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

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PROPOSED ACTION ON REGULATIONS

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TITLE 2. FAIR POLITICAL PRACTICES COMMISSION

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTI-COUNTY: Fairfield–Suisun Unified School District

A written comment period has been established commencing on November 14, 2025, and closing on December 29, 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 code 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 code will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code, 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 code 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 code. Any written comments must be received no later than December 29, 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 code 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-herandez@fppc.ca.gov.

TITLE 2. PUBLIC EMPLOYEES RETIREMENT SYSTEM

PARTICIPATION IN RISK POOLS

NOTICE IS HEREBY GIVEN that the Board of Administration (board) of the California Public Employees' Retirement System (CalPERS) proposes to take the regulatory action described below in the Informative Digest after considering public comments, objections, or recommendations regarding the proposed regulatory action.

I. PROPOSED REGULATORY ACTION

In this filing, the board proposes to amend sections 588, 588.1, 588.2, 588.3, 588.4, 588.6, 588.7, and 588.8 and repeal sections 588.5, 588.9, and 588.10 of Article 7.6 of Subchapter 1 of Chapter 2 of Division 1 of Title 2 of the California Code of Regulations (CCR). By proposing this regulatory action, CalPERS seeks to clarify operational procedures for maintaining risk pools and to refine the criteria for rate plans to enter and cease participation in a risk pool in accordance with Government Code (Gov. Code or GC) section 20840.

II. WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period has been established commencing on November 17, 2025 and closing at 11:59 p.m. on January 2, 2026. The Regulation Coordinator must receive all written comments by the close of the comment period. Comments may be submitted by email to Regulation_Coordinator@calpers.ca.gov or mailed to the following address:

Andrea Peters, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942720
Sacramento, CA 94229–2720
Telephone: (916) 795–3038

III. PUBLIC HEARING

A public hearing will not be scheduled unless an interested person, or their duly authorized representa-

tive, submits a written request for a public hearing to CalPERS no later than 15 days before the close of the written comment period. Notice of the time, date, and place of the hearing will be provided to every person who has filed a request for notice with CalPERS.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and the room can be made accessible to persons with hearing or visual impairments upon advance request to the CalPERS Regulation Coordinator.

V. AUTHORITY AND REFERENCE

Under Gov. Code section 20121, the board has authority to make rules as it deems proper.

Gov. Code section 20840 requires the board to establish, by regulation, the criteria for contracting agency participation in a risk pool and circumstances under which a contracting agency may cease participation in a risk pool. The purpose of risk pools is to mitigate demographic risks for smaller contracting agencies and reduce the likelihood of large changes in required contributions for smaller contracting agencies.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 1974 (Chapter 1133, Statutes of 2002) added Gov. Code section 20840, which established the board's authority to create, combine, or eliminate risk pools for contracting agencies participating in the retirement system. The purpose of the risk pools is to stabilize contributions and spread risk among multiple agencies. Risk pooling allows CalPERS actuaries to first calculate the total actuarial results for the entire risk pool and then allocate unexpected experience evenly across the contracting agencies participating in the risk pool.

In 2004, CalPERS promulgated regulations to establish the details of the administration of contracting agency risk pools. Rate plans that shared the same benefit formula for active members would be grouped together in a risk pool. Inactive benefit plans (those with no active members) would be combined in an inactive pool. In 2009, the original risk pool regulations were updated. No further amendments have been made to the regulations.

PEPRA Legislative Changes

The California Public Employees' Pension Reform Act of 2013 (PEPRA) introduced one new service retirement formula for miscellaneous members and three for safety members. In 2014, CalPERS combined separate risk pools into two consolidated pools:

the Miscellaneous Risk Pool and the Safety Risk Pool. This change aggregated classic benefit pools that were projected to shrink with their associated PEPPRA benefit pools preserving the ability to adequately distribute demographic risk. These combinations were formalized by the board through resolution number 03–03–AESD. This legislative change and subsequent process change have made some of the language and terms in the current regulations outdated, such as reference to a plan’s superfunded status.

Superfunded is a term to describe when a plan’s assets exceed the present value of benefits. Current regulations require the actuary to annually determine whether a pooled plan is superfunded. However, this practice is now outdated due to PEPPRA.

Changes in Rate Plan Size

Under current regulations, a non-pooled plan is required to enter a risk pool if its active member count is less than 100 on any valuation date. Once a plan enters a risk pool, there is no provision for CalPERS to cease its participation in the risk pool and reinstate it as a non-pooled plan, even if its active member count later far exceeds 100. Some plans within risk pools have active member counts that have grown to several hundred. This is problematic because risk pools were not originally designed to accommodate plans of this size, which can affect overall performance and outcomes of the risk pool.

This proposed regulatory action explicitly defines new thresholds and criteria for determining risk pool participation that provides flexibility. These thresholds were carefully structured to avoid overlap, ensuring that two plans of identical size would not simultaneously be entering and ceasing participation in the pool, or that one plan could be entering when a slightly smaller plan was ceasing participation. Under the proposed framework, only smaller plans can enter the pool, while only larger plans can leave. This design prevents conflicting movements and maintains consistency in the administration of risk pools. The new criteria for exiting a risk pool are expected to better support the goals of risk pooling while offering agencies some flexibility.

Procedural Changes

Procedural changes have occurred, necessitating conforming amendments to the current regulations. For example, procedural changes have occurred with respect to side funds. Side funds were originally created to account for differences in the funded status between individual plans and the risk pool they joined. They were particularly useful when all contracting agencies contributed to the pool’s Unfunded Accrued Liability as a percentage of payroll. However, since the consolidation of risk pools, no new side funds have been established.

Consistency Evaluation

CalPERS has determined that the proposed regulatory action is not inconsistent or incompatible with existing state regulations. After reviewing all relevant regulations that may impact this area, CalPERS concluded that the only applicable regulations pertain to the subject of Participation in Risk Pools.

Anticipated Benefit

Adoption of the proposed regulatory action will clarify CalPERS operational procedures for maintaining risk pools and refine criteria for rate plans to enter or cease participation in a risk pool. The proposed regulatory action ensures the fairness, stability, and sustainability of risk pools, allows CalPERS to effectively manage the program in alignment with its intended goals, and provides clarity and uniformity for contracting agencies, CalPERS team members, and stakeholders.

VII. PRENOTICE CONSULTATION WITH THE PUBLIC

No pre-notice consultation was done with the public, as all public comments and hearing requests can be submitted during the written comment period.

VIII. EFFECT ON SMALL BUSINESS

The proposed regulatory action does not affect small business because it applies only to CalPERS and its contracting agencies.

IX. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

The board has made the following initial determinations:

- A. **MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS:** The proposed regulatory action does not impose any mandates on local agencies and school districts.
- B. **COSTS OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action will not result in any additional costs or savings to any state agency.
- C. **COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action will not result in any additional overall costs to any local agency or school district. CalPERS contracting agencies may experience shifts in future employer contribution requirements, depending on changes in experience between contracting agencies that cease participation in a risk pool and contracting agencies that remain in that risk pool. Future contribution requirements for contracting agencies that cease

participation in a risk pool will be based on the actuarial experience of members within that plan. The change in employer contribution rates after ceasing participation are similar to the fluctuations employers are already subject to in a risk pool.

- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose any non-discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action will not result in costs or savings in federal funding to the State.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability for California businesses to compete with businesses in other states. The proposed regulatory action serves only to clarify CalPERS operational procedures for maintaining risk pools and refine the criteria for rate plans to enter and cease participation in a risk pool.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.
- H. **RESULTS OF THE ECONOMIC IMPACT ANALYSIS:** The proposed regulatory action will not: (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; (3) affect the expansion of businesses currently doing business within California; or (4) affect the health and welfare of California residents, worker safety, or the State's environment because the proposed regulatory action serves only to clarify CalPERS operational procedures for maintaining risk pools and refine the criteria for rate plans to enter and cease participation in a risk pool.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action will have no effect on housing costs.
- J. **COSTS TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 17500 THROUGH 17630:** There are no costs to any local agency or school district which must be reimbursed in accordance with Gov. Code sections 17500 through 17630.

X. CONSIDERATION OF ALTERNATIVES

In accordance with GC section 11346.5(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 of the proposed action,
- as effective as, and less burdensome to affected private persons than the proposed action, or,
- 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 regulatory action at a hearing or during the written comment period.

XI. CONTACT PERSON

Please direct inquiries concerning the proposed action to:

Andrea Peters, Regulation Coordinator
California Public Employees' Retirement System
P.O. Box 942720
Sacramento, CA 94229–2720
Telephone: (916) 795–3038
Regulation_Coordinator@calpers.ca.gov

The backup contact person for the proposed action is:

Joshua Robinson
California Public Employees' Retirement System
P.O. Box 942720
Sacramento, CA 94229–2720
Telephone: (916) 795–3038
Regulation_Coordinator@calpers.ca.gov

Please direct 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 to the Regulation Coordinator at the contact information listed above.

XII. AVAILABILITY OF THE INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATORY ACTION, AND RULEMAKING FILE

The board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at 400 Q Street, Sacramento, CA 95811. As of the date this notice is published in the Notice Register, the rulemaking file con-

sists of this notice, the proposed amended text of the regulations, and the Initial Statement of Reasons. Copies may be obtained by contacting the CalPERS Regulation Coordinator at the contact information listed in Section XI.

