GAVIN NEWSOM, GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS



## GENERAL PUBLIC INTEREST



## RULEMAKING PETITION DECISIONS



**(Continued on next page)**

***Time–Dated Material***

## SUMMARY OF REGULATORY ACTIONS



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

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# PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

## 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: Las Virgenes–Triunfo Public Financing Authority
West Kern Water District

A written comment period has been established commencing on September 19, 2025, and closing on November 3, 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 November 3, 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 2. SANTA MONICA BAY RESTORATION COMMISSION

### AMEND THE CONFLICT–OF–INTEREST CODE OF THE SANTA MONICA BAY RESTORATION COMMISSION

NOTICE IS HEREBY GIVEN that the Santa Monica Bay Restoration Commission, 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 November 7, 2025 and closing on December 22, 2025. All inquiries should be directed to the contact listed below.

The Santa Monica Bay Restoration Commission 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: renaming the Administrative Director position (formerly Chief Administrative Director), adding a disclosure category applicable to the Administrative Director and Environmental Scientists designated employees, and making other technical changes. Information on the code amendment is available on the agency's internet site.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than December 22, 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 7, 2025.

The Santa Monica Bay Restoration Commission 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.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: Luke Ginger, Administrative Director, (213) 576–6736, luke.ginger@waterboards.ca.gov.

## TITLE 2. STATE LANDS COMMISSION

### MARINE INVASIVE SPECIES CONTROL FUND FEE

The California State Lands Commission (Commission) will consider whether to adopt the regulations described below after considering all comments on the proposed action.

### PROPOSED REGULATORY ACTION

The Commission proposes to amend California Code of Regulations, Title 2, Section 2271 (Section 2271).

The proposed regulatory action would amend Section 2271 to adjust the fee paid by vessels arriving at California ports (the Fee) from one thousand dollars ($1,000) to one thousand two hundred twenty–five dollars ($1,225) per vessel voyage from a location outside of California. The proposed action would also add a provision to automatically adjust the amount of the Fee for inflation every five years. The Fee is used to fund all components of the Marine Invasive Species Program (MISP) as described in Division 36 of the Public Resources Code.

The regulation also makes non–substantive changes to authority and reference citations and includes biofouling in the vessel management practices considered when setting the Fee amount.

### PUBLIC HEARING

Commission staff has not scheduled a public hearing on 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 fifteen days prior to the close of the written comment period.

## 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 will be open for 60 days, rather than the required minimum 45–day period, to avoid closing during late December. The written comment period closes on January 6, 2026. To be considered, all written comments must be received by the end of that day. Submit written comments to:

Chris Scianni
Environmental Program Manager
Marine Invasive Species Program
Division of Environmental Science, Planning, and Management
California State Lands Commission
301 East Ocean Boulevard, Suite 350
Long Beach, CA 90802

Written comments may also be submitted by email to cslc.regulations@slc.ca.gov. Please include **"*Article 4.5 Comments*"** in the subject line of the email.

## AUTHORITY AND REFERENCE

*Authority*: Public Resources Code Section 71215 requires the Commission to establish a reasonable and appropriate fee, through regulation, to carry out the activities required by the Marine Invasive Species Act.

*Reference*: The proposed regulations would implement, interpret, and make specific Public Resource Code section 71215.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Public Resources Code section 71215 created the Marine Invasive Species Control Fund and requires the Commission to establish a reasonable and appropriate Fee to carry out the activities required by the Marine Invasive Species Act (the Act). It also states that the Fee may not exceed one thousand dollars ($1,000) per qualifying voyage (i.e., arriving at a California port after operating at a port outside of California); however, this amount may be adjusted for inflation every two years. Under Public Resources Code section 71215, subdivision (c), the California Department of Tax and Fee Administration shall collect the Fee from the owner or operator of each vessel, or the vessel agent acting on behalf of the owner or operator, that arrives at a California port of place from a port or place outside California. That fee may not be assessed on any vessel arriving at a California port or place if that vessel comes directly from another California port or place.

The federal Vessel Incidental Discharge Act, specifically Section 1322(p)(9)(A)(iv) of Title 33 of the U.S. Code, preempts some state regulatory authority and places a $1,000 initial cap on the vessel arrival fee states can assess. However, this cap can be adjusted for inflation every five years, based on the difference in the U.S. Bureau of Labor Statistics Consumer Price Index for All Urban Consumers between the October prior to the adjustment and the October five years prior.

The proposed regulation would amend the Fee requirement authorized by Public Resources Code section 71215, subdivision (b)(1). The Fee is required to fulfill the specific multi–agency tasks mandated by the Act. However, the current Fee amount ($1,000 per qualifying voyage) does not produce sufficient revenues to meet the costs of the programs mandated under the Act. The proposed regulations would set the exact amount of the Fee to be used to support the programs required under the Act at one thousand two hundred twenty–five dollars ($1,225) per qualifying voyage and would automatically adjust for inflation every five years thereafter.

The anticipated benefits of the proposed regulatory amendment include continued funding for the State's MISP to protect state waters from vessel–mediated introductions of nonindigenous species (NIS) and the negative environmental, economic, and human health impacts associated with NIS.

Commission staff evaluated whether there were any other regulations, aside from the existing regulations that are proposed for amendment here, concerning the collection of a fee to fund the activities of the MISP. No other state regulations exist to collect a fee for this purpose. Therefore, the proposed regulatory amendment is neither inconsistent nor incompatible with existing state regulations.

## MANDATED BY FEDERAL LAW OR REGULATIONS

Commission staff has determined that the proposed regulatory amendments are not mandated by federal law or regulations.

## OTHER STATUTORY REQUIREMENTS

Public Resources Code Section 71215(b)(2) sets a $1,000 cap on the Fee but allows that amount to be adjusted for inflation every two years, and the Fee has not been adjusted since April 2017. The federal Vessel Incidental Discharge Act, specifically Section 1322(p)(9)(A)(iv) of Title 33 of the U.S. Code, also sets a $1,000 initial cap on a fee a state can assess, but allows for adjustments for inflation every five years.

## DISCLOSURES REGARDING THE PROPOSED ACTION

*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 other 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 SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACTS DIRECTLY AFFECTING BUSINESSES, INCLUDING ABILITY TO COMPETE

Commission staff has determined that 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.

