GAVIN NEWSOM, GOVERNOR

OFFICE OF ADMINISTRATIVE LAW

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PROPOSED ACTION ON REGULATIONS

TITLE 10. DEPARTMENT OF INSURANCE
Revisions to California Automobile Assigned Risk Plan Simplified Rules and Rates Manual — Notice File Number Z2026-0112-04 53

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Commission Regulations Regarding Instructor Conduct — Notice File Number Z2026-0112-03 55

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Commission Regulation 1005, Basic Course Waiver Process — Notice File Number Z2026-0112-01 58

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING
Commission Regulation 1953, Peace Officer Background Investigation — Notice File Number Z2026-0112-02 60

TITLE 14. FISH AND GAME COMMISSION
Bear Hunting — Notice File Number Z2026-0113-07 61

TITLE 14. FISH AND GAME COMMISSION
Bighorn Sheep Hunting — Notice File Number Z2026-0113-08 65

TITLE 14. FISH AND GAME COMMISSION
Elk Hunting — Notice File Number Z2026-0113-10 68

TITLE 14. FISH AND GAME COMMISSION
Pronghorn Antelope Hunting — Notice File Number Z2026-0113-09 71

TITLE 14. FISH AND GAME COMMISSION
Waterfowl, Migratory; American Coot and Common Moorhen — Notice File Number Z2026-0113-01 73

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION
Bereavement Leave for Incarcerated Persons — Notice File Number Z2026-0113-02 76

(Continued on next page)

Time-Dated Material

TITLE 16. BOARD OF CHIROPRACTIC EXAMINERS
Delegation of Certain Functions to the Executive Officer — Notice File Number Z2026-0113-06 79

TITLE 17. AIR RESOURCES BOARD
California Cap on Greenhouse Gas Emissions and Market–Based Compliance Mechanisms — Notice File Number Z2026-0113-04 81

TITLE 17. AIR RESOURCES BOARD
Mandatory Reporting of Greenhouse Gas Emissions — Notice File Number Z2026-0113-03. 95

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL
Violations Scoring Procedure Regulation Revisions — Notice File Number Z2026-0113-05 109

RULEMAKING PETITION DECISIONS

FISH AND GAME COMMISSION
Regarding Petition from Matthew White Regarding New Class of Deer Tags 113

FISH AND GAME COMMISSION
Regarding Petition from Rebecca Dmytryk Concerning Use of Traps 113

FISH AND GAME COMMISSION
Regarding Petition from David Bess, Backcountry Hunters and Anglers, Concerning Purchase of Second Bear Tags 114

FISH AND GAME COMMISSION
Regarding Petition from Michael Rescino Concerning Filleting of Striped Bass on Commercial Passenger Fishing Vessels 114

FISH AND GAME COMMISSION
Regarding Petition from Ben Grundy, Associate Oceans Campaigner, Concerning Implementing Commercial Coonstripe Shrimp Fishery Vertical Line Gear Restrictions in Seasonally Biologically Important Areas and to Authorize Use of Pop–Up Gear to Minimize Risk of Whale Entanglements. 115

FISH AND GAME COMMISSION
Regarding Petition from Pascal Meier Concerning Recreational Take of Gooseneck Barnacles 116

FISH AND GAME COMMISSION
Regarding Petition from Brandon Worthington Concerning Non–Salmonid Fishing. 116

FISH AND GAME COMMISSION
Regarding Petition from Dale Anderson Concerning Restricted Animal Caging Requirements and Materials Used 117

(Continued on next page)

SUMMARY OF REGULATORY ACTIONS

Regulations filed with Secretary of State 117

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

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PROPOSED ACTION ON REGULATIONS

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

TITLE 10. DEPARTMENT OF INSURANCE

REVISIONS TO CALIFORNIA AUTOMOBILE ASSIGNED RISK PLAN SIMPLIFIED RULES AND RATES MANUAL

SUBJECT OF HEARING

California Insurance Commissioner Ricardo Lara ("Commissioner") will hold a public hearing to consider the application of the California Automobile Assigned Risk Plan ("CAARP" or "Plan") to change the Commercial Automobile Insurance Procedure ("CAIP") rates referenced in the California Code of Regulations, Title 10, Chapter 5, Section 2498.5.

AUTHORITY TO ADOPT RATES AND REFERENCES

The Commissioner will consider the proposed changes pursuant to the authority vested in him by Section 11620 of the California Insurance Code. The Commissioner's decision on the proposed changes will implement, interpret and make specific the requirements of Insurance Code section 11624(e). Government Code section 11340.9(g) and Insurance Code section 11620(c) apply to this proceeding.

HEARING DATE AND LOCATION

Notice is hereby given that a public hearing will be held to permit all interested persons the opportunity to present statements or arguments, orally or in writing, with respect to the proposed changes at the following date, time, and place:

Date and Time: March 25, 2026 from 1:00 p.m. to 3:00 p.m.

Location: Department of Insurance Hearing Room
1901 Harrison Street 2nd Floor
Oakland, CA 94612

ACCESS TO HEARING ROOM

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Persons with sight or hearing impairments are requested to notify the contact person (listed below) for this hearing in order to make special arrangements, if necessary.

WRITTEN AND/OR ORAL COMMENTS: AGENCY CONTACT PERSON

All persons are invited to submit written comments to the Insurance Commissioner on the application prior to the public comment deadline. Comments should be addressed to the contact person for this proceeding:

Contact person:

Michael Riordan, Attorney
California Department of Insurance
Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
Telephone: (415) 538–4226
Mike.Riordan@insurance.ca.gov

Backup contact person:

Elsa Carre, Legal Analyst
California Department of Insurance
Rate Enforcement Bureau
1901 Harrison Street
Oakland, CA 94612
Telephone: (916) 992–8016
Elsa.Carre@insurance.ca.gov

All persons are invited to present oral and/or written testimony at the scheduled public hearing.

DEADLINE FOR WRITTEN COMMENTS

All written materials, unless submitted at the hearing, must be received by the Insurance Commissioner at the address listed above on **March 25, 2026**. Any written materials received after that time will not be considered. Written comments may also be submitted to the contact person by email.

ADVOCACY OR WITNESS FEES

Persons or groups representing the interest of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of California Code of Regulations, Title 10, Sections 2662.1–2662.6 in connection with their participation in this matter. Interested persons must submit a Petition to Participate, as specified in California Code of Regulations, Title 10, Section 2661.4. The Petition to Participate must be submitted

to the Commissioner at the Office of the Public Advisor at the following address:

California Department of Insurance

Office of the Public Advisor

1901 Harrison Street 6th Floor

Oakland, CA 94612

(415) 538–4383

A copy of the Petition to Participate must also be submitted to the contact person for this hearing (listed above). For further information, please contact the Office of the Public Advisor.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

CA 25–06 Simplified Rules and Rates Manual

Pursuant to California Insurance Code section 11624, The Commissioner establishes rates to be charged to those obtaining commercial automobile coverage through CAIP. Section 11624 provides "Premium charges for the plan shall not be excessive, inadequate, nor fairly discriminatory, and shall be actuarially sound so as to result in no subsidy of the plan." Title 10, California Code of Regulations Section 2498.5 references the commercial automobile rate manual, which is approved by the Commissioner but not printed in full in the California Code of Regulations.

The Commissioner is holding the hearing referenced above to accept comments on CAARP's recent rate application. CAARP has proposed rate changes for five CAIP sub–lines, amounting to an overall average 20.7% percent rate increase.