For immediate access, the regulatory material regarding this action can be accessed at CalPERS' website at: <https://www.calpers.ca.gov/page/about/laws-legislation-regulations/regulatory-actions>.

XIII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

After receiving comments from the public and considering all timely and relevant comments received, the board may adopt the proposed regulatory action substantially as described in this notice. If the board makes modifications which are sufficiently related to the originally proposed amended text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the board adopts the amended regulations as revised. Please send requests for copies of any modified regulation to the attention of the CalPERS Regulation Coordinator at the mailing address listed in Section XI. The board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

XIV. AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting the CalPERS Regulation Coordinator at the contact information listed in Section XI.

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

YOUTH OFFENDER FIRE CAMP PROGRAM

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend sections 3000, 3375.2 and adopt section 3040.5, of Title 15, Division 3, Chapter 1, regarding the Youth Offender Fire Camp Program.

PUBLIC HEARING

Date and Time:

December 30, 2025 — 10:00 a.m. to 11:00 a.m.

Place:

Department of Corrections and Rehabilitation
8260 Longleaf Drive — Building C-1 — Room
101
Elk Grove, CA 95758

Purpose:

To receive comments about this action.

PUBLIC COMMENT PERIOD

The public comment period begins **November 14, 2025**, and closes on **December 30, 2025**. Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpm@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, call the contact person listed below.

CONTACT PERSONS

Primary Contact:

D. Kostyuk
Telephone: (279) 223–2313
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Back-Up:

Y. Sun
Telephone: (916) 203–9779
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Program Contact:

Steve Jimenez
Telephone: (916) 917–6382
Division of Adult Institutions
P.O. Box 942883
Sacramento, CA 94283–0001

AUTHORITY AND REFERENCE

Government Code Section 12838.5 provides that commencing July 1, 2005, CDCR succeeds to, and is vested with, all the powers, functions, duties, responsibilities, obligations, liabilities, and jurisdiction of abolished predecessor entities, such as Department of Corrections, Department of the Youth Authority, and Board of Corrections.

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations. **PC Section 5050** pro-

vides that commencing July 1, 2005, any reference to the Director of Corrections in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, 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 are vested in the Secretary of the CDCR. **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** authorizes the Director to prescribe and amend rules and regulations for the administration of prisons and for the administration of the parole of persons.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The proposed regulations establish a Youth Offender Fire Camp Program (YOFCP) to encourage youth offenders to commit to positive change and self-improvement with the goal of being law-abiding members of society upon release. By participating in the YOFCP, youth offenders will receive valuable wildland firefighting training, which enhances their opportunities for future firefighting careers. In addition, pursuant to PC section 1203.4(b), an incarcerated person who successfully participated in the California Conservation Camp program as a firefighter and has been released from custody may petition the court to withdraw a guilty plea or set aside a plea of guilty and dismiss the accusations or information against the offender. The offender shall thereafter be released from all penalties and disabilities resulting from the offense of which they have been convicted, with some exceptions.

The Certified Youth Offender Program (YOP) Peer Mentor role is a transformative position within CDCR, designed to foster rehabilitation and personal growth among incarcerated youth under the age of twenty-six. The Certified YOP Peer Mentor plays a vital role in transforming correctional environments into rehabilitative environments. Their presence assists in bridging the gap between institutional authority and youth offenders by offering guidance rooted in shared experience and empathy. These mentors must meet stringent eligibility criteria and are trained to guide youth away from prison politics and violence, helping them build constructive habits early in their incarceration.

This action will:

- Establish the YOFCP. This is a voluntary program at designated conservation camps designed to train and employ youth offenders, as defined,

in wildland firefighting and fire activity support roles.

- Establish eligibility and exclusionary criteria for participation in the YOFCP. These criteria are designed to ensure that participants are likely to succeed in the program and benefit from the opportunities it provides.
- Establish processes for the vetting and transfer of potential YOFCP participants, plus any necessary changes to the participant's custody level or classification.
- Establish criteria for the removal of a participant from the YOFCP.
- Create Certified YOP Peer Mentors and establish criteria.
- Establish criteria for the removal of a Certified YOP Peer Mentor.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

YOFCP provides youth offenders with the opportunity to house at a lower security level for greater access to the department's rehabilitative programs with the goal of increasing the likelihood of rehabilitation during critical development stages in their lives. YOFCP encourages youth offenders to commit to positive change and self-improvement with the goal of being law-abiding members of society upon release. The program provides participants with valuable wildland firefighting training, which enhances their opportunities for future firefighting careers. The program will help the state of California's firefighting efforts by training and deploying more incarcerated person firefighters. Additionally, camp firefighters are eligible for felony expungement which helps remove barriers for employment and will result in more productive citizens being released into the community and make the community safer as a whole.

The Certified YOP Peer Mentor is a transformative position within CDCR, designed to foster rehabilitation and personal growth among youth offenders. The Certified YOP Peer Mentor plays a vital role in transforming correctional environments into rehabilitative environments. Their presence assists in bridging the gap between correctional authority and youth offenders by offering guidance rooted in shared experience and empathy.

DOCUMENTS INCORPORATED BY REFERENCE

Automated Classification Committee Chrono
(Rev.05/19).

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING LAWS AND REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the department has determined the proposed regulations are not inconsistent or incompatible with existing 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 the YOFCP.

LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

- Cost or savings to any state agency: *None*.
- Cost to any local agency or school district that is required to be reimbursed: *None*.
- Other nondiscretionary cost or savings imposed on local agencies: *None*.
- Cost or savings in federal funding to the state: *None*.

EFFECT ON HOUSING COSTS

The department has made an initial determination that the proposed action will have no significant effect on housing costs.

COST IMPACTS 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 action.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The department has made an initial determination 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, because the proposed regulations place no obligations or requirements on any business.

EFFECT ON SMALL BUSINESSES

The department has determined that the proposed regulations will not affect small businesses. This action has no significant adverse economic impact on small business because they place no obligations or requirements on any business.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The department has determined that the proposed regulation will not have an effect on the elimination of jobs within California, but may potentially create new jobs, as incarcerated individuals are provided with job skills that will assist them in securing jobs once they are released from prison. The department has determined the proposed regulation will have no effect on the creation of new businesses or the elimination of existing businesses within California or affect the expansion of businesses currently doing business in California. The department has determined that the proposed regulation will benefit the health and welfare of California residents by increasing public safety due to better reintegration and reduced recidivism of incarcerated individuals upon their release into their communities. The State's environment will benefit by CDCR securing special skills workers for the crucial and necessary functions related to firefighting. The proposed regulations will have no effect on worker safety other than those related to specific job functions within the fire camp for firefighters.

CONSIDERATION OF ALTERNATIVES

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 regulatory action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those

items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the department's contact person. The proposed text, ISOR, and Notice of Proposed Regulations will also be made available on the department's website: www.cdcr.ca.gov.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the department's contact person.

AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the department may adopt the proposed regulations substantially as described in this Notice. If the department makes modifications 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, amends or repeals the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The department will accept written comments on the modified regulations for at least 15 days after the date on which they are made available.

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

STORAGE FEES CHARGED BY AUTOMOTIVE REPAIR DEALERS

NOTICE IS HEREBY GIVEN that the Bureau of Automotive Repair (Bureau or BAR) is proposing to take the rulemaking action described below under the heading "Informative Digest/Policy Statement Overview", after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

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

addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be received by the Bureau at its office no later than **Wednesday, December 31, 2025**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 9882, 9884, 9884.2, 9884.4, 9884.9, 9884.16, 9884.19 and 9887.1 to implement, interpret, and make specific BPC sections 27, 30, 31, 114.5, 115.4, 135.4, 141, 142, 480, 490, 9880.1, 9882, 9884, 9884.1, 9884.2, 9884.4, 9884.7, 9884.6, 9884.8, 9884.9, 9884.16, 9888.5, 9889.50, 9889.51 and 9889.52; Civil Code sections 3068 and 3068.1; and Vehicle Codes sections 22524.5, 22651.07, and 34620, the Bureau proposes adopting the following changes to California Code of Regulations (CCR) Title 16, Division 33, Chapter 1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Bureau, within the Department of Consumer Affairs, is the state agency authorized to adopt, amend, repeal, and enforce regulations necessary for the regulatory oversight of licensees.

The laws governing the authority and process for charging vehicle storage fees are spread across the Business and Professions, Civil, and Vehicle Codes and there are no unifying regulations about how and when vehicle storage fees should be charged or how much should be charged. This has led to confusion and abuse when charging vehicle storage fees by the automotive repair industry. Additionally, since the statutes are in three different Codes of California law, there is confusion about which statutes apply when charging vehicle storage fees.

BAR, as the regulatory authority overseeing the automotive repair industry, is exercising its rulemaking authority to draft regulations to clarify how and when vehicle storage fees may be charged.

Assembly Bill 1263 ("AB 1263"; Berman, Chapter 681, Statutes of 2023) amended section 9884.16 of the Business and Professions Code to read:

- (a) A person required to have a valid registration under the provisions of this chapter shall not have the benefit of any lien for labor or materials,

including the ability to charge storage fees in accordance with applicable laws, or the right to sue on a contract for motor vehicle repairs unless the person possesses a valid registration.