## DETERMINATION ON MAJOR REGULATION DESIGNATION

Commission staff has determined that this proposed regulatory action is not a major regulation, as defined by Government Code section 11342.548. This proposed action would amend the existing Fee amount to one thousand two hundred twenty–five dollars ($1,225), an increase of two hundred twenty–five dollars ($225) per qualifying voyage. Using vessel voyage information from July 1, 2023, through June 30, 2024 (i.e., fiscal year 23–24), Commission staff estimates the annual cost to an individual shipping company from the proposed action will range from two hundred twenty–five dollars ($225) to forty–nine thousand two hundred seventy–five dollars ($49,275). Assuming 5,245 qualifying vessel voyages annually, the fiscal impact per year to the entire regulated community is estimated to be one million one hundred eighty thousand one hundred twenty–five dollars ($1,180,125); therefore, this proposed action is not a major regulation. None of these parties are considered California business enterprises or individuals. Most of the affected businesses are international shipping companies headquartered outside of California.

## STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Through the Economic Impact Assessment, Commission staff has determined that the proposed regulations:

(1) will have no significant impact on the creation or elimination of jobs within the State of California;

(2) will have no significant impact on the creation or elimination of existing businesses within the State of California;

(3) will have no significant impact on the expansion of businesses currently doing business within the State of California; and,

(4) will have no significant impact upon worker safety within the State of California.

Commission staff has determined that the proposed regulations will benefit:

(1) the State's environment by ensuring sufficient funding for the Marine Invasive Species Program, which will continue to protect California from the introduction of nonindigenous species from vessels that arrive at California ports.

(2) the health and welfare of California residents by continuing to reduce the likelihood of future environmental, human health, and economic impacts resulting from the introduction and establishment of nonindigenous species.

## COST IMPACTS ON REPRESENTATIVE PERSONS OR BUSINESSES

Using vessel voyage information from July 1, 2023, through June 30, 2024, where individual vessels were billed between one and 219 times, Commission staff estimates the annual cost to an individual shipping company will range from two hundred twenty–five dollars ($225) to forty–nine thousand two hundred seventy–five dollars ($49,275).

## BUSINESS REPORT

Commission staff has determined that the proposed regulatory amendment does not require a report from businesses.

## SMALL BUSINESS DETERMINATION

Commission staff has determined that the proposed amendment may affect small businesses; however, the Commission is not aware of any small businesses that would be subject to the proposed amendment, but there may be some.

## 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 regulation during the written comment period.

## CONTACT PERSONS

Direct inquiries concerning the substance of the proposed regulations to:

Chris Scianni
Environmental Program Manager
Marine Invasive Species Program
Division of Environmental Science, Planning, and Management
California State Lands Commission
301 East Ocean Boulevard, Suite 350
Long Beach, CA 90802
Telephone: (562) 499–6390
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 regulation, 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:

Chris Scianni
Environmental Program Manager
Marine Invasive Species Program
Division of Environmental Science, Planning, and Management
California State Lands Commission
301 East Ocean Boulevard, Suite 350
Long Beach, CA 90802
Telephone: (562) 499–6390
Email: cslc.regulations@slc.ca.gov

## AVAILABILITY STATEMENTS

Commission staff will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the Long Beach office listed above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, including the economic impact assessment, and relevant sources of information upon which the proposed rulemaking is based. Interested parties may obtain copies of any of the aforementioned files by contacting Chris Scianni 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 regulation 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 made available to the public for at least fifteen days prior to the date that the Commission adopts the regulation. Interested parties shall send requests for copies of the modified regulation, if applicable, to the attention of Chris Scianni at the address indicated above. The Commission will accept written comments on the modified regulation for at least fifteen days after the date that it is available.

## AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon completion of the Final Statement of Reasons, interested parties may obtain a copy of the Final Statement of Reasons by contacting Chris Scianni 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. From the homepage, select "Laws and Regulations" and then select "New and Proposed Regulations."

## TITLE 11. DEPARTMENT OF JUSTICE

UNFLAVORED TOBACCO LIST

The Department of Justice (Department) proposes to adopt Title 11, Division 1, Chapter 11, Sections 942 through 957 of the California Code of Regulations concerning the Unflavored Tobacco List.

PUBLIC HEARING

The Department will hold one public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed regulations, as follows:

**Date:** December 23, 2025
**Time:** 10:00 a.m.–2:00 p.m.
**Location:** 1300 I Street
Room 730, 7th Fl.
Sacramento, CA 95814–2919
**Remote Participation:**
https://doj–ca.zoomgov.com/j/1618468955
**Phone Participation:** (669) 254–5252,
access code 161 846 8955

The hearing location is wheelchair accessible. Please bring your I.D. for security check–in. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

WRITTEN COMMENT PERIOD

Any interested person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on December 23, 2025, at 5:00 p.m. Only written comments received by that time will be considered. Please submit written comments to:

Department of Justice
Tobacco Unit
Attention: Taylor Ann Whittemore
1515 Clay Street
P.O. Box 70550
Oakland, CA 94612
(510) 879–3310
UTLregulations@doj.ca.gov

NOTE: Written and oral comments, attachments, and associated contact information (e.g., address, phone, email, etc.) become part of the public record and can be released to the public upon request.

AUTHORITY AND REFERENCE

Authority: Section 104559.1, Health and Safety Code (Health & Saf.). Reference: Sections 104559.1 and 104559.5, Health and Safety Code; Sections 22971 and 26001, Business and Professions Code (Bus. & Prof. Code); Section 30019, Revenue and Tax Code; 21 U.S.C. Sections 387a, 387e, 387j.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

**Summary of Existing Laws and Regulations:**

A. Senate Bill 793

Senate Bill 793 banned flavored tobacco products (subject to certain exceptions) and tobacco product flavor enhancers in California. (Health & Saf. Code, § 104559.5.) A flavored tobacco product is a "tobacco product that contains a constituent that imparts a characterizing flavor." (*Id*., subdivision (a)(6).) A "characterizing flavor" is "a taste or odor … other than the taste or odor of tobacco." (*Id*., subdivision (a)(1).) Similarly, a tobacco product flavor enhancer is "a product designed, manufactured, produced, marketed, or sold to produce a characterizing flavor when added to a tobacco product." (*Id*., subdivision (a)(18).)