Further details appear in the rate application on file with the Commissioner and available for review as set forth below.

COMPARABLE FEDERAL LAW

There are no comparable existing federal regulations or statutes.

LOCAL MANDATE DETERMINATION

The Insurance Commissioner has made an initial determination that the application will not result in any new program mandates on local agencies or school districts.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS OR COSTS WHICH MUST BE REIMBURSED PURSUANT TO GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

The Insurance Commissioner has made an initial determination that the application will not result in any cost or significant savings to any local agency or school district for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement, or in other nondiscretionary costs or savings to local agencies.

COST OR SAVINGS TO ANY STATE AGENCY; FEDERAL FUNDING

The Commissioner has made an initial determination that the application will result in no cost or savings to any state agency and no cost or savings in federal funding to the state.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the proposal will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal will have no effect on the creation or elimination of jobs in California, the creation of new businesses, the elimination of existing businesses in California, or the expansion of businesses in California.

COST IMPACTS ON PRIVATE PERSONS OR ENTITIES

The Insurance Commissioner has made an initial determination that the proposal will not affect private person or entities.

IMPACT ON HOUSING COSTS

The Insurance Commissioner has made an initial determination that the application will not affect housing costs.

IMPACT ON SMALL BUSINESS

The proposed rate changes could affect small businesses.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

The application would not mandate the use of specific technologies or equipment.

ALTERNATIVES

The Insurance Commissioner must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Commissioner has not yet identified reasonable alternatives which would be as effective to carry out the statutory mandate and less burdensome to affected persons, including but not limited to affected small businesses. The Commissioner will entertain public comments on whether a rate change different from that proposed by CAIP would in fact be a reasonable alternative.

PLAIN ENGLISH

The application describing the proposal is in plain English. However, the application itself is based on technical actuarial principles.

TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared an Initial Statement of Reasons addressing the proposed rate application in addition to the Informative Digest included in this notice. The Initial Statement of Reasons, Notice of Proposed Action and Regulation Text are available for inspection or copying, and will be provided at no charge upon request to the contact person listed above.

FINAL STATEMENT OF REASONS

A Final Statement of Reasons will be prepared at the conclusion of this proceeding. Upon written or email request to the contact person listed above, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. A copy of the Final Statement of Reasons will also be posted on the Department's web site.

ACCESS TO RULEMAKING FILE

Any interested person may inspect a copy of or direct questions about CAARP's application, the statement of reasons, and any supplemental information contained in the rulemaking file by contacting the contact person listed above. By prior appointment, the rulemaking file is available for inspection at 1901 Harrison Street, Oakland, CA 94612, between the hours of 9:00 a.m. and 4:30 p.m. Monday through Friday.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, which contains the general substance of the proposed adoption, will be sent to all persons who have previously filed a request with the Department to receive notice of proposed rulemakings.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

The Initial Statement of Reasons, proposed text, and this Notice of Proposed Action will be published online and may be accessed through the Department's website at www.insurance.ca.gov.

AVAILABILITY OF MODIFIED TEXT OF REGULATIONS

If the Department amends the application with changes that are sufficiently related to the original application, the Department will make the full text of the amended rates, with the changes clearly indicated, available to the public for at least 15 days before the date the Department adopts the amended rates.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

INSTRUCTOR CONDUCT

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code (GC) section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY MARCH 9, 2026

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to Andrew Mendonsa at andrew.mendonsa@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST's authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Adopt Commission Regulation 1050

During the November 12, 2024, Commission meeting, staff presented a report to the Commission on the need for regulations to address instructor good conduct and performance in certified courses. At that time, the Commission directed staff to explore a process for assessing instructors and holding instructors to standards of conduct and performance. During the December 3, 2025 Commission meeting, the Commission approved the adoption of Commission Regulation 1050.

Commission Regulations 1001, 1052, 1057, 1059, and 1070

Currently, Commission Regulations are made pursuant to the authority under PC § 13503. The Commission is authorized to develop and implement programs to increase the effectiveness of law enforcement and when those programs involve training and education courses to cooperate with and secure the cooperation of state–level peace officers, agencies, and bodies having jurisdiction over systems of public higher education in continuing the development of college–level training and education programs.

The Commission is further authorized to cooperate with and to secure the cooperation of county, city, city and county, and other local law enforcement agencies in investigating any matter within the scope of its duties and responsibilities, and in performing its other functions. The Commission is authorized to do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it. Per PC § 13512, the Commission shall make such inquiries as may be necessary to determine whether every city, county, city and county, and district receiving state aid under this chapter is adhering to the standards for recruitment and training established pursuant to this chapter.

The Commission has approved the adoption of the proposed Commission Regulation 1050 and the revisions to the text of Commission Regulations 1001, 1052, 1057, 1059, and 1070, to provide clarity to the general and regulated public regarding expectations for instructor conduct and performance. The Commission motioned to approve the amendments as described in the staff report on December 3, 2025, to establish minimum good conduct standing requirements for instruction facilitators.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will provide clarity to the general and regulated public regarding expectations for instructor conduct and performance, thereby improving the quality of training for peace officers as they deliver law enforcement services to California's citizenry. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

FORMS/DOCUMENTS INCORPORATED BY REFERENCE

There are no forms incorporated by reference in this proposed action.

DISCLOSURES REGARDING THE PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC §§ 17500 through 17630: None.

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

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

Cost impacts on a representative private persons or business: POST is not aware of any cost impacts that a representative private person or business would nec-

essarily incur in reasonable compliance with the proposed action.

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined 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.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect instructors and instruction facilitators of POST–certified courses. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create new businesses nor eliminate any existing businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will provide clarity to the general and regulated public regarding expectations for instructor conduct and performance. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Andrew Mendonsa, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 227–2510. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227–2802.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the "express terms") 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 Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at www.post.ca.gov/regulatory–actions.

ADOPTION OF PROPOSED REGULATIONS/AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

BASIC COURSE WAIVER PROCESS

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code (GC) section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY MARCH 9, 2026

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to Michael Marshall at Michael.Marshall@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies time limits within Step 3 of the Basic Course Waiver process including when a request to repeat Step 3 must be submitted for review, and, if approved, the timeline for completion of Step 3.

Currently, Commission Regulation 1005 allows an applicant who has failed the Requalification Course or testing option to request an opportunity to repeat Step 3. The applicant must wait 30 days to make the request and has up to 12 months after the failure to request and repeat Step 3.

The proposed changes in this rulemaking action include instructions for the applicant when requesting a second attempt at Step 3, requires submission of the request after 30 days but no more than 60 days after failure, requires POST approval in writing, and limits the timeline for repetition of Step 3 to 180 days after approval.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will ensure that the regulation does not conflict with itself in regard to completing the Basic Course Waiver Process and will allow individuals who initially fail certain parts of the peace officer test course to retake it, if they meet certain conditions. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

FORMS/DOCUMENTS INCORPORATED BY REFERENCE

There are no forms or documents incorporated by reference in this proposed action.

DISCLOSURES REGARDING THE PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC §§ 17500 through 17630: None.

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined 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.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect individuals seeking to retest parts of the peace officer Requalification Course or testing option. Additionally, the Commission's main function to select and maintain training standards for law enforcement has no effect financially on small businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

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

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will be to ensure that applicants applying as peace officers to the State of California are highly trained. This will aid in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Michael Marshall, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 214–7612. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227–2802.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the "express terms") 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 Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at www.post.ca.gov/regulatory–actions.