- (b) The bureau may adopt regulations, as necessary, in accordance with Chapter 6.5 (commencing with Section 3067) of Title 14 of Part 4 of Division 3 of the Civil Code and Section 22524.5 of the Vehicle Code, and any regulations of the Insurance Commissioner pertaining to vehicle towing or storage fees, or both, adopted pursuant to Sections 758.5 and 790.03 of the Insurance Code, to carry out the provisions of this section.

As a result, the Bureau proposes (1) amending existing section 3303 of Article 1 of Chapter 1 of Division 33 of Title 16 of the CCR; (2) amending existing section 3351 of Article 6 of Chapter 1 of Division 33 of Title 16 of the CCR; and (3) adding Article 6.2, sections 3351.8.1, 3351.8.2, and 3351.8.3 of Chapter 1 of Division 33 of Title 16 of the CCR as follows:

- Amend section 3303 to add a definition for “Vehicle Storage”.
- Amend section 3351 to include on the Automotive Repair Dealer (ARD) Registration Application that an applicant shall provide the Bureau with the ARD’s maximum daily rate charged for storing a non–electric passenger vehicle, and that the registrant may make a change to their reported maximum daily storage rate once per registration cycle, and shall notify the Bureau in writing if the registrant makes a rate change.
- Add section 3351.8.1 to provide that:
 - An ARD charging storage fees shall display their daily storage rate(s), in a conspicuous place and storage rate(s) shall be based on their costs associated with storing vehicles.
 - Where a vehicle may be stored and that an ARD storing a vehicle shall permit the customer or the customer’s third–party payor access to that vehicle for inspection.
 - What forms of payment an ARD shall accept (at a minimum).
 - One year after the effective date of the regulations, the Bureau shall create a search tool on its website as a reference for the public, third–party payors, and other stakeholders to identify average and median daily storage rates for a locale.
 - When an ARD receives a vehicle for the purposes of repair, but the customer does not authorize the repairs, or the ARD declines to repair the vehicle, the ARD shall notify the customer if the ARD intends to begin charging for storage.
- An ARD that maintains a motor carrier permit shall conspicuously display the Towing and Storage Fees Access Notice and have copies available to the public.
- Add section 3351.8.2 to provide that:
 - After an ARD obtains authorization to perform repairs, an ARD charging storage fees for a vehicle received as a result of an accident, or one that was recovered after being stolen, shall charge rates that are comparable to those charged by other ARDs in the same locale unless the rates are otherwise determined to be reasonable.
 - When obtaining authorization to perform a tear down, the ARD shall inform the customer — 1) the number of business days (to be no less than three business days) the customer has to authorize repairs or remove the vehicle prior to the accrual of storage fees, and 2) the daily storage rate.
 - An ARD shall not charge storage fees while the vehicle is undergoing repairs.
 - To charge for vehicle storage incurred after completion of repairs, an ARD shall have obtained customer authorization for the specific repair(s) being performed, generated an itemized invoice, and notified the customer that the repairs are complete.
 - Upon completion of authorized repairs, the ARD shall not dismantle, disengage, remove, or strip from the vehicle any of the parts used to complete the repairs without customer authorization.
 - An ARD that charges storage fees shall include the daily storage rate and number of days charged, along with any other storage related fees or services, on the invoice.
- Add section 3351.8.3 to provide that: Unless notifying a customer that the ARD is declining to repair the vehicle pursuant to section 3351.8.1(h),
 - If an ARD receives a vehicle and the registered owner or their representative is not present at the time of vehicle delivery, the ARD shall attempt to contact the registered owner to notify them of receipt of the vehicle and obtain authorization to repair the vehicle.
 - After three unsuccessful attempts (each of which shall be documented as specified in the section) to contact the registered owner on three separate business days, storage fees for the vehicle may accrue.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

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

The proposed regulations will clarify laws regarding storage fees as well as protect and inform consumers.

Currently, the laws governing the authority and process for charging vehicle storage fees are spread across the Business and Professions, Civil, and Vehicle Codes. This proposal would create a unifying set of regulations about how and when vehicle storage fees should be charged and how much should be charged. Having unifying regulations will put all necessary information in one place, making it easier to locate and understand the requirements for charging vehicle storage fees.

These regulations will inform consumers of an ARD's vehicle storage rate by ensuring that an ARD displays their maximum daily storage rate. These regulations will also help avoid inflated storage rates by requiring that ARDs determine their storage rate(s) based on their costs associated with storing vehicles. An ARD must include on an invoice all fees associated with storing a vehicle so that there is no confusion or ambiguity about what a customer is being charged for.

These regulations further benefit consumers by requiring an ARD to attempt to contact a registered owner if a vehicle is received and the registered owner or their representative is not present at the time of delivery of the vehicle.

Additionally, this proposal creates a search tool, on the Bureau's website, that consumers and the public may utilize as a reference to identify average and median daily storage rates for a given locale.

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

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

INCORPORATED BY REFERENCE

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Bureau estimates one-time information technology (IT) costs of \$71,000 to create and post the search tool on the Bureau's website, ongoing IT maintenance costs of approximately \$28,000 per year, and total costs of up to approximately \$319,000 over a ten-year period. Any workload and costs will be absorbed within existing resources.

The Bureau does not anticipate additional enforcement-related workload or costs resulting from the regulations because the Bureau's IT systems will be able to identify any ARDs out of compliance without additional costs.

However, in the event it is determined that an ARD is out of compliance, the Bureau may issue a citation and fine, with workload costs of approximately \$465 per citation and an average fine amount of \$500 per violation.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

BAR has made the initial determination that the proposed regulations 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 initial determination is based on the fact that this proposal is designed to bring together and clarify existing laws governing storage fees from the Business and Professions, Civil, and Vehicle Codes under one unifying regulatory section.

Cost Impact on Representative Private Person or Business: None. The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Bureau will not be charging any fees for ARDs to access and provide information to the search tool

and anticipates registrants will be able to comply with the regulations within normal business operations. As a result, no additional costs are anticipated.

Effect on Housing Costs: None.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The regulations only impact ARD registrants, requiring them to report and maintain specified fees that will be included on the Bureau's website, which is anticipated to be done within normal business operations.

As a result, the Bureau has determined that this regulatory proposal will not:

- Create jobs within California;
- Eliminate jobs within California;
- Create new businesses within California;
- Eliminate existing businesses within California;
- Expand businesses currently doing business in the State of California;
- Affect worker safety;
- Affect the state's environment.

Benefits of Regulation:

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

The proposed regulations will clarify for the industry laws regarding storage fees as well as protect and inform consumers.

Currently, the laws governing the authority and process for charging vehicle storage fees are spread across the Business and Professions, Civil, Insurance, and Vehicle Codes. This regulatory proposal would create a unifying set of regulations about how and when vehicle storage fees should be charged and how much should be charged. Having unifying regulations will put all necessary information in one place, making it easier to locate and understand the requirements for charging vehicle storage fees.

These regulations inform consumers of an ARD's vehicle storage rate by ensuring that an ARD displays their maximum daily storage rate. These regulations will also help avoid inflated storage rates by requiring that ARDs determine their storage rate(s) based on their costs associated with storing vehicles. An ARD must include on an invoice all fees associated with storing a vehicle so that there is no confusion or ambiguity about what a customer is being charged for.

These regulations further benefit consumers by requiring an ARD to attempt to contact a registered owner if a vehicle is received and the registered owner or their representative is not present at the time of delivery of the vehicle.

Additionally, this proposal creates a search tool, on the Bureau's website, that consumers and the public

may utilize as a reference to identify average and median daily storage rates for a given locale.

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

Business Reporting Requirements:

The regulatory action requires businesses to file a report with the Bureau. The Bureau has determined that it is necessary for the health, safety, or welfare of the people of the State that the regulation apply to businesses.

On the ARD Registration Application, which applicants are already required to complete if they wish to be registered with the Bureau, an applicant shall provide the Bureau with one additional piece of information, that being the applicant's maximum daily rate charged for storing a non-electric passenger vehicle. The registrant may make a change to their reported maximum daily storage rate once per registration cycle and shall notify the Bureau if they make a rate change.

This is necessary so that the Bureau can include the rate when compiling data for the search tool on its website that will enable consumers, the public, third-party payors, and other stakeholders to identify daily storage rates for a locale.

EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations may affect small businesses, as defined in Government Code section 11342.610. Although small businesses owned by licensees of the Bureau may be impacted, the Bureau does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative which was considered or that has otherwise been identified and brought to the attention of the Bureau would be more effective in carrying out the purpose for which it was proposed, as effective and less burdensome to affected private persons, or more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law than the adopted regulation.

Set forth below is the alternative that was considered and the reason the alternative was rejected:

Alternative 1: The Bureau considered taking no action. However, with no action, confusion and abuse when charging vehicle storage fees by the automotive repair industry may continue. Additionally, failing to

bring together existing laws governing storage fees from the Business and Professions, Civil, and Vehicle Codes under one unified regulatory section will lead to continued uncertainty about which statutes apply when charging vehicle storage fees.

Description of reasonable alternatives to the regulation that would lessen any adverse impact on small business:

No such alternatives have been proposed, however, the Bureau welcomes comments from the public.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, any document incorporated by reference, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Bureau of Automotive Repair, 10949 North Mather Boulevard, Rancho Cordova, California 95670.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

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

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

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

CONTACT PERSON

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

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

The backup contact person is:

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Bureau's website at <https://www.bar.ca.gov/Regulatory-Actions>.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

**INDUSTRIAL HEMP CANNABINOIDS
(DPH-24-005B)**

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all com-

ments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

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

To request copies of the regulatory proposal in an alternate format, please write or call: Coordinator Dawn Basciano, Office of Regulations, 1415 L Street Suite 500, Sacramento, CA 95814, at (916) 558–1710, email to dawn.basciano@cdph.ca.gov or use the California Relay Service by dialing 711.