B. Assembly Bill 3218

Assembly Bill 3218 amended the flavor ban put in place by Senate Bill 793 and expanded on it. (Bus. & Prof. Code, §§ 22978.3, 22980, 22990; Health & Saf. Code, §§ 104559.1, 104559.5; Rev. & Tax. Code, § 30101.7.) It established the Unflavored Tobacco List (UTL), a list of covered tobacco products that are permissibly unflavored under the law. (Health & Saf. Code, § 104559.1, subdivision (a).) Products not appearing on the list will be subject to seizure, and the Attorney General, the California Department of Public Health, and state and local law enforcement agencies are authorized to seek civil penalties against retailers of products not appearing on the list. (Health & Saf. Code, §§ 104559.1, subdivision (g), 104559.5, subdivision (b)(1); Bus. & Prof. Code, § 22974.2, subdivision (a).) The Attorney General may also seek civil penalties against distributors, wholesalers, and delivery sellers for violations. (Health & Saf. Code, § 104559.1, subdivision (o)(3).) Furthermore, the bill

revised the definition of characterizing flavor to specifically incorporate cooling sensations distinguishable by an ordinary consumer. (Health & Saf. Code, § 104559.5, subdivision (a)(1).)

The Legislature required the Attorney General to establish the UTL on or before December 31, 2025, and authorized the Department to promulgate emergency regulations to implement Assembly Bill 3218. (Health & Saf. Code, § 104559.1, subdivision (q).) The Department completed emergency rulemaking to establish the procedure for manufacturers and importers to apply for the placement of their products on the UTL. (See OAL Matter Number 2025–0814–01.)

**Effect of the Proposed Rulemaking:**

This proposed rulemaking describes how manufacturers and importers of unflavored tobacco products may apply for the placement of their products on the UTL, what information those manufacturers and importers must provide, and the timing for applications and responses. The rulemaking also establishes fees for initial and renewed placement on the list. Finally, it describes how civil penalties against distributors, wholesalers, and delivery sellers of products not appearing on the UTL may be assessed and appealed.

**Anticipated Benefits of the Proposed Regulations:**

By implementing the UTL, this rulemaking will aid with enforcement and seizure of illegal flavored tobacco products by providing clarity on what products are permissibly unflavored. This will benefit the health and welfare of California residents by reducing the amount of youth–appealing flavored tobacco products available on the market. It will also provide clarity to manufacturers, importers, distributors, wholesalers, and retailers regarding what products are "unflavored" under state law and may be sold (provided such products comply with other applicable laws), allowing these entities to market or purchase products with more certainty.

**Comparable Federal Regulations:**

There are no existing federal regulations or statutes comparable to these proposed regulations.

**Determination of Inconsistency/Incompatibility with Existing State Regulations:**

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern flavored tobacco products.

**Forms Incorporated by Reference:**

None.

**Other Statutory Requirements:**

None.

## DISCLOSURES REGARDING THE PROPOSED ACTION

**The Department's Initial Determinations:**

*Mandate on local agencies or school districts:* None.

*Cost or savings to any state agency:* The fees collected will be used to offset the costs incurred by the Attorney General for processing UTL applications, and operating and maintaining the UTL.

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

*Other non–discretionary costs or savings imposed on local agencies:* None.

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

*Cost impacts on representative person or business:*

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

The regulations require manufacturers and importers to apply for placement of their unflavored tobacco products to the UTL, and to renew that placement annually. With the exception of variants, manufacturers and importers must send the Department a product sample with their application, and if the product has an associated carton or roll, a sample of the carton or roll.

The application fee is $300 for products submitted on the product form (under Section 945 of the proposed regulations) and $150 for products submitted on the variant form (under Section 946 of the proposed regulations). Placement on the UTL must be renewed each year. The per–product renewal fee is $150.

Taking into account the time needed to fill out a product, variant, or renewal application, and applicable shipping costs to provide a product sample, the average estimated cost to apply for UTL placement per application type is:

- *Product*: $300 registration fee + $10 sample at $30 shipping cost + $25 application preparation time = *$365.*
- *Product with associated carton or roll*: $300 registration fee + $10 product sample at $30 shipping cost + $100 carton/roll at $60 shipping cost + $25 application preparation time = *$525.*
- *Variant*: $150 registration fee + $12.50 application preparation time = *$162.50.*
- *Renewal*: $150 registration fee + $8.33 application preparation time = *$158.33.*

Under the regulations, the Attorney General will exclude a product from the UTL under subdivision (e) of Health and Safety Code section 104559.1 when the manufacturer or importer is required to obtain, but has not received, a formal authorization, approval, or order from the FDA under 21 U.S.C. section 387e(j) or

387j. The impact from exclusion of these products is, in part, attributable to federal law: the excluded products are adulterated and/or misbranded and therefore already illegal under federal law. (See 21 U.S.C. § 331(a) [prohibiting the introduction into interstate commerce of any tobacco product that is adulterated or misbranded].)

*Significant effect on housing costs:* None.

*Significant, statewide adverse economic impact directly affecting businesses, including ability to compete:* The Department has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed regulations and enabling statute do not prohibit in–state manufacturers and distributors from possessing flavored tobacco products for the purpose of distribution outside of California.

**Results of the Economic Impact Assessment (EIA):**

The Department concludes that it is (1) unlikely that the proposal will create or eliminate jobs within the state, (2) unlikely that the proposal will create new businesses or eliminate existing businesses within the state, and (3) unlikely that the proposal will result in the expansion of businesses currently doing business within the state.

The Department also concludes that:

(1) The proposal would benefit the health and welfare of California residents. By identifying all covered tobacco products that are permissibly unflavored under California's flavored tobacco restrictions, the proposal will equip sellers and enforcement agencies to more effectively identify illegally flavored products. These prohibited products appeal to minors and nonsmokers, initiate nonusers, and impede cessation.

(2) The proposal would not benefit worker safety because it does not regulate worker safety standards.

(3) The proposal would not benefit the state's environment because it does not change any applicable environmental standards.

*Business report requirement:* None.

*Small business determination:* The Department has determined that this proposed action affects small businesses because some tobacco product Manufacturers and Importers that submit their products to the Unflavored Tobacco List will be small businesses.

## CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5, subdivision (a)(13), requires that 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, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department has determined that the proposed regulation is the most effective and least burdensome way for the Department to determine those tobacco products that lack a characterizing flavor and are eligible for placement on the Unflavored Tobacco List.