ADOPTION OF PROPOSED REGULATIONS/AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

PEACE OFFICER BACKGROUND INVESTIGATION

Notice is hereby given that the Commission on Peace Officer Standards and Training (POST) proposes to amend regulations in Division 2 of Title 11 of the California Code of Regulations as described below in the Informative Digest. A public hearing is not scheduled. Pursuant to Government Code (GC) section 11346.8, any interested person, or their duly authorized representative, may request a public hearing. POST must receive the written request no later than 15 days prior to the close of the public comment period.

PUBLIC COMMENTS DUE BY MARCH 9, 2026

Notice is also given that any interested person, or authorized representative, may submit written comment(s) relevant to the proposed regulatory action by fax at (916) 404–5619, by email to Kelli Surawski at kelli.surawski@post.ca.gov, or by letter to:

Commission on POST
Attention: Rulemaking
860 Stillwater Road, Suite 100
West Sacramento, CA 95605–1630

AUTHORITY AND REFERENCE

This proposal is made pursuant to the authority vested by Penal Code (PC) section 13503 (authority of POST), PC § 13506 (POST's authority to adopt regulations). This proposal is intended to interpret, implement, and make specific PC § 13503(e), which authorizes POST to develop and implement programs to increase the effectiveness of law enforcement, including programs involving training and education courses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This rulemaking action clarifies and makes specific background investigation criteria for peace officers.

Currently, Commission Regulation 1953(e) provides the background areas of investigation, including social media checks, which are located in subsection (12).

The regulation proposed in this rulemaking action will provide clarity with a current date and will remove repetitive and confusing language.

Anticipated Benefits of the Proposed Amendments:

The benefits anticipated by the proposed amendments to the regulation will provide clarity to the criteria for peace officer background investigation and improve the delivery of law enforcement services in California. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the state's environment.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations:

POST has determined that these proposed amendments are not inconsistent nor incompatible with existing regulations. After conducting a review for any regulations that would relate to or affect this area, POST has concluded that these are the only regulations that concern processes and procedures for peace officer eligibility in the state.

DOCUMENT INCORPORATED BY REFERENCE

POST Background Investigation Manual — Guidelines for the Investigator (2025).

DISCLOSURES REGARDING THE PROPOSED ACTION

POST has made the following initial determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Costs to any local agency or school district which must be reimbursed in accordance with GC §§ 17500 through 17630: None.

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

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

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

Significant, statewide adverse economic impact directly affecting California businesses: POST has determined 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.

Significant effect on housing costs: None.

Small Business Determination: POST has determined that the proposed regulations will not affect small businesses because the regulations only affect law enforcement agencies conducting background investigations of peace officers. Additionally, the Commission's main function to select and maintain train-

ing standards for law enforcement has no effect financially on small businesses.

RESULTS OF ECONOMIC IMPACT ANALYSIS/ASSESSMENT

POST concludes that it is (1) unlikely the proposal will create nor eliminate jobs in the state of California, (2) unlikely that the proposal will create nor eliminate any businesses, and (3) unlikely that the proposed regulations will result in the expansion of businesses currently doing business within the state.

Benefits of the Proposed Action: As stated above under the Informative Digest/Policy Statement Overview, the benefits of the regulation will clarify the criteria for peace officer background investigation. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare in California. There would be no impact that would affect worker safety or the state's environment.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Kelli Surawski, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at (916) 894–9523. General questions regarding the regulatory process may be directed to Katie Strickland at (916) 227–2802.

TEXT OF PROPOSAL

Individuals may request copies of the proposed text (the "express terms") 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 Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at www.post.ca.gov/regulatory–actions.

ADOPTION OF PROPOSED REGULATIONS/AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment period and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations and the initial statement of reasons.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to the contact person(s) named above.

TITLE 14. FISH AND GAME COMMISSION

BEAR HUNTING

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by Sections **200, 203, 219, 265, 270, 275, 1050, 1572, 3960, and 10502** of the California Fish and Game Code and to implement, interpret or make specific Sections **110, 200, 201, 203, 203.1, 219, 255, 265, 270, 275, 1050, 1570, 1571, 1572, 3950, 3960, 4750, 4751, 4752, 4753, 4754, 4755, 4758, 4759, 10500, and 10502** of said Code, proposes to **amend** Sections **365, 366, and 708.12, Title 14, California Code of Regulations**, relating to **bear hunting.**

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Unless otherwise specified, all section references in this document are Title 14 of the California Code of Regulations (CCR).

Current regulations in Section 365 specify hunt area boundaries, bag and possession limit of one black bear (*Ursus americanus;* henceforth referred to as bear) per license year, that no feed or bait may be used to attract a bear, season start dates and end dates, as well parameters for closing the season earlier. Specifically, once the Department has determined that 1,700 bears have been taken pursuant to the reporting, the Department shall close the season. Regulations in Section 366 describe regulations for archery bear hunting. Section 708.12 describes regulations surrounding bear license tag distribution, fees, quantity allowed to purchase, instructions for filling out license tags after harvest, use of guides, validation of black bear license tags, and reporting.

Bear harvest in California has not reached the existing harvest threshold of 1,700 set in 2002 since the 2012 season when the use of dogs to hunt bears was outlawed. California contains one of the largest bear populations, and one of the lowest bear harvest rates, in the United States.

The proposal is necessary to facilitate black bear hunting in congruence with expanding black bear range in northeastern California and to allow for hunter opportunity without impacting the population. This possession limit will continue to be bound by the current harvest threshold of 1,700 bears. The additional data collected will also enhance the Department's ability to monitor, conserve, and manage bears.

The proposed changes are as follows:

Amend subsection 365(a)(1) to redefine the hunt area boundaries to include the entirety of Lassen and Modoc counties. The expanded hunt area will add the Northeastern California Bear Conservation Region as defined in the Black Bear Conservation and Management Plan for California (2025).

Amend subsection 365(c) to change the possession limit to be twice the daily bag limit, i.e., allow hunters to harvest two bears in a license year.

Add subsection 365(c)(1) to reorder and clarify the definition of a legal bear.

Add subsection 365(c)(2) to state that hunters may not be in possession of more than one bear gall bladder, as such possession is prima facie evidence that bear gallbladders are possessed for sale, as defined in Fish and Game Code Section (FGC) 4758 (b).

Amend subsection 366(c) to change the possession limit to be twice the daily bag limit, i.e., allow hunters to harvest two bears in a license year.

Add subsection 366(c)(1) to reorder and clarify the definition of a legal bear, specific to the archery season.

Add subsection 366(c)(2) to state that hunters may not be in possession of more than one bear gall bladder, as such possession is prima facie evidence that bear gallbladders are possessed for sale, as defined in Fish and Game Code Section 4758 (b), specific to the archery season.

Amend subsection 708.12(a)(4) to allow for the purchase of up to two bear license tags during any one license year.

BENEFIT OF THE REGULATIONS

As set forth in FGC Section 1801, it is the policy of the state to encourage the conservation, maintenance, and utilization of fish and wildlife resources for the benefit of all the citizens of the state. The objectives of this policy include, but are not limited to, the maintenance of ecologically functional populations of bears and supporting recreational opportunity. Adoption of science–based hunting regulations supports ecologically functional bear populations to ensure those objectives are met. The fees that hunters pay for licenses and tags help fund wildlife conservation and management.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing bear hunting, and reporting requirements (California Fish and Game Code Section 200). No other state agency has the authority to adopt regulations governing bear hunting and reporting requirements. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding the adoption of bear regulations; therefore, the Commission has concluded that the proposed bear hunting and reporting regulations are neither inconsistent nor incompatible with existing state regulations. Commission staff have also searched the Code of Federal Regulations (CFR) and, pursuant to subdivision (b)(6) of California Government Code Section 11346.2, have determined that the proposed regulations avoid unnecessary duplica-

tion and do not conflict with federal regulations contained in the CFR.