PUBLIC HEARING

A public hearing has not been scheduled for this rulemaking. However, the Department will conduct a public hearing if a written request for a public hearing is received from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period, pursuant to Government Code Section 11346.8.

Assistive Services:

For individuals with disabilities, the Department will provide assistive services such as conversion of written materials into Braille, large print, audio format, and computer disk. For public hearings, assistive services can include sign–language interpretation, real–time captioning, note takers, reading, or writing assistance. To request these assistive services, please call (916) 558–1710 or (California Relay at 711 or 1–800–735–2929), email Regulations@cdph.ca.gov or write to the Office of Regulations at the address noted above. Note: The range of assistive services available may be limited if requests are received less than 10 business days prior to public hearing.

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations on December 29, 2025, which hereby is designated as the close of the 45–day written comment period. Comments received after this date will not be considered timely.

Written Comments must be submitted as follows:

1. By email to: Regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the

regulation package identifier “DPH–24–005B” in the subject line; to facilitate timely identification and review of the comment.

2. By fax transmission to: (916) 636–6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier, DPH–24–005B “Industrial Hemp Cannabinoids”, along with your name and your mailing address or email address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

The Department proposes to adopt the proposed rulemaking under the authority provided in sections 100275, 110065, 111921.7, and 131200 of the Health and Safety Code.

The Department is proposing to make permanent Section 23010 to Subchapter 2.6 of Chapter 5 of Division 1 of Title 17, California Code of Regulations in order to implement, interpret, or make specific sections 110045, 110085, 110095, 110100, 110390, 110395, 110398, 110400, 110660, 110680, 110760, 110765, 111920, 111921, 111921.7, 111926, 111926.2, 131095, and 131100 of the Health and Safety Code; Section 15731, Title 4 California Code of Regulations; and Part 101, Title 21 Code of Federal Regulations.

INFORMATIVE DIGEST

SUMMARY OF PROPOSAL

The proposed regulations specify intoxicating cannabinoids included in the definition of THC or “THC or comparable cannabinoid.” The proposed regulations will protect public health and safety by protecting consumers and reducing risk of illness, injury, or death.

Currently, the California Department of Public Health (Department) is enforcing emergency regulations (DPH–24–005E), which became effective on September 23, 2024, under statutory authority of Assembly Bill (AB) 45 (Chapter 576, Statutes of 2021).

BACKGROUND AND SUMMARY OF EXISTING LAWS AND REGULATIONS

Background: AB 45 requires the Department to implement statutory requirements, codified in Health

and Safety Code sections 111920 et seq., to regulate industrial hemp in extracts, food, beverages, dietary supplements, processed pet food, cosmetics, and inhalable products. AB 45 established the Industrial Hemp Enrollment and Oversight Fund for the collection of fees to pay for the new regulatory work, including establishing and maintaining an industrial hemp enrollment and authorization, registration, and inspection program for industrial hemp manufacturers who produce raw hemp extract or who produce industrial hemp final form products.

AB 45 requires that all industrial hemp products that are sold or distributed in California shall conform with all applicable state laws and regulations. AB 45 also requires that industrial hemp products cannot include more than 0.3% total THC (delta-8 THC, delta-9 THC, delta-10 THC, and THC acid (THCA)). Industrial hemp products cannot include THC isolate as an added ingredient; cannabinoids produced through chemical synthesis are also prohibited. Manufacturers must include a certificate of analysis to confirm allowable total THC concentration and product content, and they must provide proof that the industrial hemp product in its final form or extract was from an approved industrial hemp growing program.

The Department conducts licensure and compliance activities statewide to ensure these facilities, and their products meet state and federal laws. To implement AB 45, the Department added industrial hemp firms into its existing registration structure, including licensing, inspecting, and conducting enforcement. The Department must separately license and evaluate the operations of firms that manufacture industrial hemp extracts out-of-state for import into California, as well as California firms that manufacture industrial hemp inhalable products for sales out-of-state. Industrial hemp inhalable products may be manufactured in California for the sole purpose of sale in other states; sale in California is prohibited until the Legislature establishes a tax on industrial hemp inhalable products.

The Department may investigate misbranding, adulteration, food manufacturing safety, unapproved drug products, and other issues to determine compliance with AB 45 or other laws, pursuant to authority in AB 45 and under the Sherman Food, Drug, and Cosmetic Law (Sherman law). Enforcement may include:

- Regulatory warnings.
- Public health advisories or warnings.
- Administrative and civil penalties.
- Criminal penalties including imprisonment.
- Recall of products.
- Seizure and embargo of products.
- Condemnation of embargoed products.

Health and Safety Code Section 111921.7(b) states that the Department “may include any other cannabinoid, in addition to those expressly listed in subdivision (l) of Section 111920, in the definition of THC or ‘THC or comparable cannabinoid’ if the department determines, consistent with subdivisions (c) and (d), that the cannabinoid causes intoxication.

Additionally, the Department promulgated emergency regulations to specify the serving size for total THC, and package size limit, for industrial hemp final form food products intended for human consumption; an age requirement for offering or sale of industrial hemp industrial hemp final form food products intended for human consumption; and intoxicating cannabinoids included in the definition of “THC” or “THC or comparable cannabinoid.”

Federal law

Under the federal 2018 Farm Bill, industrial hemp is defined as the Cannabis sativa Linnaeus plant with a delta-9 THC concentration of not more than 0.3% (United States Code, Title 7, Section 5940(b)(2)). Industrial hemp regulation under AB 45 is stricter than federal law by limiting THCA, delta-8 THC, delta-9 THC, and delta-10 THC and any intoxicating cannabinoid as defined by the Department to 0.3% or less. In addition, industrial hemp cannot be synthetically derived or contain any THC isolates.

The Food and Drug Administration (FDA), whose authority was not affected by the 2018 Farm Bill, has deemed hemp in food as prohibited in interstate commerce (other than FDA-recognized hemp ingredients Generally Recognized As Safe (GRAS), which are hulled hemp seed, hemp seed protein powder, and hemp seed oil). When hemp other than GRAS is found in food, the hemp is considered an unapproved additive, regardless of the source. Federally unapproved products are illegal to enter interstate commerce.

Establishment of permanent regulations

This proposed rulemaking action will make Section 23010 of the emergency regulations permanent. Additionally, the Department proposes the following minor edits to the emergency text:

- The list of intoxicating cannabinoids in this proposed rulemaking is the same as in the emergency regulations. However, the Department uses formulas from the International Union of Pure and Applied Chemistry to accompany common names for items 9 through 16 and items 25 through 30 on the list of intoxicating cannabinoids, instead of the chemical formulas used in the emergency regulations. This edit provides clarity and consistency for the industry.

Key policy elements of the proposed action

The Department’s policy focuses on improving product safety and protecting consumers. The

Department has explicit authority to establish regulations to include any other cannabinoid, in addition to those expressly listed in subdivision (l) of Section 111920, in the definition of “THC.” The proposed regulation works toward enhancing and protecting the public’s health.

Adding additional cannabinoids to the definition of THC helps protect consumers of industrial hemp products from cannabinoids with potentially dangerous side effects and long-term health consequences. This action, combined with previous regulatory actions, allows the Department to protect consumers from accidental consumption of intoxicating cannabinoids and provides a clear regulatory framework for the industry to follow.

POLICY STATEMENT OVERVIEW

Problem Statement: California’s AB 45 legalized and regulated many industrial hemp products in California. AB 45’s framework allowed consumer exposure to some intoxicating industrial hemp food products as the law identified only a fraction of the total cannabinoids known to cause intoxication and did not represent what the industry was adding to products. Manufacturers exploited this to market and distribute intoxicating products. Specifically, food products with intoxicating and synthetic cannabinoids were being marketed to youth. As a result, youth and the public in general experienced illness and injury from these products, including a report of one death. The proposed regulation explicitly identifies 30 cannabinoids and adds them to the list of compounds which must not be present above a limit of detection in industrial hemp final form food products. Identifying and restricting these cannabinoids helps to protect consumers from accidental consumption and provides industry unambiguous guidance.

Objectives: The broad objective of this proposed regulatory action is to protect public health and safety from injury, illness, or death through regulation of industrial hemp products. The regulatory action will assure consumers that products sold as industrial hemp meet a consistent standard and that extractors, manufacturers, and retailers are following standards to ensure the quality and safety of their products.

The proposed regulations focus on protecting the public by including other cannabinoids, in addition to those expressly listed in subdivision (l) of Section 111920, in the definition of “THC.”

Benefits: *List of intoxicating cannabinoids.*

AB 45 explicitly identifies delta-8 THC, delta-9 THC, delta-10 THC, and THCA in the definition of “THC” or “THC or comparable cannabinoid.” Currently, the Department’s emergency regulations include additional intoxicating and potentially harm-

ful cannabinoids in the definition of “THC” or “THC or comparable cannabinoid.” Permanently adding these cannabinoids to the definition ensures that the presence of these intoxicating cannabinoids in industrial hemp products is restricted, provides clarity to the industry and consumers regarding cannabinoid content, and helps to ensure the safety of industrial hemp products.