Alternatives to the proposed regulation that the Department itself considered are described in the Initial Statement of Reasons.

## CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Department of Justice
Tobacco Unit
Attention: Taylor Ann Whittemore
1515 Clay Street
P.O. Box 70550
Oakland, CA 94612
(510) 879–3310
UTLregulations@doj.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. In the event the contact person is unavailable, inquiries regarding the proposed action may be directed to the following backup contact person:

Department of Justice
Tobacco Unit
Attention: Byron Miller
P.O. Box 944255
Sacramento, CA 94244–2550
(916) 210–7353
UTLregulations@doj.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the "express terms" of the regulations), the Initial Statement of

Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at https://oag.ca.gov/tobacco/flavorban/regulations. Please refer to the contact information listed above to obtain copies of these documents.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the Department analyzes all timely and relevant comments received during the 45–day public comment period, the Department will either adopt these regulations substantially as described in this notice or make modifications based on the comments. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the name and address indicated above. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, a copy of the Final Statement of Reasons will be available on the Department's website at https://oag.ca.gov/tobacco/flavorban/regulations. Please refer to the contact information included above to obtain a written copy of the Final Statement of Reasons.

### AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Rulemaking, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at https://oag.ca.gov/tobacco/flavorban/regulations.

## TITLE 13. DEPARTMENT OF MOTOR VEHICLES

### AMEND THE CONFLICT–OF–INTEREST CODE OF THE DEPARTMENT OF MOTOR VEHICLES

NOTICE IS HEREBY GIVEN that the Department of Motor Vehicles, 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 November 7, 2025 and closing on December 22, 2025. All inquiries should be directed to the contact listed below.

The Department of Motor Vehicles 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 the addition of positions that are now involved in and the removal of positions that are no longer involved in the making or participation in the making of decisions that may have a financial interest. The changes also include several positions that have moved as a result of departmental restructuring, and also makes other technical changes.

Information on the code amendment is available on the agency's intranet site and/or attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than **December 22, 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 7, 2025.

The Department of Motor Vehicles 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.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Randi Calkins, Regulations Specialist
Legal Affairs Division
Department of Motor Vehicles
P.O. Box 932382
Sacramento, CA 94232–3820
Telephone: (916) 282–7294
Email: LADRegulations@dmv.ca.gov

# GENERAL PUBLIC INTEREST

## OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

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

QR Code for Access:

On **November 20, 2025,** at 10:00 a.m.

Elihu Harris State Building
Auditorium
1515 Clay Street
Oakland, California 94612

as well as via the following:

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

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

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

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

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

# RULEMAKING PETITION DECISIONS

## DEPARTMENT OF CORRECTIONS AND REHABILITATION

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

**Petitioner**

Robert Michael Vanleeuwen.

**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, P.O. Box 942883, Sacramento, CA 94283–0001.

**Availability of Petition**

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

**Authority**

Penal Code Sections: 5054 and 5058.

**Provisions of California Code of Regulations Affected:**

Title 15, Crime Prevention and Corrections.

Division 3, Adult Institutions, Programs and Parole.

**Summary of Petition and Department Decision:** ***Section 3450***

**Petitioner's Request:** Restore the explicit language inappropriately removed, once again conferring the right to lodge a statement as set out in statute (Cal Civ § 1798.36); or, to, in the alternative, adopt a direct reference to the Information Practices Act (IPA) within section 3450.

**Reason for Request:** Petitioner contends the current provision(s) are out of compliance with the IPA for which they were enrolled, arguing that amendment or repeal is, as such, required.

**Department's Response:** Mr. Vanleeuwen's request is denied. An examination of the regulations show that each of the Petitioner's requests have already been fulfilled. The regulations include language regarding the right to submit and lodge a statement of disagreement after a lawful request to amend or remove a disputed record is denied, it is true that such language was removed from subsection 3450(c) but only because it was moved to new subsection 3483(l)(2). That new subsection reads as follows: "Pursuant to section 1798.36 of the Civil Code, if a final determination is provided to the claimant as described in subsection (a)(4), then the administrative remedies process is exhausted. Nevertheless, the claimant may choose to: (A) waive exhaustion by submitting an appeal pursuant to section 3484; or (B) file a statement of reasonable length setting forth the reasons for their disagreement which shall be made available to any person or agency as required by section 1798.37 or the Civil Code." This process is also explained in Department Operations Manual (DOM) section 13030.29 which fulfills the IPA requirement that the agency publish guidelines specifying these procedures. In sum, the regulations do include language regarding the right to submit and lodge a statement of disagreement.

Regarding the Petitioner's request that section 3450 explicitly reference the IPA, the text of the regulations in fact does make reference to the IPA in several locations. For example, the title of Article 6 reads as follows: "Information Practices." In addition, the title of section 3450 reads as follows: "Personal Information Record Access and Amendment." Furthermore, the introductory phrase in section 3450 reads as follows: "Pursuant to the Information Practices Act, . . . ." Finally, section 3450 explicitly incorporates the relevant IPA statutes by referencing California Civil Code sections 1798.20 and 1798.32 in the "notes" section at the end. In sum, all these references to the IPA fulfill the Petitioner's request that section 3450 explicitly reference the IPA.

## DEPARTMENT OF PESTICIDE REGULATION

### DECISION ON PETITION FOR RULEMAKING

This is the written decision required by Government Code section 11340.7 on a petition requesting the adoption, amendment or repeal of a regulation.

### AGENCY

The Department of Pesticide Regulation (DPR) received a petition for rulemaking under Government Code section 11340.6 on September 26, 2025.

### PARTY SUBMITTING THE PETITION

Petitioner is Erik Lindberg in his role as the Western USA Product Line Manager–PHC for SavATree, LLC.

### PROVISIONS OF THE CALIFORNIA CODE OF REGULATIONS REQUESTED TO BE AFFECTED

Petitioner requests that DPR amend section 6738.1(e) of Title 3 of the California Code of Regulations to require coveralls only when explicitly specified on the pesticide product label or when the application method presents a high likelihood of significant dermal exposure.

### REFERENCE TO AUTHORITY TO TAKE THE ACTION REQUESTED

Petitioner cites Food and Agricultural Code sections 12980–12981, as DPR's authority to adopt regulations governing pesticide use and worker safety. DPR's authority to take the requested action is provided by Food and Agricultural Code sections 11456 and 12981. Food and Agricultural Code section 12980 states that the development of regulations relating to pesticides and worker safety should be the joint and mutual responsibility of DPR and the Office of Environmental Health Hazard Assessment (OEHHA).