Pursuant to subdivision (d) of Section 11346.3 of the Government Code, the Commission finds that the proposed changes for bear tag reporting associated with a potential second tag serve the welfare of the people of the state.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before **5:00 p.m. on Thursday, April 2, 2026** at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before **12:00 noon on Friday, April 10, 2026**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the **Natural Resources Agency Headquarters, 715 P Street, 2nd Floor, Sacramento, California,** which will commence at **8:00 a.m.** on **February 11, 2026**, and may continue at **8:00 a.m.**, on **February 12, 2026.** The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in **Sacramento, California,** which will commence at **8:00 a.m.** on **April 16, 2026** and may continue at **8:00 a.m.** on **April 17, 2026**. The exact location of this meeting has not yet been determined. As soon as this information is available but not less than ten days before the hearing, a continuation notice will be sent to interested and affected parties providing the exact location. The continuation notice will also be published on the Commission's website. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling 916–653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

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

Dr. Arjun Dheer, Statewide Black Bear Coordinator, Department of Fish and Wildlife, BigGame@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 265 of the Fish and Game Code. Regula-

tions adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.4, 11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts by introducing a second bear tag. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate impacts on the creation or elimination of jobs or businesses within the State; no significant impacts to the creation of new business, the elimination of existing businesses, or the expansion of businesses in California are anticipated. While approximately 1–2% of bear hunters use guides, the allowance of a second bear tag is unlikely to stimulate demand in a way that would cause guides to enter the market given the years of experience and skill it takes to become one, and for similar reasons is not expected to cause existing guides to expand their businesses by hiring additional guides. The Commission does not anticipate direct benefits to the general health and welfare of California residents, the environment, or to worker safety, however bear hunters will benefit generally through access to recreational opportunities created by the proposed changes.

(c) Cost Impacts on a Representative Private Person or Business:

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

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

No new costs/savings or changes to federal funding are anticipated for state agencies. However, the Department is projected to experience higher bear tag sales with the allowance of a second bear tag that may result in revenue increases. Together, the projected revenue increase may be $158,474.80 annually (see STD399 and Addendum).

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

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

None.

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

None.

(h) Effect on Housing Costs:

None.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

BIGHORN SHEEP HUNTING

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 203.1, 265, 1050, and 4902 of the California Fish and Game Code and to implement, interpret or make specific sections 1050, 3950, and 4902 of said Code, proposes to amend Section 362, Title 14, California Code of Regulations (CCR), relating to bighorn sheep hunting.

Unless otherwise specified, all section references in this document are to Title 14, CCR.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The Commission periodically considers recommendations from the California Department of Fish and Wildlife (Department) to amend bighorn sheep hunting regulations. Considerations include recommendations for adjusting tag quotas, setting hunt periods, modifying area boundaries, and authorizing methods of take, among others, to help achieve management goals and objectives for bighorn sheep.

Current regulations in Section 362 provide definitions, hunting zone descriptions, season opening and closing dates, tag quotas (total number of hunting tags to be made available), and bag and possession limits for bighorn sheep hunting. Individuals are awarded a bighorn sheep hunting tag through the Department's Big Game Drawing. A limited number of fundraising tags are also available for purchase, usually by auction, via non–governmental organizations that assist the Department with fundraising.

Harvest of a bighorn sheep is authorized for an individual with a tag for a specific hunt zone and season. Tag quotas are established based on a variety of factors including population density and abundance, age and sex composition, and distribution.

Proposed Changes

The Department recommends that the Commission consider the following changes to bighorn sheep hunting regulations:

- Amend subsections 362(a) and (b) to add three new hunt areas in San Bernardino County for bighorn sheep: Granite and North Bristol Mountains (Zone 11), Providence, Woods, and Hackberry Mountains (Zone 12), and Castle Mountains and Piute Range (Zone 13). The season for all three zones would match the other zones in the area starting the first Saturday in December and extending through the first Sunday in February.

Bighorn sheep are widespread in San Bernardino County, and these populations have been monitored for over 5 years. The proposed changes would increase the number of tags available and the geographic areas, or hunt zones, available for hunting.

- Amend subsections 362 (b)(2) and (3) to identify new zones 11, 12 and 13 for the Single Zone Fundraising tags.

Existing regulations provide for allocation of two Single Zone fundraising tags and specify the season for each zone. This proposal allows for the possible reallocation of these tags to the new zones based on population survey results to maintain biologically sound hunting opportunities and continue to generate revenue.

- Amend Subsection 362(d) to modify hunt tag quotas for each hunt zone (Table 1 in the Initial Statement of Reasons).

Periodic adjustments of tag quotas in response to dynamic environmental and biological conditions are necessary to maintain sustainable populations of Nelson bighorn sheep, provide hunt opportunities, and ensure consistency with statutory authorities and management recommendations. Due to the timing of administrative procedures and requirements of the California Fish and Game Code, the Department submits proposed regulatory changes to the Commission prior to completion of all surveys. The Department will recommend final tag quotas for each zone and the zone for single zone fundraising tag 2 based upon analyses and findings from 2025–2026 surveys, scheduled for completion by March 2026.

BENEFITS OF THE REGULATIONS

The proposed regulations will provide Nelson bighorn sheep hunting opportunities while maintaining sustainable population sizes in accordance with management recommendations in existing unit plans, and so as not to exceed the 15 percent threshold identified in subdivision (b)(2) of Fish and Game Code Section 4902.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing Nelson bighorn sheep.

No other state agency has the authority to adopt regulations governing hunting of Nelson bighorn sheep. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding hunting of Nelson bighorn sheep; therefore, the Commission has concluded that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before April 2, 2026 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 10, 2026**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, February 11, 2026, and may continue at 8:30 a.m., on Thursday, February 12, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling (916) 653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, April 15, 2026, and may continue at 8:30 a.m., on Thursday, April 16, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling (916) 653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

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

Paige Prentice, Statewide Bighorn Sheep Coordinator, Department of Fish and Wildlife, BigGame@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

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

11346.8 and 11347.1 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action will potentially add up to 10 tags in three new hunting zones across a large geographic region and will adjust tag quotas for existing hunts with a potential of 28 more tags for new and existing zones combined. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate impacts on the creation or elimination of jobs within the state, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to significantly stimulate demand for goods or services related to Nelson bighorn sheep hunting. If greater numbers of hunters visit the areas in the state with increased opportunities, businesses that provide goods and services to Nelson bighorn sheep hunters could benefit from small increases in sales. Conversely, if fewer tags are awarded and fewer hunters visit the areas in the state with decreased opportunities, businesses that provide goods and services to Nelson bighorn sheep hunters could be negatively affected from small decreases in sales. Anticipated benefits to the environment include, but are not limited to, the maintenance of populations of Nelson bighorn sheep to ensure their continued existence and supporting recreational opportunity, and funding wildlife conservation through the fees that hunters pay for licenses and tags. While there are no anticipated benefits to worker safety, hunting is an outdoor activity that can provide several health and welfare benefits to California residents, including the benefits of fresh game to eat and exercise from outdoor recreation.