Evaluation As To Whether The Regulations Are Inconsistent Or Incompatible With Existing State And Federal Regulations

The Department has determined these regulations are not inconsistent or incompatible with existing state regulations. As the oversight of industrial hemp activity is a newly created state responsibility, no other state regulations are already in existence that address the same topics. In addition, the Department must ensure that its regulations must not conflict with the Food and Agriculture Code, Alcoholic Beverage Control Act, and division 9 (commencing with Section 23000) of the Business and Professions Code (see Health and Safety Code section 110040).

Substantial Difference From Federal Regulation Or Statute

The Department has determined these regulations are not substantially different from either a federal regulation or statute.

Documents Incorporation By Reference

The Department has determined these regulations are not proposing any incorporation by reference.

CONSIDERATION OF REASONABLE ALTERNATIVES

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

ECONOMIC IMPACT ASSESSMENT

The Department determined the proposed regulations will affect the following as described:

1. ***The creation or elimination of jobs within the state:*** The proposed regulations will have a negligible direct impact on job creation or elimination in California. The current consumer market for products containing cannabinoids on the list is very small. Because consumers primarily seek other cannabinoids included in the calculation of total tetrahydrocannabinol (THC), such as

delta–8, delta–9, and delta–10 THC when purchasing industrial hemp food products, the regulation will have a negligible impact. Additionally, cannabinoids on the list are prohibited when produced through chemical synthesis and added to food pursuant to existing California law. This regulation does not establish a prohibition against those specific cannabinoids, rather it clarifies the existing prohibition for both industry and consumers.

2. ***The creation of new businesses or the elimination of existing businesses within the state:*** The proposed regulations will not create any new businesses or eliminate any existing businesses in California due to the limited current consumer market for and existing prohibitions on the cannabinoids included in the list.
3. ***The expansion of businesses currently doing business within the state:*** The proposed regulations will not cause the expansion of businesses in the California hemp market due to the limited current consumer market for and existing prohibitions on the cannabinoids included in the list.
4. ***The benefits of the regulation to the health and welfare of California residents, worker safety, and the environment:*** The proposed regulations will benefit public health and safety of California residents by clearly identifying cannabinoids which must not be present above a limit of detection in industrial hemp final form food products. The proposed regulations will not impact worker safety, the state’s environment, or quality of life.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

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

Mandated Use of Specific Technologies, Equipment, Actions, or Procedures

The Department has determined the proposed regulations will have no mandated use of specific technologies, equipment, actions, or procedures.

LOCAL MANDATE DETERMINATION

The Department has determined that this regulatory action would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by part 7 (commencing with Section 17500) of division 4 of the Government Code.

HOUSING COSTS

The Department has determined that the proposed regulations would not have a significant impact on California housing costs.

FISCAL IMPACT ASSESSMENT

- A. **Cost to Any Local Agency or School District:** None.
- B. **Cost or Savings to Any State Agency:** None.
- C. **Other Nondiscretionary Cost or Savings Imposed on Local Agencies:** None.
- D. **Cost or Savings in Federal Funding to the State:** None.

BUSINESS REPORTING REQUIREMENTS

The proposed regulations do not impose a new reporting or recordkeeping requirement, as there already is an existing process. Currently, absent the proposed regulations, manufacturers are required to show a product is compliant with the industrial hemp program by submitting a Certificate of Analysis (COA) to the Department. The COA must include analytical results for multiple cannabinoids and other analytes. The proposed regulations would require analysis for more compounds but does not establish a new record keeping requirement.

MANDATED BY FEDERAL LAW OR REGULATIONS

The Department has made the determination these regulations are not mandated by federal law or regulations.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

The Proposed Regulations are expected to have a negligible effect on a representative person or businesses (small or large).

EFFECT ON SMALL BUSINESS

The Proposed Regulations are expected to have a negligible effect on small businesses. The Department has determined that there is almost no viable consumer market for products with non–detectable levels of the 34 named cannabinoids.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The Department has determined the proposed regulations will have no mandated use of specific technologies, equipment, actions, or procedures.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Kim Scrivner, Food and Drug Branch at: kim.woodscrivner@cdph.ca.gov.

All other inquiries concerning the action described in this notice may be directed to Dawn Basciano, Office of Regulations, at (916) 558–1710 or the designated backup contact person, Michael Boutros at (279) 217–0866.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH–24–005B.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the custodian of public records, including reports, documentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (916) 558–1710 (or the California Relay Service at 711), send an email to Regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audio format, or computer disk.

The full text of any regulation which is changed or modified from the express terms of the proposed action will be made available by the Department’s Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

FINAL STATEMENT OF REASONS

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

INTERNET ACCESS

Materials regarding the action described in this notice (including this public notice, the text of the proposed regulations, and the initial statement of reasons) that are available via the Internet may be accessed at www.cdph.ca.gov by clicking on these links, in the following order: Decisions Pending & Opportunities for Public Participation, Proposed Regulations.

TITLE 23. DEPARTMENT OF WATER RESOURCES

DAM SAFETY REGULATIONS

The Department of Water Resources’ (Department or DWR) Division of Safety of Dams (DSOD) implements the regulatory program established in Division 3, Part 1, of the Water Code. To implement this program, the Department has adopted regulations that govern several aspects of the program. Division 3, Part 1 of the Water Code and the Department’s regulations comprise what is commonly referred to as the “Dam Safety Program.” The Department seeks to add, amend, and repeal dam safety regulations to align with recent changes to the Water Code and to update and add clarity to DSOD’s practices.

The Department will conduct a public hearing at the time and in the manner noted below, to receive comments on the proposed rulemaking.

PUBLIC HEARING

Interested members of the public may present comments on the proposed regulations orally or in writing at the hearing. The hearing will be held in accordance with the requirements in Government Code section 11346.8, and the hearing details are as follows:

Date: Friday, January 9, 2025

Time: 10:00 a.m.

Location: 2720 Gateway Oaks, Suite 300
Sacramento, California 95833

The hearing will commence at 10:00 a.m. and conclude after the last speaker has been heard. Attendees, especially those intending to provide oral comments at the hearing, are encouraged to arrive no later than 10:00 a.m. in the event few or no commenters testify and/or the testimony that is given is brief.

WRITTEN COMMENT PERIOD

Interested members of the public, or their authorized representatives, may submit written comments relevant to the proposed regulatory action to the De-

partment. All written comments must be received by the Department no later than **5:00 p.m. on Friday, January 9, 2026**. Comments received after the end of the written comment period are considered untimely. The Department may, but is not required to, respond to untimely comments. Interested members of the public may submit written comments by postal mail or email, and to be considered by the Department, timely written comments must be addressed to the following:

Email:

Shawn Jones, Assistant Manager
Division of Safety of Dams
Shawn.Jones@water.ca.gov

Postal Mail:

Shawn Jones, Assistant Manager
Division of Safety of Dams
2720 Gateway Oaks, Suite 300
Sacramento, California 95833

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

AUTHORITY AND REFERENCE

Authority: Water Code section 6078 authorizes the Department to adopt and revise these regulations. Water Code section 6300, subdivision (f) provides authority for the adoption of regulations that relate to adjusting application fees. Water Code section 6300, subdivision (g) also provides authority for the adoption of regulations that relate to application fee refunds.

Reference: The proposed regulatory action will implement, interpret, and/or make specific Water Code sections 6005, 6056, 6075, 6077, 6160, 6161, 6200–6267, 6300–6305, 6355, 6357, 6426–6432, and 6470.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

The Department’s DSOD provides regulatory oversight of approximately 1,230 dams, owned by approximately 630 different dam owners, to prevent dam failure, safeguard life, and protect property. Dams provide multiple benefits to the State in areas associated with power production, water supply, agricultural use, industrial use, flood control, recreation, and the environment. Given the critical role that dams contribute to the welfare of the State and considering that millions of people statewide live near or recreate at reser-

voirs, the consequences of a dam failure may be significant with respect to life loss, economic loss, and adverse environmental impacts.

SUMMARY OF EXISTING LAWS AND REGULATIONS

The Department’s DSOD implements Division 3, Part 1 of the Water Code. To implement these statutes, the Department has adopted regulations that govern several aspects of the Dam Safety Program, including dam breach inundation map requirements, annual fees, and enforcement. These regulations are contained in Title 23 of the California Code of Regulations, Division 2, Chapter 1 (Title 23).

Senate Bill 122 changes to the Water Code

Senate Bill 122, effective July 10, 2023, made amendments to Division 3, Part 1 of the Water Code that are associated with the proposed rulemaking:

- Made specific that application filing fees are required for the construction of new dams and for the enlargement, alteration, repair, and removal of existing dams.
- Made specific what application related project costs are to be used in determining the application filing fee.
- Requires that the Department annually adjust the application fee schedule based on changes in the Consumer Price Index for goods and services.
- Requires that the Department adopt, by regulation, a process to adjust the application fee schedule to ensure that filing fees cover the Department’s costs related to applications.
- Allows the Department to adopt, by regulation, a methodology for refunding application fees.

Statutes and regulations related to this proposed rulemaking

Water Code, Division 3, Part 1, Chapter 4, Article 6 requires that dam owner submit dam breach inundation maps to the Department for review and approval. Title 23, Article 6 provides clarity and direction regarding preparation of inundation maps required to be submitted to the Department for review and approval.

