/2025

Agency Contact: Shnita Paige (916) 202–9287

Department of Food and Agriculture

File # 2025–0904–01

Assessments for Control of Broomrape

In this regular rulemaking partially exempt from the APA pursuant to Government Code section 11340.9(g), the Department of Food and Agriculture is amending regulations regarding assessments for the control of broomrape.

Title 03

Amend: 3602

Filed 10/16/2025

Effective 01/01/2026

Agency Contact: Sara Khalid (916) 403–6625

Occupational Safety and Health Standards Board

File # 2025–0912–01

Diving Operations

In this action, the Board amended the diving operation regulations to correspond to federal requirements found in Code of Federal Regulations, Title 29, sections 1910.401 through 1910.422.

Title 08

Amend: 6050, 6051, 6052, 6054, 6056

Filed 10/22/2025

Effective 01/01/2026

Agency Contact: Ruth Ibarra (916) 274–5721

Department of Fish and Wildlife

File # 2025–0910–01

Risk Assessment Mitigation Program 2024 Revisions

In this resubmitted rulemaking action, the Department amends its Risk Assessment Mitigation Program (RAMP) regulation for Commercial Dungeness Crab Fishery. The amendment adds definitions, revises management actions, and modifies mandatory data reporting requirements. It also adds requirements for Dungeness Crab fishing gear identifications and for Alternative Gear.

Title 14

Amend: 132.8

Filed 10/21/2025

Effective 10/21/2025

Agency Contact: Ona Alminas (916) 902–9222

**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.