(c) Cost Impacts on a Representative Private Person or Business:

The total potential range of tags across all zones is anticipated increase by up to 28 tags across a large geographic area, so no net economic impacts to individuals or to businesses that support Nelson bighorn sheep hunts are anticipated. As such, the Commission does not anticipate significant impacts on the representative private persons or businesses.

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

The Commission does not anticipate any new costs or savings to state agencies or costs/savings in federal funding to the state. However, Department revenue will potentially increase with a proposed increased number of available bighorn sheep tags.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

TITLE 14. FISH AND GAME COMMISSION

ELK HUNTING

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 203, 203.1, 265, 325, 332, 1050 and 1575 of the California Fish and Game Code and to implement, interpret or make specific sections 67, 332, 713, 1050, 1570, 1571, 1572, 1573, 1574, 1575, 2005, 2055, 3004.5 and 3950 of said Code, proposes to amend sections 353, 364, 364.1, 555 and 555.1, Title 14, California Code of Regulations (CCR), relating to elk hunting.

Unless otherwise specified, all section references in this document are to Title 14, CCR.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The Commission periodically considers recommendations from the California Department of Fish and Wildlife (Department) to amend elk hunting regulations. Considerations include recommendations for adjusting tag quotas (total number of hunting tags to be made available), setting hunt periods, modifying area boundaries, and authorizing methods of take, among others, to help achieve management goals and objectives for elk. To maintain appropriate harvest levels and hunting quality, tag quotas must be adjusted periodically in response to dynamic environmental, biological, and social conditions.

Section 353 defines methods that are authorized for taking big game.

Section 364 provides descriptions of hunt area boundaries, season opening and closing dates, methods of take (e.g., general methods, archery only), tag designations (bull, spike bull, antlerless, either–sex), tag quotas, bag and possession limits, and special conditions for elk hunts.

Section 364.1 defines season opening and closing dates, authorized methods of take, application instructions, tag quotas, and bag and possession limits for Department–administered Shared Habitat Alliance for Recreational Enhancement (SHARE) elk hunts.

Section 555 defines cooperative elk hunting areas, eligibility requirements, and the application process.

Section 555.1 defines conflict zone cooperative elk hunting areas, specifies the method for computing the number of conflict zone cooperative elk tags that may be issued, and specifies the valid dates of tags issued under the provisions of the section.

Proposed Changes

The Department recommends that the Commission consider the following changes to elk hunting regulations:

- Amend subsection 353(d) to allow the use of shotguns firing slugs as a method of take for SHARE elk hunts.
- Amend subsections 364(k) and 364.1(b) and add subsections 555(f) and 555.1(d) to clarify that no person may possess more than one general, SHARE, fundraising, or cooperative elk hunting tag in a single hunt year.
- Amend subsection 364(q) to define a new Balance of State Elk Management Zone.
- Amend subsections 364(u)(5) through (11), 364(v)(5), 364(w)(2) through (5), and 364(x)(1) to increase bull tag quotas for the Owens Valley.
- Amend subsection 364.1(i), (j), and (l), to increase elk SHARE tag quotas.
- Amend Section 555 to exclude the proposed balance of state zone from cooperative elk hunting areas.

BENEFITS OF THE REGULATIONS

The benefits of the proposed regulations include, but are not limited to, the maintenance of populations of elk to ensure their continued existence and supporting recreational opportunity. Adoption of science–based hunting regulations provides for the maintenance of ecologically functional elk populations to provide for the sport hunting of elk, and to alleviate elk conflict. Further, the proposed changes will clarify bag limits on elk and increase human safety. The fees that hunters pay for licenses and tags help fund wildlife conservation.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing elk hunting (California Fish and Game Code sections 200 and 332). No other state agency has the authority to adopt regula-

tions governing elk hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding elk hunting; therefore, the Commission has concluded that the proposed elk hunting regulations are neither inconsistent nor incompatible with existing state regulations.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before April 2, 2026 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 10, 2026**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, February 11, 2026, and may continue at 8:30 a.m., on Thursday, February 12, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling (916) 653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

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AVAILABILITY OF DOCUMENTS

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

Brent Wolf, Statewide Elk and Pronghorn Antelope Coordinator, Department of Fish and Wildlife, BigGame@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

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

person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate impacts on the creation or elimination of jobs within the State, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to significantly stimulate demand for goods or services related to elk hunting. As previously mentioned, periodic or annual adjustments of tag quotas in response to dynamic environmental, biological, or social conditions are necessary to maintain hunt opportunities, as well as keeping with management recommendations. If greater numbers of hunters visit the areas in the state with increased annual opportunities, businesses that provide goods and services to elk hunters could benefit from small increases in sales for that license year. The Commission does not anticipate direct benefits to worker safety but anticipates benefits to the environment in the sustainable management of elk populations. Additionally, the Commission anticipates health and welfare benefits to California residents, including the benefits from fresh game to eat and from the exercise associated with outdoor recreation.

(c) Cost Impacts on a Representative Private Person or Business:

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

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

The Commission does not anticipate any new direct or indirect costs or savings to state agencies or costs/savings in federal funding to the state. However, Department revenue is expected to increase with the proposed increase in available elk tags.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

PRONGHORN ANTELOPE HUNTING

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 219, 265, 331 and 1050 of the California Fish and Game Code and to implement, interpret or make specific sections 331, 713 and 1050 of said Code, proposes to amend Section 363, Title 14, California Code of Regulations (CCR), relating to pronghorn antelope hunting.

Unless otherwise specified, all section references in this document are to Title 14, CCR.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background

The Commission periodically considers recommendations from the California Department of Fish and Wildlife (Department) to amend pronghorn antelope hunting regulations. Considerations include recommendations for adjusting tag quotas, setting hunt periods, modifying zone boundaries, and authorizing methods of take, among others, to help achieve management goals and objectives for pronghorn antelope. To maintain appropriate harvest levels and hunting quality, tags must be adjusted periodically in response to dynamic environmental and biological conditions.

Section 363 provides descriptions of pronghorn antelope hunt zone boundaries, season opening and closing dates, methods of take (e.g., general methods, archery only), tag designations (buck, doe), tag quotas (total number of hunting tags to be made available), bag and possession limits, and special conditions for pronghorn antelope.

Proposed Changes

The proposed changes amend subsection 363(m) to potentially adjust hunting tag numbers across all six hunt zones. Previous surveys have suggested declines in population of pronghorn antelope and the Commission adopted reduced tag allocations for the 2025 hunt year in response. The Department is prioritizing additional surveys in February 2026 to continue to assess pronghorn antelope population status and will make a final recommendation following the completion of surveys and data analysis. Administrative regulatory procedures require the notice of proposed changes to the regulations prior to completing the surveys and data analysis.

The Department recommends that the Commission consider proposed changes to subsection 363(m) to modify tag quotas for general season period 1 buck and period 2 buck, archery–only season buck, and general season period 1 apprentice either–sex hunts. No changes are proposed to tag quotas for archery only doe or general season doe hunts. Tag allocations may need to be adjusted to manage harvest following the completion of population surveys.

BENEFITS OF THE REGULATIONS

The proposed regulations will contribute to the sustainable management of pronghorn antelope populations in California. Population objectives are maintained and managed in part by periodically modifying the number of hunting tags distributed. The proposed tag quota changes will help conserve pronghorn antelope populations.

CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The proposed regulations are neither inconsistent nor incompatible with existing state regulations. Section 20, Article IV, of the state Constitution specifies that the Legislature may delegate to the Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to adopt regulations governing pronghorn antelope hunting. No other state agency has the authority to adopt regulations governing pronghorn antelope hunting. The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the CCR for any regulations regarding pronghorn antelope hunting; therefore, the Commission has concluded that the proposed pronghorn antelope hunting regulations are neither inconsistent nor incompatible with existing state regulations.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before April 2, 2026 at the address given below, or by email to FGC@fgc.ca.gov. **Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 10, 2026**. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

Meetings

NOTICE IS GIVEN that any person interested may present statements, orally or in writing, relevant

to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, February 11, 2026, and may continue at 8:30 a.m., on Thursday, February 12, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling (916) 653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the California Natural Resources Headquarters Building, 715 P Street, Sacramento, California, which will commence at 8:30 a.m. on Wednesday, April 15, 2026, and may continue at 8:30 a.m., on Thursday, April 16, 2026. The Commission will make a reasonable effort to provide the public additional opportunities to observe or provide comment in the meeting through the Zoom videoconference platform by computer, mobile device, or telephone connections. However, the Commission cannot guarantee the accessibility or functionality of the remote connection options. Should technical issues affect remote attendee access or quality, an attempt will be made to resolve them, but the meeting will continue with in–person attendees. Instructions for participation in the webinar/teleconference hearing will be posted at www.fgc.ca.gov in advance of the meeting or may be obtained by calling (916) 653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

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

Brent Wolf, Statewide Elk and Pronghorn Antelope Coordinator, Department of Fish and Wildlife, BigGame@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

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

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed action adjusts tag quotas for existing hunts. Given the

number of tags available and the area over which they are distributed, these proposals are economically neutral to business.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate impacts on the creation or elimination of jobs within the State, the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California because the expected economic impacts of the proposed regulations are unlikely to be substantial enough to significantly stimulate demand for goods or services related to pronghorn antelope hunting. The Commission anticipates benefits to the environment including, but not limited to, the maintenance of populations of pronghorn antelope to ensure their continued existence and supporting recreational opportunity, and funding wildlife conservation through the fees that hunters pay for licenses and tags. While there are no anticipated benefits to worker safety, hunting is an outdoor activity that can provide several health and welfare benefits to California residents, including the benefits of fresh game to eat and exercise from outdoor recreation.

(c) Cost Impacts on a Representative Private Person or Business:

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

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

The Commission does not anticipate any new costs or savings to state agencies or costs/savings in federal funding to the state. However, Department revenue is expected to decline if a reduced number of pronghorn antelope tags are made available after the February 2026 survey results.

(e) Nondiscretionary Costs/Savings to Local Agencies: None.

(f) Programs Mandated on Local Agencies or School Districts: None.

(g) Costs Imposed on any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.

(h) Effect on Housing Costs: None.

(i) Business Reporting Requirements:

The proposed action does not impose a business reporting requirement.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

TITLE 14. FISH AND GAME COMMISSION

WATERFOWL, MIGRATORY; AMERICAN COOT AND COMMON MOORHEN

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission (Commission), pursuant to the authority vested by sections 265 and 355 of the California Fish and Game Code and to implement, interpret or make specific sections 265, 355 and 356 of said Code, proposes to amend Section 502, Title 14, California Code of Regulations (CCR), relating to waterfowl, migratory; American coot and common moorhen (common gallinule).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current regulations in Section 502, Title 14, CCR, provide definitions, hunting zone descriptions, and 2025–26 season opening and closing dates, and daily bag and possession limits for hunting of waterfowl, including migratory American coot and common moorhen (common gallinule). The proposed Frameworks for the 2026–27 season were approved by the Flyway councils in September and were considered at the U.S. Fish and Wildlife Service's (Service) Regulations Committee meeting in November. The Frameworks allow for a liberal duck season which includes: a 107–day season; a 7 daily duck limit including 7 mallards but only 2 hen mallards, 3 pintail, 2 canvasback, 2 redheads, and 2 scaup (during an 86–day season); and closing no later than January 31.

A range of season length (zero bag limit represents a closed season) and bag limit are provided for black brant. The ranges are necessary, as the black brant Framework cannot be determined until the Pacific Flyway Fall Brant Survey is conducted in October 2025. The proposed season length and bag limit will be updated per the regulatory packages identified in the Black Brant Harvest Strategy pending results of the fall 2025 survey by the February 2026 Commission meeting. See the Summary of Proposed Waterfowl Hunting Regulations for 2026–27 table in the Initial Statement of Reasons for a summary of season lengths and bag limits.

Lastly, Federal regulations provide that California's hunting regulations should conform to those of Arizona in the Colorado River Zone and those of Oregon in the North Coast Special Management Area.

The California Department of Fish and Wildlife recommended changes to Section 502 are:

1) Modify the duck (including mergansers, American coot, common moorhen, and black brant) season length to 100 days for the Southern San Joaquin Valley Zone in subsection 502(d)(2)(B), the Southern California Zone in subsection 502(d)(3)(B), and the Balance of State Zone in subsection 502(d)(5)(B).
2) Modify the regular goose season length to 100 days for the Southern San Joaquin Valley Zone in subsection 502(d)(2)(B), the Southern California Zone in subsection 502(d)(3)(B) and the Balance of State Zone in subsection 502(d)(5)(B).
3) Increase the Large Canada goose daily bag limit to 3 in the Northeastern California Zone in subsection 502(d)(1)(C) and the Klamath Basin Special Management Area in subsection 502(d)(6)(C)3.
4) Decrease the white–fronted goose daily bag limit in the Northeastern California, Southern San Joaquin Valley and the Balance of State zones and the Klamath Basin Special Management Area to 6, subsections 502(d)(1, 2 and 5)(C) and 502(d)(6)(C)3., respectively.
5) Allow three days of falconry–only season for the Southern San Joaquin Valley, Southern California and Balance of State zones in subsections 502(g)(1)(B)2. through 4., respectively.

Minor editorial changes are also proposed to clarify and simplify the regulations and to comply with existing federal Frameworks.

BENEFITS OF THE REGULATIONS

The benefits of the proposed regulations are consistency with federal law and the sustainable management of the state's waterfowl resources. Continued benefits to jobs and/or businesses that provide services to waterfowl hunters will be realized with the continued adoption of waterfowl hunting seasons in 2026–27.

EVALUATION OF INCOMPATIBILITY WITH EXISTING REGULATIONS

The Commission has reviewed its regulations in Title 14, CCR, and conducted a search of other regulations on this topic and has concluded that the proposed amendments to Section 502 are neither inconsistent nor incompatible with existing state regulations. No other state agency has the authority to promulgate waterfowl hunting regulations.

PUBLIC PARTICIPATION

Comments Submitted by Mail or Email

It is requested, but not required, that written comments be submitted on or before April 2, 2026 at the address given below, or by email to FGC@fgc.ca.gov. Written comments mailed, or emailed to the Commission office, must be received before 12:00 noon on April 10, 2026. If you would like copies of any modifications to this proposal, please include your name and mailing address. Mailed comments should be addressed to Fish and Game Commission, P.O. Box 944209, Sacramento, CA 94244–2090.

Meetings

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(916) 653–4899. Please refer to the Commission meeting agenda, which will be available at least 10 days prior to the meeting, for the most current information.