Water Code, Division 3, Part 1, Chapter 5, Articles 1 and 2 requires that an application be submitted to the Department for the construction of a new dam or reservoir or for the enlargement, alteration, repair, or removal of an existing dam or reservoir. Title 23, Article 2 provides additional clarity and direction regarding applications submitted to the Department for review and approval.

Water Code, Division 3, Part 1, Chapter 6 requires that an application fee accompany an application submitted to the Department for the construction of a new

dam or reservoir, or for the enlargement, alteration, repair, or removal of an existing dam or reservoir.

Water Code, Division 3, Part 1, Chapter 8 provides the Department with avenues and authorities to address non-compliant dam owners. Title 23, Article 7 provides a process for administrative enforcement actions that the Department may take to ensure compliance with Water Code, Division 3, Part 1 and implementing regulations.

EFFECT OF PROPOSED RULEMAKING

The amendment and repeal of sections of Title 23, Article 2 will align this article with changes made to the Water Code by Senate Bill 122. Additions to Title 23, Article 2 will provide clarity as to how owners of unlawfully constructed dams, which are jurisdictional sized dams constructed without the Department's approval or oversight, can address a dam's unlawful status.

The amendments and additions to Title 23, Article 5 are to update and clarify the Department's practices regarding the retention of boards of consultants to report to the Department's Director as to the safety of dams owned by the Department and regulated by DSOD. The board's purpose is to ensure that Department dams are receiving the same regulatory oversight as other jurisdictional dams. The amendments would remove the Department's option to utilize a Federal Energy Regulatory Commission's Part 12D board to fulfill this requirement. The addition to this article would specify that costs associated with DSOD's participation in these boards be funded by the Department's State Water Project as these costs are solely associated with Department dams.

Amendments to Title 23, Article 6 will provide additional clarity regarding inundation map requirements and to remove a requirement that dam owners must submit a hard copy of technical report detailing how the inundation map was prepared.

The amendments and additions to Title 23, Article 7 will provide new and clarify existing processes for civil administrative enforcement actions against dam owners, who DSOD determines are non-compliant with dam safety requirements. Dam owners who wish to contest an administrative complaint issued by the Department have the opportunity for a hearing; currently, hearings can be held at the Office of Administrative Hearings or before a Department presiding officer, as determined by a neutral Department employee. Changes to this article would include: 1) adding a paper hearing option and 2) clarifying the process to impose property liens. The paper hearing process would be similar to the in-person DWR presiding officer hearing option but would be decided based on written submittals from the parties, which could save

the Department and the dam owner time, labor, and travel costs.

The addition of Title 23, Article 8 will: 1) provide a process for annually adjusting the application fee schedule set in section 6300 of the Water Code for changes in the Consumer Price Index for goods and services and 2) to provide a process to adjust the application fee schedule to ensure that filing fees cover the Department's costs related to applications.

The addition of Title 23, Article 9 will clearly state the circumstances under which the Department will consider refunding application fees and what is required of a dam owner when requesting a refund.

The addition of Title 23, Article 10 would formalize DSOD's long-standing practice of approving phases of an application for a dam project. Phased approvals allow portions of application-related work with completed designs to proceed to construction prior to the application being approved in full. Prior to starting any work, the dam owner requesting phased approval would have to demonstrate that the California Environmental Quality Act has been satisfied and demonstrate evidence of water rights for new dam construction or dam enlargements.

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATIONS

The overall objective of the proposed regulations is to align Title 23 with recent changes to the Water Code by Senate Bill 122 and to update and add clarity to DSOD's practices. These amendments will clarify how owners of unlawfully constructed jurisdictional sized dams can address the dam's unlawful status. These amendments will also detail the phased approval process that could allow portions of a project to move forward into construction earlier, saving the dam owner time and money. These amendments to the Dam Safety Program regulations will lead to safer dams and will safeguard life and property from dam failures.

DIFFERENCES FROM COMPARABLE FEDERAL REGULATIONS

The Department has determined that there are no existing, comparable federal regulations.

COMPATIBILITY WITH EXISTING STATE REGULATIONS

The Department has conducted an evaluation and has found that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

OTHER MATTERS
PRESCRIBED BY STATUTE

The Department’s implementation of the Dam Safety Program is prescribed by Division 3, Part 1 of the Water Code. Other bodies of law that govern the Department include, but are not limited to, the Government and Public Resources Codes.

DISCLOSURES REGARDING
PROPOSED ACTION

Mandate on local agencies and school districts

The Department has determined that the proposed regulations will not impose a mandate on local agencies or school districts that is required to be reimbursed under Division 4, Part 7 (commencing with section 17500) of the Government Code.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630

None.

Costs or savings to state agencies

Approximately 4% of the dams regulated by DSOD are owned by state entities. The Department estimates that costs incurred by state agencies that own jurisdiction dams regulated by DSOD to see a cumulative increase of approximately \$250,000 related to application fees the first year the regulations are adopted. It is expected that this will increase annually as application fees are adjusted annually based on changes to the Consumer Price Index for goods and services, which has historically increased about 3% annually on average. These costs only factor in if these entities file an application for the construction of a new dam or reservoir or for the enlargement, alteration, repair, or removal of an existing dam or reservoir.

Non-discretionary costs imposed on or savings by local agencies.

Approximately 49% of the dams regulated by DSOD are owned by local agencies (cities, counties, districts, and water agencies/authorities). The Department estimates that costs incurred by local agencies that own jurisdiction dams regulated by DSOD to see a cumulative increase of approximately \$3.1 million related to application fees the first year the regulations are adopted. It is expected that this will increase annually as application fees are adjusted annually based on changes to the Consumer Price Index for goods and services, which has historically increased about 3% annually on average. These costs only factor in if these entities file an application for the construction of a new dam or reservoir or for the enlargement, alteration, repair, or removal of an existing dam or reservoir.

Estimated cost or savings in federal funding to the state

The Department has determined that the regulations will not result in any costs or savings in federal funding to the state.

HOUSING COSTS

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

SIGNIFICANT ADVERSE
ECONOMIC IMPACTS

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

STATEMENT OF RESULTS OF
ECONOMIC IMPACT ASSESSMENT

The Department does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, the expansion of businesses in California, or benefits to worker safety. As stated above, the proposed regulations will benefit the health and welfare of California residents and the state’s environment by safeguarding life and property from dam failures.

COST IMPACTS ON A REPRESENTATIVE
PERSON OR BUSINESS

Approximately 47% of the dams regulated by DSOD are owned by private entities (individuals or private businesses). The Department estimates that costs incurred by private entities that own jurisdiction dams regulated by DSOD to see a cumulative increase of approximately \$3.0 million related to application fees the first year the regulations are adopted. It is expected that this will increase annually as application fees are adjusted annually based on changes to the Consumer Price Index for goods and services, which has historically increased about 3% annually on average. The cost impacts to a representative person or business are unknown as these costs only factor in if these entities file an application for the construction of a new dam or reservoir or for the enlargement, alteration, repair, or removal of an existing dam or reservoir. Also, the cost impacts will be specific to the work detailed in the application which is unknown. These costs only factor in if these entities file an application for the con-

struction of a new dam or reservoir or for the enlargement, alteration, repair, or removal of an existing dam or reservoir.

BUSINESS REPORT REQUIREMENTS

There are no reporting requirements required by these regulations.

EFFECT ON SMALL BUSINESS

The Department estimates that approximately 85 jurisdictional dams are owned by small businesses. The Department estimates that costs incurred by private entities that own jurisdiction dams regulated by DSOD to see an increase of approximately \$450,000 related to application fees the first year the regulations are adopted. It is expected that this will increase annually as application fees are adjusted annually based on changes to the Consumer Price Index for goods and services, which has historically increased about 3% annually on average.

ALTERNATIVES STATEMENT

In accordance with Government Code section 11346.5, subdivision (a)(13), 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 invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

DEPARTMENT CONTACT PERSONS

Questions regarding the proposed regulatory action may be directed to:

Contact Person:

Shawn Jones, Assistant Chief
Division of Safety of Dams
2720 Gateway Oaks Drive, Suite 300
Sacramento, CA 95833
Shawn.Jones@water.ca.gov
(916) 565–7802

Backup Contact Person

Peter Thyberg, Senior Staff Counsel

Peter.Thyberg@water.ca.gov

(916) 820–7564

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

The Department has prepared an initial statement of reasons (ISOR) for the proposed regulations. This Notice, the ISOR, the express terms of the proposed regulation, and all information upon which the proposed regulations are based are available on the Department's website at <http://water.ca.gov/damsafety>. In addition, documents may be obtained by making a request to the Department contact person listed above.

AVAILABILITY OF MODIFIED TEXT OF THE REGULATIONS

If the Department makes modifications to the text of the regulations that are sufficiently related to the originally-proposed text, the Department will make the modified text available (with changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. The modified text will be posted on the Department's website at <http://water.ca.gov/damsafety>.