REASONS SUPPORTING THE AGENCY DETERMINATION

**Summary of Petition**

Petitioner provides the following reasons for the requested action:

- **"Over–Broad Requirement:** The current regulation applies coverall requirements to all *DANGER* and *WARNING* products regardless of exposure risk or label directions."
- **"Worker Safety Risks:** Unnecessary coverall use in California's hot climate increases the risk of **heat illness**, undermining worker safety rather than enhancing it."
- **"Public Perception:** In urban and ornamental landscapes, requiring coveralls for low–exposure applications (tree injections, systemic soil drenches, systemic bark applications) creates **a false impression of high hazard** and reduces public trust in professional tree care practices."
- **"Inconsistency with Federal Standards:** The federal Worker Protection Standard and FIFRA rely on the EPA–approved product label as the binding PPE requirement. Every other U.S. state follows this approach; California's additional blanket rule is inconsistent and imposes unique burdens."
- **"No Added Protection:** In some cases, such as propiconazole tree injections, the *WARNING* signal word is based on **eye irritation potential**, which a coverall does not mitigate. This demonstrates that the rule does not align with actual exposure pathways."

**Summary of Agency's Determination**

DPR is denying petitioners' request to amend section 6738.1(e) of Title 3 of the California Code of Regulations.

**DPR's worker protection regulations are consistent with the federal worker protection standards**

Pursuant to 40 CFR §170.609, the U.S. EPA has determined that DPR's worker protection regulations, including 3 CCR section 6738.1, are the equivalent of or provide greater protection than the federal worker protection standards and has authorized DPR to implement the California worker protection regulations in lieu of the federal worker protection standards. (**Attachment A**)

**The requirement to wear coveralls for Category I and II materials protect workers during pesticide applications.**

In California, regardless of the label, employees handling Category I (DANGER) and Category II (WARNING) pesticides must wear coveralls unless they handle fumigants, in which case coveralls are only required if expressly required by the fumigant label. Fumigants have been exempted from this requirement. As for most fumigants, the route of exposure that is of greatest concern is the entrapment of gas against the skin and as such the ability of the toxic material to escape is preferred. However, with other pesticides, skin absorption from spills and sprays is the most common route of exposure and is of the greatest concern for worker safety.

The requirement to wear coveralls for Category I and II materials is to prevent exposure via augmenting work clothing. U.S. EPA establishes signal word labeling requirements by regulation. (*See* 40 CFR § 156.64, subdivision(a).) Under federal law, Categories I and II are the most acutely toxic pesticides. The specific hazard of the material (eye corrosive, in the argument of the petitioner) is not relevant, since U.S. EPA has determined that the material is dangerous to contact by their classification as Category I or II. The potential hazard from pesticides in these categories dictates the need for maximum protection

The substitution of work clothing as PPE is not a viable alternative to wearing a coverall. PPE is the responsibility of the employer (3 CCR § 6738(a)(1)) and is prohibited from being taken by the employee into their homes to be laundered (3 CCR § 6738(a)(6)). Allowing the use of work clothing to be used as PPE which can be potentially contaminated with Category I or II material, defeats the restriction that prevents highly toxic pesticides from being introduced into the handler's home.

The petitioner further argues that coveralls do not provide protection against all potential exposure pathways. As support, the petitioner cites the example of *propiconazole* tree injections in which the toxicity category is based on eye irritation potential. The potential for risks via eye irritation does not provide justification to amend the regulation as presently written. Furthermore, tree injections often utilize pressured systems to deliver the pesticide directly into a tree's vascular system which may create risk for dermal exposure.

**Coveralls do not pose a significant heat–illness potential**

The issue of heat illness may be of concern when a full–body chemical resistant coverall (covering the torso, head, arms, and legs, 3 CCR §6738.1(g)), is required by the label. However, the subject regulation only requires a coverall, which is typically cotton or uncoated synthetic (3 CCR § 6000) to be worn when handling Category I or II pesticides which do not pose significant heat–illness risk. Petitioner has provided no evidence that coveralls pose a significant heat–illness risk that would justify potential regulatory action. The Department of Industrial Relations, Di-

vision of Occupational Safety and Health (Cal/OSHA) has jurisdiction over heat–illness–prevention and has adopted regulations to protect outdoor workers, including pesticide handlers, from heat–illness.

**"Misleading" public signals about "low–exposure applications"**

Lastly the petitioner claims that in certain scenarios the use of coveralls could give a "misleading public signal" regarding "low–exposure" applications. Category I and II pesticides have been determined by the U.S. EPA to be the most acutely toxic pesticides. Petitioner submits no evidence to support the contention that the coverall requirement is "misleading" to the public or how any such public perception would justify regulatory action to remove worker safety protections.

Amending section 6738.1(e) of Title 3 of the California Code of Regulations to require coveralls only when explicitly specified on the pesticide product label or when the application method presents a high likelihood of significant dermal exposure would rollback important protections for California workers by leading to increased dermal exposure to the most acutely toxic pesticides. Accordingly, DPR is denying the petition. This decision was developed jointly and mutually with OEHHA consistent with the provisions of FAC sections 12980, et seq. (**Attachment B**)

AGENCY CONTACT PERSON

Jeannie Alloway, Senior Legal Analyst

Department of Pesticide Regulation

1001 I Street, P.O. Box 4015

Sacramento, CA 95812–4015

(916) 324–2666

jeannie.alloway@cdpr.ca.gov

RIGHT OF INTERESTED PERSONS TO OBTAIN A COPY OF THE PETITION

Any interested persons may obtain a copy of the petition by contacting the contact person named above.