AVAILABILITY OF DOCUMENTS

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

Senior Environmental Scientist, Melanie Weaver, California Department of Fish and Wildlife, (916) 502–1139 or waterfowlmgmt@wildlife.ca.gov, has been designated to respond to questions on the substance of the proposed regulations.

AVAILABILITY OF MODIFIED TEXT

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15–day comment period, and the Commission will exercise its powers under Section 355 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in sections 11343.4, 11346.1, 11346.4, and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

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

IMPACT OF REGULATORY ACTION/RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

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

(a) Significant Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed 2026–27 waterfowl regulations are expected to maintain a similar level of recreational waterfowl hunting opportunity for the public and therefore the same levels of business competitiveness.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment:

The Commission does not anticipate any impacts on the creation or elimination of jobs, the creation of new business, the elimination of existing businesses, or the expansion of businesses in California. The proposed waterfowl regulations will set the 2026–27 waterfowl hunting season dates and bag limits within the federal Frameworks. The total hunting season length is proposed to remain the same as the current (2025–26) 107 days, with only modifications to the season types (duck, goose or falconry–only); these modifications will have little to no impacts to jobs and/or businesses that provide services to waterfowl hunters. The Commission anticipates that the proposed 2026–27 waterfowl hunting regulations will provide benefits for the health and welfare of California residents by providing opportunity for outdoor activity. The Commission expects no benefits to worker safety as that is not a subject of the proposed regulation. The Commission does expect benefits to the environment in that setting these regulations facilitates maintenance of sufficient waterfowl populations and their habitats while providing for the public's beneficial use and enjoyment.

(c) Cost Impacts on a Representative Private Person or Business:

The Commission is not aware of any cost impacts that a representative private person or business would

necessarily incur in reasonable compliance with the proposed action.

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

None.

(e) Nondiscretionary Costs/Savings to Local Agencies:

None.

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

None.

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

None.

(h) Effect on Housing Costs:

None.

EFFECT ON SMALL BUSINESS

It has been determined that the adoption of these regulations may affect small business. The Commission has drafted the regulations in Plain English pursuant to Government Code Sections 11342.580 and 11346.2(a)(1).

CONSIDERATION OF ALTERNATIVES

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

TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

BEREAVEMENT LEAVE FOR INCARCERATED PERSONS

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the department), proposes to amend section 3000 and adopt new section 3045.4 in the California Code of Regulations (CCR), Title 15, Division 3, Chapter 1, regarding Bereavement Leave for Incarcerated Persons.

PUBLIC COMMENT PERIOD

The public comment period begins **January 23, 2026** and closes on **March 10, 2026.** Any person may submit written comments by mail addressed to the primary contact person listed below, or by email to rpmb@cdcr.ca.gov, before the close of the comment period. For questions regarding the subject matter of the regulations, contact the program contact person listed below.

CONTACT PERSONS

Primary Contact

Josh Jugum
Telephone: (279) 223–2317
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Back–Up

Y. Sun
Telephone: (279) 223–2316
Regulation and Policy Management Branch
P.O. Box 942883
Sacramento, CA 94283–0001

Program Contact

C. Santos
Telephone: (279) 223–3778
Division of Adult Institutions
P.O. Box 942883
Sacramento, CA 94283–0001

PUBLIC HEARING

Date and Time: **March 10, 2026 — 10:00 a.m. to 11:00 a.m.**
Place: 8260 Longleaf Drive, Building C, first floor, Room 101, Elk Grove, CA 95758

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.

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 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.

Additional provisions of law cited in the amended CCR sections: Sections 243(f)(4), 2717.3, 3000.03, 3411, 3414, 5058, 5058.3, 6252 and 1170.05, Penal Code; Section 10115.3(b), Public Contract Code; and Sections 4525(a), 4526 and 14837, Government Code; Sections 186.22, 243, 314, 530, 532, 600, 646.9, 653, 832.5, 1170.05, 1203.8, 1389, 2080, 2081.5, 2084, 2600, 2601, 2700, 2710, 2717.1, 2717.6, 2932.5, 2905, 3003.5(a), 3007.05, 3020, 3450, 3550, 4570, 4576, 5005, 5009, 5050, 5054, 5068, 6250, 6250.5, 6258.1, 7000 et seq., 7286.5, 11180 and 11191, Penal Code; Sections 1132.4 and 1132.8, Labor Code; Sections 10106, 10108, 10108.5, 10115, 10115.1, 10115.2, 10115.3 and 10127, Public Contract Code; Section 999, Military and Veterans Code; Section 391, Code of Civil Procedure; Section 297.5, Family Code; Sections 8550, 8567, 12838 and 12838.7, Government Code; Sections 11007, 11351, 11352, 11378 and 11379, Health and Safety Code; Governor's Prison Overcrowding State of Emergency Proclamation dated October 4, 2006; In re Bittaker, 55 Cal.App.4th 1004, 64 Cal. Rptr. 2d 679; Madrid v. Cate (USDC ND Cal. C90–3094 TEH); Sassman v. Brown (E.D. Cal. 2015) 99 F.Supp.3d 1223; Mitchell v. Cate, USDC ED 2:08–CV–01196–TLN–EFB; In re Garcia (2012) 202 Cal.App.4th 892; and Quine v. Beard, Number C 14–02726 JST.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill 2624, signed in 2024, adopted section 2710 into the Penal Code. Consistent with this statute, the proposed regulations incorporate Incarcerated Person Bereavement Leave which is a benefit that provides incarcerated persons with paid compensation for approved time off from assigned work and educational programs to grieve the loss of an immediate family member. Exceptions apply if the incarcerated person is employed in a position requiring emergency response and exigent circumstances necessitate their employment during the requested period. In such cases, the warden or their designee shall grant the requested leave as soon as practicable after the exigent circumstance has ended.

This action will:

- Implement, interpret and make specific Penal Code section 2710, which requires that incarcerated persons be allowed relief from prison employment after the death of an immediate family member.
- Establish processes for the notification, substantiation, and documentation of the death of an immediate family member, and the granting of time off for the incarcerated person.
- Establish that the granting of time off may be delayed by exigent circumstances, consistent with the penal code.
- Establish that Bereavement Leave must be used within three months of the date of the death of the immediate family member.

DOCUMENTS INCORPORATED BY REFERENCE

- CDCR Form 340, Death Notification (01/25).
- Death Notification Form (01/25). This is an automated form in the department's Strategic Oversight Management System.

Justification for incorporating forms by reference:

The department uses over 1,500 forms, many of which are regulatory. It would be unduly cumbersome, expensive and impractical to print all these forms in the CCR text, therefore the department has always incorporated forms by reference, except in specific circumstances which do not apply in the case of these regulations.

The adopted, amended, and/or repealed forms included in this rulemaking action are available to the public for review and are included in the notice of rulemaking sent to all parties who have requested notification

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulations will benefit incarcerated persons by providing a standardized process for granting Bereavement Leave when an incarcerated person experiences the death of an immediate family member, pursuant to Penal Code section 2710, which may be beneficial to their wellbeing and rehabilitative efforts.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING 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 bereavement leave for incarcerated persons.

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 this action will not have a significant statewide adverse economic impact on business, including the ability of California businesses to compete with businesses in other states because the proposed regulations affect the internal management of CDCR only, and place no requirements or restrictions on businesses.

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 businesses 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 any impact on the following:

- Creation or elimination of jobs within California.
- Creation of new businesses or elimination of existing businesses within California.
- Expansion of businesses currently doing business with the state.
- The state's environment.