FINAL STATEMENT OF REASONS AND OTHER DOCUMENTS RELATED TO THE PROPOSED REGULATIONS

All subsequent regulatory documents, including the final statement of reasons, when completed, will be made available at water.ca.gov/damsafety or by requesting materials from the contact person listed in this notice.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

HABITAT RESTORATION AND ENHANCEMENT ACT CONSISTENCY DETERMINATION NUMBER 1653–2025–177–001–R3

Project: David Beck LTPBR Build Project

Location: Sonoma County

Applicant: Joseph Sybrian

Background

Project Location: The David Beck LTPBR Build Project (Project) is located at 9707 Ross Station Road, Sebastopol, California, approximately one mile west of the Ross Station Road and Highway 116 intersection, at a property owned by David Beck, Assessor Parcel Number (APN) 084–150–020, and affects an unnamed tributary to Green Valley Creek. The unnamed tributary to Green Valley Creek resides within the Russian River watershed which supports populations of Central California Coast (CCC) steelhead (*Oncorhynchus mykiss*), CCC coho salmon (*Oncorhynchus kisutch*), California freshwater shrimp (*Syncares pacifica*), foothill yellow-legged frog — North Coast Distinct Population Segment (*Rana boylei*), and California red-legged frog (*Rana draytonii*).

Project Description: Joseph Sybrian (Applicant) proposes to enhance or restore habitat within the unnamed tributary to Green Valley Creek to provide a net conservation benefit for CCC steelhead, CCC coho salmon, California freshwater shrimp, foothill yellow-legged frog — North Coast Distinct Population Segment, and California red-legged frog.

The Project will install up to 25 hand-built channel spanning structures in the upper and lower reach of the stream channel. Structures in the upper reach are intended to pond water, aggrade sediment, and increase the hydroperiod. Structures within the lower reach are intended to flood the 0.1-acre meadow, activate side channels, inundate off channel habitat, attenuate high flows, and increase the hydroperiod. Structures will either be channel-spanning, mid-channel, or bank-attached and will be constructed by placing various native materials by hand into the stream channel as described in the Notice of Intent references for structure construction, including *Chapter Four of Low-Tech Process-Based Restoration of River-scapes: Design Manual* (Wheaton et al., 2019). Indi-

vidual structures will be approximately five feet long, two to three feet tall, and five feet wide.

Materials will be harvested on-site and include Monterey pine (*Pinus radiata*), willow (*Salix* spp.), oak (*Quercus* spp.), rock and sod, with larger wood not exceeding 20 inches in diameter. Tools include hand tools such as loppers, shovels, pick axes, material sleds, buckets, chainsaws, and a small dump trailer. Refueling of chainsaws will be done outside of aquatic areas in the uplands. Dewatering will not be required since there will be no heavy equipment entering and disturbing the stream channel and banks.

Adaptive management of individual structures may include constructing new structures or removing structures to encourage targeted water movement and retention; adding native materials to existing structures to increase the size or to seal structures; and notching or partial removal of native materials from spanning structures to ensure accessibility for aquatic species. Prior to adaptive management activities, the wetted channel throughout the Project reach will be surveyed by the CDFW-approved Biologist to determine presence and habitat use by aquatic species.

Project Size: The total Project area is 1.014 acres. The area of ground disturbance associated with the Project is approximately 0.014 acres and 120 linear feet. The proposed Project complies with the General 401 Certification for Small Habitat Restoration Projects and associated categorical exemption from the California Environmental Quality Act (Cal. Code Regs., title 14, § 15333).

Project Associated Discharge: Discharge of materials into Waters of the State, as defined by Water Code section 13050 subdivision (e), resulting from the Project include those associated with the following: (1) approximately 125 cubic yards (CY) of native vegetation, wood material, and soil from construction of structures.

Project Timeframes: Start date: October 2025

Completion date: October 2030

Work window: June 15–October 31 (Approx. 4 days)

Water Quality Certification Background: Because the Project's primary purpose is habitat restoration intended to improve the quality of waters in California and improve riparian habitat for native aquatic and terrestrial wildlife species, the North Coast Regional Water Quality Control Board (Regional Water Board) issued a Notice of Applicability (NOA) for Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects SB12006GN (Order) (Waste Discharge Identification (WDID) Number WDID Number 1B25077WNSO), Electronic Content Management Identification (ECM PIN) Number

CW-901568 for the Project. The NOA describes the Project and requires the Applicant to comply with terms of the Order. Additionally, the Applicant has provided a supplemental document that sets forth measures to avoid and minimize impacts to CCC steelhead, CCC coho salmon, California freshwater shrimp, foothill yellow-legged frog — North Coast Distinct Population Segment, California red-legged frog, and nesting birds.

Receiving Water: Unnamed tributary to Green Valley Creek, tributary to the Russian River.

Filled or Excavated Area: Temporary area impacted: 0.014 acres.

Length temporary impacted: 120 linear feet.

Dredge Volume: 0 CY of soil.

Discharge Volume: 125 CY of native vegetation, wood material, and soil from construction of structures.

Project Location: Upstream: Latitude 38.454167° N. and Longitude 122.892222° W., Downstream: Latitude 38.453889° N. and Longitude 122.892222° W. (NAD 83).

Regional Water Board staff determined that the Project may proceed under the Order. Additionally, Regional Water Board staff determined that the Project, as described in the Notice of Intent (NOI) complies with the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.).

On October 10, 2025, the Director of the California Department of Fish and Wildlife (CDFW) received a notice from the Applicant requesting a determination pursuant to Fish and Game Code Section 1653 that the NOA, NOI, and related species protection measures are consistent with the Habitat Restoration and Enhancement Act (HREA) with respect to the Project.

Pursuant to Fish and Game Code section 1653 subdivision (c), CDFW filed an initial notice with the Office of Administrative Law on October 10, 2025, for publishing in the General Public Interest section of the California Regulatory Notice Register (Cal. Reg. Notice File Number Z-2025-1010-04) on October 24, 2025. Upon approval, CDFW will file a final notice pursuant to Fish and Game Code section 1653 subdivision (f).

DETERMINATION

CDFW has determined that the NOA, NOI, and related species protection measures are consistent with HREA as to the Project and meets the conditions set forth in Fish and Game Code section 1653 for authorizing the Project.

Specifically, CDFW finds that: (1) The Project purpose is voluntary habitat restoration and the Project is not required as mitigation; (2) The Project is not part of a regulatory permit for a non-habitat restoration or

enhancement construction activity, a regulatory settlement, a regulatory enforcement action, or a court order; and (3) The Project meets the eligibility requirements of the State Water Resources Control Board's Order for Clean Water Act Section 401 General Water Quality Certification for Small Habitat Restoration Projects.

AVOIDANCE AND MINIMIZATION MEASURES

The avoidance and minimization measures for Project, as required by Fish and Game Code section 1653, subdivision (b)(4), were included in an attachment to the NOI, which contains the following categories: (1) Measures to avoid and minimize impacts to special-status native wildlife species; (2) Measures to limit impacts to on-site vegetation sourced for structure installation; and (3) Measures to avoid and minimize impacts to nesting birds. The specific avoidance and minimization requirements are found in an attachment to the NOI, *Section 7 memo Green Valley Damion version 3*.

MONITORING AND REPORTING

As required by Fish and Game Code section 1653, subdivision (g), the Applicant included a copy of the monitoring and reporting plan. The Applicant's Monitoring and Reporting Plan provides a timeline for restoration, performance standards, and monitoring parameters and protocols. Specific requirements of the plan are found in Section VIII. Monitoring and Reporting Plan of the NOI.

NOTICE OF COMPLETION

Coverage under the State Water Resources Control Board General 401 Water Quality Certification Order for Small Habitat Restoration Projects requires the Applicant to submit a Notice of Completion (NOC) no later than 30 days after the project has been completed. A complete NOC includes at a minimum:

- photographs with a descriptive title;
- date the photograph was taken;
- name of the photographic site;
- WDID number and ECM PIN number indicated above;
- success criteria for the Project.

The NOC shall demonstrate that the Applicant has carried out the Project in accordance with the Project description as provided in the Applicant's NOI. Applicant shall include the project name, WDID number, and ECM PIN number with all future inquiries and document submittals. Pursuant to Fish and Game Code section 1653, subdivision (g), the Applicant shall

submit the monitoring plan, monitoring report, and notice of completion to CDFW as required by the General Order. Applicant shall submit documents electronically to: Desiree.Delavega@wildlife.ca.gov.

PROJECT AUTHORIZATION

Pursuant to Fish and Game Code section 1654, CDFW's approval of a habitat restoration or enhancement project pursuant to section 1652 or 1653 shall be in lieu of any other permit, agreement, license, or other approval issued by the department, including, but not limited to, those issued pursuant to Chapter 6 (commencing with section 1600) and Chapter 10 (commencing with section 1900) of this Division and Chapter 1.5 (commencing with section 2050) of Division 3. Additionally, Applicant must adhere to all measures contained in the approved NOA and comply with other conditions described in the NOI.

If there are any substantive changes to the Project or if the Water Board amends or replaces the NOA, the Applicant shall be required to obtain a new consistency determination from CDFW. (See generally Fish & Game Code, § 1654, subdivision (c).)

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

PUBLIC NOTICE OF VARIANCE GRANTED TO GLENCORE RECYCLING LLC

NOTICE IS HEREBY GIVEN pursuant to the provisions of California Health and Safety Code Section 25143(f), that on October 22, 2025, the California Department of Toxic Substances Control (DTSC) granted a variance to Glencore Recycling LLC (Glencore) from requirements of California Code of Regulation, title 22, section 66264.176. The complete variance can be found in Attachment "A" Part VII of Glencore's Standardized Hazardous Waste Facility Permit Number 2025/26-HWM-04 (Permit).