Department of Pesticide Regulation

*/s/*

Karen Morrison, Director

Oct 23, 2025

ATTACHMENT A

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

OFFICE OF PREVENTION, PESTICIDES AND TOXIC SUBSTANCES

Brian R. Leahy, Director

California Department of Pesticide Regulation

1001 I Street

P.O. Box 4015

Sacramento, CA 95812–4015

Dear Mr. Leahy:

On April 14, 2016, you asked the Environmental Protection Agency (EPA), pursuant to 40 CFR §170.609, for authority to continue implementing your State worker protection requirements in lieu of the revised Worker Protection Standard (WPS) requirements. The submitted equivalency request included a set of proposed revisions to the California worker protection regulations in the California Code of Regulations, Title 3 (3 CCR), a commitment for a second set of revisions to the state regulations to add the new pesticide safety training content and a comparison between the State regulations (with the proposed revisions) and the WPS requirements. The first set of proposed changes were filed with the California Secretary of State on October 17, 2016, and will go into effect on January 2, 2017. All of the WPS changes that become effective on January 2, 2017, are included in the first set of proposed changes. The second set of California's proposed changes cover WPS requirements that go into effect on January 2, 2018. California's second set of regulatory changes are under development and are scheduled to go into effect on January 1, 2018.

To arrive at a determination about equivalency for California's worker protection requirements, EPA reviewed the submitted information and compared the State regulations with the WPS requirements. Upon review, EPA Region 9 identified specific issues to discuss with the California Department of Pesticide Regulation (CDPR) and requested additional documentation and clarification on certain regulatory elements. On July 22, 2016, CDPR submitted a revised request for WPS equivalency with additional documentation and clarifying narrative that addressed EPA's issues.

EPA has completed its review of California's WPS equivalency request and has determined that, once both sets of the proposed regulations are finalized, the California worker protection regulations including the requirements for approval of train–the–trainer programs will be adequate to provide protection equiva-

lent to the WPS requirements. Pursuant to §170.609(c), the Agency is authorizing CDPR to continue implementing the California worker protection regulations in 3 CCR in lieu of the WPS requirements in 40 CFR Part 170.

EPA focused its review on areas where the California worker protection regulations were different than the WPS. EPA did not identify any differences between the State regulations and the WPS that preclude the California worker protection regulations from achieving the same degree of protection of human health as the WPS. In addition, the State regulations are more stringent than the WPS in many ways.

The WPS (§170.609(e)) requires you to notify EPA within six months of any revision to the California worker protection regulations in 3 CCR. This includes any failure to enact the revisions proposed in the equivalency request, and any discrepancy between the revised California worker protection regulations and those proposed in the equivalency request. EPA will review future revisions to determine whether this authorization to continue implementing your State worker protection regulations in lieu of the WPS regulations is still valid, with the intention of making the Agency's determinations within three months of receiving a notification letter from the State. If EPA determines that the State's regulations, as revised, no longer provide equivalent protection, EPA will inform you in writing that the Agency is revoking the authorization to implement the California worker protection regulations in 3 CCR in lieu of the WPS regulations. The WPS requirements would then become effective in California. Before taking such action, OPP would engage in discussions with you, EPA Region 9 and other EPA offices. The State regulations would remain in effect unless and until EPA informs you of a revocation.

If you have any questions about this letter, please contact Nancy Fitz at 703–305–7385 or Richard Pont at 703–305–6448.

Sincerely,

*/s/*

Jack E. Housenger, Director

Office of Pesticide Programs

cc: George Farnsworth, CDPR
Dr. Marylou Verder–Carlos, CDPR
Dr. Lisa Ross, CDPR
Donna Marciano, CDPR
Kevin Solari, CDPR
Katherine Taylor, Region 9
Dr. Patti TenBrook, Region 9
Katy Wilcoxen, Region 9
Jackie Mosby, OPP/FEAD
Kevin Keaney, OPP/FEAD
Richard Pont, OPP/FEAD
Nancy Fitz, OPP/FEAD
Scott Garrison, OGC

ATTACHMENT B

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

MEMORANDUM

**TO:**

Jagjinder Sahota
Environmental Program Manager II
Worker Health and Safety Branch
Department of Pesticide Regulation
1001 I Street, 3rd Floor
Sacramento, CA 95814

**FROM:**

Elaine Khan, Ph.D., Chief
Pesticide Environmental Toxicology Branch
Office of Environmental Health Hazard Assessment

**DATE:**

October 23, 2025

**SUBJECT:** CONCURRENCE ON RESPONSE TO PETITION TO MODIFY TITLE 3 CALIFORNIA CODE OF REGULATIONS SECTION 6738.1 (e) CONCERNING COVERALL REQUIREMENTS.

In accordance with California Food and Agricultural Code sections 12980 and 12981, and the August 13, 2008 Memorandum of Understanding for the joint and mutual development of worker safety regulations, OEHHA has reviewed a petition submitted by **Erik Lindberg and DPR's** response to the petition to amend title 3, section 6738.1(e) of the California Code of Regulations as detailed in its *Decision on Petition for Rulemaking.* Mr. Lindberg serves as the Western USA Product Line Manager–PHC for SavATree, LLC.

Mr. Lindberg requested that 6738.1(e) be amended so that coveralls only be required when explicitly specified on the pesticide product label or when the application method presents a high likelihood of significant dermal exposure. He states that 6738.1(e) is "over–broad," **increases the risk of heat illness, creates a false impression of high** hazard and reduces public trust, is inconsistent with federal standards, imposes unique burdens, and provides no added protection.

**In denying the petition, DPR noted the "U.S. EPA has determined that DPR's worker** protection

regulations, including 3 CCR section 6738.1, are the equivalent of or provide greater protection than the federal worker protection standards and has authorized DPR to implement the California worker protection regulations in lieu of the federal worker protection standards."

In its decision, DPR clarified the requirement for workers to wear coveralls when Category I and II pesticides are applied. DPR also addressed the petitioner's example of propiconazole tree injections in which the toxicity category is based on eye irritation potential, noting that some tree injection applications may use a pressurized system that increases dermal exposure risk.

Regarding the concern that coveralls increase heat illness risk, DPR clarified that full–body chemically resistant coveralls can contribute to heat illness, however the coveralls required in 6738.1(e) are typically cotton or uncoated synthetic (Title 3, CCR section 6000), which do not pose a significant heat illness risk. DPR also noted that the Department of Industrial Relations has jurisdiction over heat illness prevention and that regulations to protect outdoor workers from heat illness have already been adopted.

OEHHA concurs with DPR's response to this petition. OEHHA concluded that DPR has clarified and responded to the petition's concerns and inaccuracies, and that denying this petition would retain important protection for handlers when using pesticides with the signal words DANGER or WARNING.