Pursuant to Health and Safety Code section 25143 and California Code of Regulation, title 22, section 66260.210, DTSC granted a variance to the Permittee conditionally exempting Unit 1, Unit 2, and Unit 7a operated at the Glencore facility from the setback requirement specified in California Code of Regulations, title 22, section 66264.176. The exemption is contingent on the owner/operator's compliance with all the requirements specified in the variance and is limited to the duration of the Permit. Shall the Permit be continued pursuant to Health and Safety Code section 25200(c)(1)(B), the variance shall also be valid during the time period when the Permit is extended.

A public comment period on the draft Permit was held from August 25, 2025 through October 13, 2025. A community update was mailed to residents within a quarter mile radius of the Glencore facility before the start of the public comment period. Additionally, DTSC published a public notice inviting the public to review and comment on the draft Permit in English and Spanish during the week of August 22, 2025. A radio ad was also aired in English and Spanish announcing the public comment period. No comments were received regarding the variance.

RULEMAKING PETITION DECISION

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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

PETITIONER:

Daniel Manriquez #K78581
Housing: F2 B29 4L
P.O. Box 5244
Corcoran, CA 93212

AUTHORITY

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

may prescribe and amend regulations for the administration of prisons.

CONTACT PERSON

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

AVAILABILITY OF PETITION

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

SUMMARY OF PETITION

The petitioner is petitioning to amend the California Code of Regulations (CCR), Title 15, Division 3, sections 3314 (Administrative Rule Violations), 3315 (Serious Rule Violations), and 3326 (Records of Disciplinary Matters). The petitioner is proposing to adopt subsections 3314(l), 3315(j), and 3326(e) that would allow for the CDCR Secretary or Institutional Head to pardon and expunge certain disciplinary offenses from an incarcerated person’s record at the recommendation of a CDCR Lieutenant, Correctional Counselor II, or Facility Captain. In proposed subsections 3315(j)(1) through 3315(j)(1)(C), and 3326(e)(1) through 3326(e)(1)(C), the petitioner excludes violent offenses, sexual misconduct offenses, and offenses referred for criminal prosecution from consideration for a pardon and expungement from records. Additionally, in proposed subsection 3326(e)(2), the petitioner recommends that the pardon documents be provided to the incarcerated person, and that the records be removed from the incarcerated person’s Central File.

The petitioner compares the proposed amendments to the existing regulations for terminating Security Threat Group status, and allowing the incarcerated person to be recommended for Recall of Sentence. The petitioner maintains the proposed subsections are necessary as most incarcerated persons face the stigma of having received a disciplinary infraction that may preclude them from participating in rehabilitative programs (e.g., lower custody levels, college courses, enhanced programming), visitation, and cause a parole denial. The petitioner states that often these infractions are years old, and the department has been ordered to remove barriers to rehabilitation per PC section 2933.7, and the proposed changes would facilitate rehabilitation. The petitioner recommends that Lieutenants, Correctional Counselor IIs, and Captains who interact with incarcerated persons on a daily basis, would know which incarcerated persons deserve

another chance (offense pardon and expungement of records).

DEPARTMENT DECISION

The department denies the petition to amend CCR, Title 15, Division 3, sections 3314, 3315, and 3326 in its entirety.

PC section 11105 expressly authorizes the Department of Justice (DOJ) to disclose state summary criminal history information to law enforcement agencies for law enforcement purposes only, to certain employers or regulatory agencies, or to the person who is the subject of the record. This PC applies to CDCR to the disciplinary history that the department also has this obligation to report as necessary. Since the Disciplinary Record is the incarcerated person’s In Prison Criminal History, CDCR would be required to maintain that history, similar to the DOJ maintaining a criminal history on a subject charged outside of prison.

The DOJ is required by law to record summary arrest, detention, disposition, and personal identification information when submitted by a law enforcement agency or court of this state. The record retention policy of the department is to maintain criminal history information until the subject reaches 100 years of age.

Suggested language indicates the action would be at the discretion and suggestion of specific staff, rather than originating from an incarcerated person’s request for consideration. Nothing within the language provided would require an approval of such request or suggestion or if the request or suggestion can be denied.

The petitioner has referred to changes within the Security Threat Group regulations that have significantly changed due to past litigation and used this as a citation as the first step or cause for Sentence Recall. This citation appears misguided and based on current regulations, Sentence Recall recommendations to a court occur in limited circumstances as follows:

- Incarcerated person demonstrates exceptional conduct.
- Substitutional likelihood of sentencing discrepancies.
- Change of sentencing laws.
- Referral from a head of a law enforcement agency, prosecutorial agency or judicial officer.

The petitioner has recommended within the suggested language specific types of offenses which would be excluded from consideration of the action of pardon or expungement; however, fails to address any offense which would not qualify for these exclusions yet a guilty finding of any offense where credit restoration is not authorized for the offense (e.g. manufac-

turing alcohol, possession dangerous contraband, possession of cell phone or components, etc.).

Additionally, the department must comply with PC section 2081, which states that “The director shall cause to be kept at each institution a register of institution violations and what kind of punishments, if any, are administered to prisoners or inmates; the offense committed; the rule or rules violated; the nature of punishment administered; the authority ordering such punishment; the duration of time during which the incarcerated person was subjected to punishment; and the condition of the prisoner’s health.”

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 Justice

File # 2025–0922–03

Carry Concealed Weapons Licenses

This certificate of compliance action by the Department of Justice (“Department” or “DOJ”) makes permanent, with modifications, regulations that establish the qualifications necessary to become a Carry Concealed Weapon (“CCW”) DOJ Certified Instructor; establish a uniform CCW license issued by licensing authorities; establish the grounds for revoking a CCW DOJ Certified Instructor’s certification; establish the process for the CCW license applicant’s background check so DOJ can determine the applicant’s eligibility to possess, receive, own, or purchase a firearm; and provide the manner for a licensing authority to send certain CCW license records to DOJ.

Title 11

Adopt: 4400, 4401, 4402, 4410, 4411, 4412, 4420, 4421, 4422, 4430, 4431, 4432

Repeal: 4440

Filed 11/03/2025

Effective 11/03/2025

Agency Contact:

Marlon Martinez

(213) 269–6437

State Water Resources Control Board

File # 2025–1022–01

FY 2025–26 Water Rights Fees

This emergency action by the State Water Resources Control Board updates the fee schedules for fiscal year (FY) 2025–2026 to: (1) specify how fees are imposed for certain application requests, (2) adjust the fee cap on change petitions involving transfers based on the California consumer price index, (3) temporarily suspend water quality certification fees during the Federal Emergency Regulatory Commission prelicensing phase, as specified, and (4) update existing references to the Board of Equalization to the California Department of Tax and Fee Administration. Pursuant to Water Code sections 1530 and 13160.1, this action is a deemed emergency and remains in effect until revised by the board.

Title 23

Amend: 1061, 1062, 1064, 1074, 1075, 3833.1

Filed 11/03/2025

Effective 11/03/2025

Agency Contact: Sarah Fong (916) 341–5129

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

Board of Equalization

File # 2025–0923–02

Homeowners property tax exemption

In this action without regulatory effect, the State Board of Equalization implemented Senate Bill 1493 (Stats. 2010, Chapter 185) by allowing assessors to immediately destroy physical records upon preserving those documents in an electronic image format.

Title 18

Amend: 135

Filed 11/04/2025

Agency Contact: Max Connor (916) 274–3320

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 # 2025–0925–03

Basic Course Waiver Process

This action increases the minimum standards of training in the Basic Course Waiver program in terms of academy hours and general law enforcement experience. It also transitions the application process to an online portal.

Title 11

Amend: 1005, 1008

Filed 11/03/2025

Effective 01/01/2026

Agency Contact:

Michael Marshall (916) 227–3915

Department of Motor Vehicles

File # 2025–0924–03

Business Partner Automation Program

This action by the Department of Motor Vehicles updates the Business Partner Automation Program regulations to address due process procedures allowing a partner to either appeal or request a hearing related to a suspension or revocation action. The action also adopts procedures to address security breaches. Other amendments include updating program forms and adjusting time periods related to application submissions.

Title 13

Adopt: 225.41

Amend: 225.00, 225.03, 225.09, 225.15, 225.18,

225.35, 225.36, 225.39, 225.42, 225.45, 225.48,

225.54, 225.60, 225.63, 225.69, 225.72, 225.73

Filed 11/05/2025

Effective 11/05/2025

Agency Contact: Randi Calkins (916) 282–7294

Department of Motor Vehicles

File # 2025–0925–01

Traffic Violator Schools — Translating Courses

In this regular rulemaking, the Department of Motor Vehicles is amending regulations to create a self-certification process for a traffic violator school to translate lesson plans to languages other than English.

Title 13

Amend: 345.31, 345.32

Filed 11/03/2025

Effective 01/01/2026

Agency Contact: Randi Calkins (916) 282–7294

Occupational Safety and Health Standards Board

File # 2025–0923–01

Confined Spaces in Construction Clean-up
— Resubmittal

In this resubmitted rulemaking action, the Board amends its regulations related to confined spaces in construction. The amendments revise definitions and various general requirements, in addition to requirements for permit space program, entry permit, and permit space rescue and emergency medical services.

Title 08

Amend: 1951, 1952, 1953, 1955, 1956, 1960, 5156

Filed 11/04/2025

Effective 01/01/2026

Agency Contact: Ruth Ibarra (916) 274–5721

**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.