Throughout this process, OEHHA has appreciated the dedication and professionalism of DPR's staff to this important job. Should you have any questions, please contact Dr. Ouahiba Laribi at (510) 622–2070 or Dr. James Nakashima at (916) 323–1924.

cc: Madison Le, Assistant Deputy Director, Monitoring and Mitigation Division, DPR

Fidel Perez, Chief, Enforcement Branch, DPR

Joshua Ogawa, Chief, Enforcement Branch, DPR

Lauren Otani, Regulations Coordinator, DPR

Michel Oriel, Environmental Program Manager I, Worker Health and Safety Branch, DPR

Harvard Fong, Senior Industrial Hygienist, Worker Health and Safety Branch, DPR

Olga Escobar, AGPA, Worker Health and Safety Branch, DPR

Ouahiba Laribi, Chief, Pesticide Exposure Evaluation and Medical Education Section, OEHHA

James Nakashima, Staff Toxicologist, Pesticide Exposure Evaluation and Medical Education Section, OEHHA

# 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 Corrections and Rehabilitation

File # 2025–0912–03

Compassionate Release

This certificate of compliance action makes permanent regulatory changes concerning the recommendation to recall commitments and resentencing of incarcerated persons pursuant to Penal Code, section 1172.2 first implemented in OAL Matter Nos. 2025–0211–06EON and 2025–0523–01EON.

Title 15
Adopt: 3999.209
Amend: 3076, 3076.1, 3076.2, 3076.5, 3999.98, 3999.99
Repeal: 3076.3, 3076.4
Filed 10/24/2025
Effective 10/24/2025
Agency Contact: Robin Hart (916) 896–6780

State Water Resources Control Board

File # 2025–1021–01

FY 2025–26 Waste Discharge Requirement Fees

This emergency regulatory action by the State Water Resources Control Board is the annual adjustment to fees assessed to persons issued waste discharge permits. These fees are adjusted each fiscal year (FY) to conform to the revenue levels set forth in the Budget Act. Pursuant to Water Code section 13260(f)(2), this action is a statutorily deemed emergency, is not subject to review by the Office of Administrative Law, and shall remain in effect until revised by the state board.

Title 23
Amend: 2200
Filed 10/29/2025
Effective 10/29/2025
Agency Contact: Sarah Fong (916) 341–5129

Business, Consumer Services and Housing Agency
File # 2025–0918–03
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: 59760
Filed 10/23/2025
Effective 11/22/2025
Agency Contact: Laurance Lee (916) 701–3027

Commission on Peace Officer Standards and Training
File # 2025–1008–02
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 11
Amend: 1045
Filed 10/28/2025
Effective 11/27/2025
Agency Contact: Bryant Henley (916) 227–4838

Department of Industrial Relations
File # 2025–0926–02
Labor Code Section 62.5(f) Employer Assessments

This action amends regulations to include a Fraud Surcharge assessment which is levied against employers and deposited into the Workers' Compensation Fraud Account for the investigation and prosecution of workers' compensation fraud. These changes are in response to statutory revisions made in Senate Bill 129 (Chapter 23, Statutes of 2025). This action was submitted as exempt from the rulemaking provisions of the Administrative Procedure Act and OAL review pursuant to Labor Code section 62.5.

Title 08
Amend: 15600, 15601.5, 15602, 15603, 15604, 15605, 15606, 15606.1, 15607, 15608, 15609, 15611
Filed 10/23/2025
Effective 10/23/2025
Agency Contact: Josh Iverson (916) 574–8692

State Personnel Board
File # 2025–0930–01
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: 549
Filed 10/28/2025
Effective 11/27/2025
Agency Contact:
Michelle La Grandeur (916) 651–2740

Department of Toxic Substances Control
File # 2025–0916–08
Adding K Listings for Petroleum Refining Process Wastes

This action by the Department of Toxic Substances Control updates California regulations to conform with federal regulations for the purpose of maintaining state authorization under Health and Safety Code section 25159. This action adds four petroleum refining process wastes to the K list (Hazardous Wastes from Specific Sources) and adds land disposal restrictions and treatment standards for K169, K170, K171, and K172 hazardous wastes and is deemed to be a nonsubstantive filing pursuant to Health and Safety Code section 25159.1.

Title 22
Adopt: 66268.35
Amend: 66261.32, Appendix VII of chapter 11, 66268.40
Filed 10/27/2025
Agency Contact: Clara Silva (916) 324–0912

Air Resources Board
File # 2025–0912–02
Locomotive Repeal Regulation

This rulemaking action by the California Air Resources Board repeals the In–Use Locomotive Regulation (sections 2478 through 2478.17 of title 13 of the California Code of Regulations).

Title 13
Repeal: 2478, 2478.1, 2478.2, 2478.3, 2478.4, 2478.5, 2478.6, 2478.7, 2478.8, 2478.9, 2478.10, 2478.11, 2478.12, 2478.13, 2478.14, 2478.15, 2478.16, 2478.17
Filed 10/24/2025
Effective 01/01/2026
Agency Contact:
Roberta "Bobbi" Ruch (279) 208–7881

Board of Behavioral Sciences
File # 2025–0917–03
Disciplinary Guidelines

This action by the Board of Behavioral Sciences updates its Uniform Standards Related to Substance Abuse and Disciplinary Guidelines and incorporates by reference the "Quarterly Report Form Number DCA BBS 37M–443 (Revised July 1, 2026)."

Title 16
Amend: 18888
Filed 10/29/2025
Effective 07/01/2026
Agency Contact: Christy Berger (916) 574–7995

Commission on Peace Officer Standards and Training

File # 2025–0916–07

Definitions Related to Peace Officer Certificates

This regular rulemaking action by the Commission on Peace Officer Standards and Training ("POST") adds and amends definitions related to peace officer certification.

Title 11
Amend: 1201
Filed 10/24/2025
Effective 10/24/2025
Agency Contact:
Katelynn Poulos (916) 227–4894

Department of Fish and Wildlife

File # 2025–0922–02

Commercial Fishery Line Marking Prohibition

This regular rulemaking action adopts a regulation prohibiting the use of fishing gear which has line marks or multi–colored line that are assigned to any Washington, Oregon, or California state fishery operating off the U.S. West Coast.

Title 14
Adopt: 181
Filed 10/28/2025
Effective 01/01/2026
Agency Contact:
Daphne Nandino (916) 445–0411

Department of Social Services

File # 2025–0916–09

Transitional Housing Placement Program

This action (1) retires the Interim Licensing Standards (ILS) governing Transitional Housing Placement Providers (THPPs) serving nonminor dependents (NMD); (2) incorporates various statutes and stakeholder feedback to update the licensing and oversight of THPPs; and (3) makes other updates across regulations for license types overseen by the Community Care Licensing Division (CCLD).

Title 22, MPP
Adopt: 86061, 86072.1, 86072.2, 86078.1, 86087.2, 86226, 86265, 86265.2, 86265.3, 86265.4, 86265.5, 86268.1, 86268.2, 86268.3, 86268.4, 86270, 86272, 86273, 86276, 86278, 86287
Amend: 86000, 86001, 86005, 86017, 86018, 86019, 86022, 86030.5, 86044, 86061, 86064, 86065, 86065.2, 86065.3, 86065.5, 86067, 86168 (renumbered 86068 and amended), 86068.3, 86069, 86071, 86172 (renumbered 86072 and amended), 86174 (renumbered 86074 and amended), 86175 (renumbered 86075 and amended), 86179 (renumbered 86079 and amended), 86126, 86168, 86168.2, 86168.4, 86170, 86173, 86174, 86175, 86176, 86179, 86187, 86224.1, 86270, 86272, 86273, 86276, 86278, 86287
Repeal: 86072.1, 86161
Filed 10/28/2025
Effective 01/01/2026
Agency Contact:
Kenneth Jennings (916) 216–5845

Occupational Safety and Health Standards Board
File # 2025–0912–01
Diving Operations

In this action, the Board amends 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

State Water Resources Control Board
File # 2025–0916–04
Underground Storage Tank Regulations

This regular rulemaking action by the State Water Resources Control Board reorganizes existing regulations pertaining to the construction, installation, operation, monitoring, testing, reporting, repair, and closure of underground storage tanks. Both the existing and amended regulations are those found in title 23, division 3, chapter 16, of the California Code of Regulations. In addition to the reorganization, this action also makes numerous changes, including: adding, removing, and revising definitions for various terms; replacing the existing regulatory classification of "new" and "existing" underground storage tanks with a three–category classification system based on the date of the tank's installation; requiring underground storage tanks installed on or after January 1, 2027, to be anchored; and amending provisions regarding single–walled underground storage tanks to conform

with the mandatory closure requirement applicable to those tanks under section 25292.05 of the Health and Safety Code.

Title 23
Adopt: 2610, 2611, 2612, 2613, 2614, 2620, 2621, 2630, 2631, 2632, 2633, 2634, 2640, 2641, 2642, 2643, 2650, 2651, 2652, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2670, 2671, 2680, 2681, 2682, 2683, 2684, 2690, 2691, 2692, 2693, 2694, 2695, 2696, 2709, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2718, 2719, 2720, 2721, Appendix 1, Appendix 3, Appendix 3.1, Appendix 4, Appendix 4.1, Appendix 4.2, Appendix 4.3, Appendix 5, Appendix 5.1, Appendix 5.2, Appendix 6, Appendix 6.1, Appendix 7, Appendix 7.1, Appendix 8, Appendix 8.1, Appendix 8.2, Appendix 8.3
Repeal: 2610, 2611, 2620, 2621, 2630, 2631, 2631.1, 2632, 2633, 2634, 2635, 2636, 2636.1, 2636.2, 2636.3, 2636.4, 2637, 2637.1, 2637.2, 2638, 2640, 2640.1, 2641, 2642, 2643, 2643.1, 2644, 2644.1, 2646.1, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 2660, 2661, 2662, 2663, 2664, 2665, 2666, 2670, 2671, 2672, 2680, 2681, 2690, 2691, 2710, 2711, 2712, 2713, 2714, 2715, 2716, 2717, 2717.1, 2717.2, 2717.3, 2717.4, 2717.5, 2717.6, 2717.7, 2720, 2721, 2722, 2723, 2724, 2725, 2726, 2727, 2728, Appendix I, Appendix II, Appendix III, Appendix IV, Appendix V, Appendix VI, Appendix VII, Appendix VIII, Appendix IX, Appendix X, Appendix XI, Appendix XII, Appendix XIII
Filed 10/28/2025
Effective 01/01/2026
Agency Contact:
Tom Henderson (916) 319–9128

Commission on Peace Officer Standards and Training

File # 2025–0916–06

Peace Officer Certificates

In this regular rulemaking action, the Commission on Peace Officer Standards and Training (POST) amends regulations regarding peace officer certificates and related requirements. This action also amends the Attestation of Peace Officer Eligibility (POST 2–356) to require a signature under penalty of perjury.

Title 11
Amend: 1003, 1202
Filed 10/28/2025
Effective 10/28/2025
Agency Contact:
Michelle Weiler (916) 227–2802

Department of Food and Agriculture

File # 2025–0916–01

Fruit Fly Interior Quarantines

This action by the Department of Food and Agriculture updates cross references to the host lists for 11 species of fruit fly (family Tephritidae). Host lists for these species are being relocated to Cal. Code Regs., title 3, section 3591.32.

Title 03
Amend: 3406, 3417, 3422, 3423, 3424, 3425, 3436, 3441, 3442, 3444, 3445
Filed 10/28/2025
Effective 12/09/2025
Agency Contact: Rachel Avila (916) 698–2947

Department of Food and Agriculture

File # 2025–0916–02

Fruit Fly Eradication Areas being repealed

In this regular rulemaking, the Department of Food and Agriculture is repealing regulations establishing eradication areas for invasive fruit flies in the family Tephritidae.

Title 03
Repeal: 3588, 3591.2, 3591.5, 3591.11, 3591.12, 3591.13, 3591.15, 3591.23, 3591.25, 3591.26, 3591.27, 3591.28, 3591.30
Filed 10/27/2025
Effective 12/09/2025
Agency Contact: Rachel Avila (916) 698–2947

Department of Food and Agriculture

File # 2025–0916–03

Tephritidae Fruit Fly Eradication Area.

This rulemaking action by the Department of Food and Agriculture adopts regulations to establish the entire State of California as an eradication area with respect to any species of the Tephritid fruit fly (family Tephritidae) and establishes lists of hosts and possible carriers.

Title 03
Adopt: 3591.32
Filed 10/28/2025
Effective 12/09/2025
Agency Contact: Rachel Avila (916) 698–2947

# 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.