The department has determined that the proposed regulations do not impact the health and welfare of California residents. However, the regulations may benefit incarcerated persons by improving their well-being within CDCR institutions.

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. BOARD OF CHIROPRACTIC EXAMINERS

DELEGATION OF CERTAIN FUNCTIONS TO THE EXECUTIVE OFFICER

NOTICE IS HEREBY GIVEN that the Board of Chiropractic Examiners (hereafter Board) is proposing to take the action described in the Informative Digest below, after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

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

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Board at its office no later than by Monday, March 9, 2026**, or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section 4 of the Chiropractic Initiative Act of California (Act) [Initiative Measure, Stats. 1923, page lxxxix, § 4, as amended by Stats. 1978, ch. 307, page 636, § 1], and to implement, interpret, or make specific Business and Professions Code (BPC) section 820, Government Code sections 11500 through 11529, and sections 3 and 10 of the Act (Initiative Measure, Stats. 1923, page lxxxix, § 3, and page xci, § 10, as amended by Stats. 1976, ch. 263, page 548, § 2, and Stats. 1978, ch. 307, page 640, § 3), the Board is considering amending section 306 of Title 16, Division 4, Article 1 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law, the Act, section 10(b), authorizes the Board to suspend or revoke a license to practice chiropractic, place a licensee on probation, or issue a reprimand for violation of the rules and regulations adopted by the Board in accordance with the Act, or for any cause specified in the Act, and specifies that the disciplinary proceedings to impose these penalties shall be conducted in accordance with the Administrative Procedure Act, Government Code section 11500 et seq.

Through CCR section 306, the Board has delegated certain administrative functions related to these disciplinary proceedings—such as filing accusations, issuing hearing notices, scheduling hearings, and mailing decisions—to its executive officer.

This proposal will amend CCR section 306 to summarize and clarify the administrative and investigative functions related to disciplinary proceedings that have already been delegated to the Board's executive officer and confer upon the executive officer the additional delegated authority to:

- Order examinations of licensees whenever it appears they may be unable to practice safely due to mental illness, or physical illness affecting competency, pursuant to BPC section 820.
- Issue default decisions where licensees have failed to file a notice of defense or to appear at a hearing.
- Grant motions to vacate a default decision.
- Approve settlement agreements for the revocation, surrender, or interim suspension of a license.

Anticipated Benefits of Proposal

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by authorizing the Board's executive officer to promptly carry out routine, non–controversial administrative and investigative functions on behalf of the Board, allowing the Board to pursue its mission of consumer protection and prevent potential harmful behavior from licensees.

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

Evaluation of Consistency and Compatibility with Existing State Regulations

During the process of developing this regulatory proposal, the Board has conducted a search of any

similar regulations on these topics and has concluded that this proposal is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The regulation does not result in a fiscal impact to the state. This proposal is intended to expedite the Board's handling of routine, non–controversial administrative and investigative functions and does not result in additional workload or costs. The regulation does not result in costs or savings in federal funding to the state.

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

BUSINESS IMPACT ESTIMATES

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

The rulemaking file includes the facts, documents, testimony, and/or other evidence that support this determination.

Cost Impact on Representative Private Person or Business

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

This proposal is intended to expedite the Board's handling of routine, non–controversial administrative and investigative functions and does not result in additional costs to individuals or businesses.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses

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

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

Benefits of Regulation

The Board has determined that this regulatory proposal will benefit the health and welfare of California residents by authorizing the Board's executive officer to promptly carry out routine, non–controversial administrative and investigative functions on behalf of the Board, allowing the Board to pursue its mission of consumer protection and prevent potential harmful behavior from licensees.

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

Business Reporting Requirements

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

Effect on Small Business

The Board has determined that the proposed regulation will not affect small businesses. The proposal delegates certain existing functions related to investigative and disciplinary proceedings from the Board to its executive officer. This delegation of existing authority does not result in additional costs to small businesses.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit written comments relevant to the above determinations to the Board's office at 1625 N. Market Blvd., Suite N–327, Sacramento, CA 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

The Board has compiled a record for this regulatory action, which includes the Initial Statement of Reasons, proposed regulatory text, and all the information on which this proposal is based. This material is con-

tained in the rulemaking file and is available for public inspection upon request to the contact persons named in this notice.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1625 N. Market Blvd., Suite N–327, Sacramento, CA 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

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

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

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

CONTACT PERSONS

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

Name: Tammi Herrera
Address: Board of Chiropractic Examiners
1625 N. Market Blvd., Suite N–327
Sacramento, CA 95834
Telephone Number: (916) 574–8983
Fax Number: (916) 327–0039
Email Address: tammi.herrera@dca.ca.gov

The backup contact person is:

Name: Kristin Walker
Address: Board of Chiropractic Examiners
1625 N. Market Blvd., Suite N–327
Sacramento, CA 95834
Telephone Number: (916) 574–7784
Fax Number: (916) 327–0039
Email Address: kristin.walker@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations with modifications noted, as well as the Final Statement of Reasons when completed, and modified text, if any, can be accessed through the Board's website at https://www.chiro.ca.gov/laws_regs/prop_regs.shtml.

TITLE 17. AIR RESOURCES BOARD

CALIFORNIA CAP ON GREENHOUSE GAS EMISSIONS AND MARKET–BASED COMPLIANCE MECHANISMS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider approving for adoption the Proposed Amendments to the Regulation for the California Cap on Greenhouse Gas Emissions and Market–Based Compliance Mechanisms (Cap–and–Trade Regulation).

Date: May 28, 2026
Time: 9:00 a.m.
In–Person Location:
California Air Resources Board
Byron Sher Auditorium
1001 I Street, Sacramento, California 95814
Remote Option:
Zoom

This public meeting may continue at 9:00 a.m., May 29, 2026. Please consult the public agenda, which will be posted ten days before the May 28, 2026, Board Meeting, for important details, including the day on which this item will be considered and how the public can participate via Zoom if they choose to be remote.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

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

may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on January 23, 2026. Written comments not submitted during the hearing must be submitted on or after January 23, 2026, and received **no later than Monday, March 9, 2026**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:

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

Electronic submittal:

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

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38510, 38560, 38562, 38562.2, 38566, 38570, 38580, 39600, and 39601. This action is proposed to implement, interpret, and make specific sections, 38562, 38564, 38565, 38566, 38570, 38571, and 39600 of the Health and Safety Code.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, SUBDIVISION (A)(3))

Sections Affected:

Proposed amendment to California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10, Article 5, Sections 95801, 95802, 95803, 95811, 95812, 95813, 95814, 95821, 95830, 95831, 95832, 95833, 95834, 95835, 95840, 95841, 95841.1, 95852, 95852.1, 95852.1.1, 95852.2, 95856, 95870, 95871, 95890, 95891, 95892, 95893, 95894, 95911, 95912, 95913, 95914, 95915, 95920, 95921, 95922, 95923, 95942, 95973, 95974, 95975, 95976, 95977, 95977.1, 95978, 95979, 95980.1, 95981, 95981.1, 95983, 95984, 95985, 95986, 95987, 95989, 96001, 96021, 96022, Appendix B, Appendix C, and Appendix D. Proposed adoption of California Code of Regulations, Title 17, Division 3, chapter 1, Subchapter 10, Article 5, sections 95852.3 and 95975.1. Proposed deletion of California Code of Regulations, Title 17, Division 3, Chapter 1, Subchapter 10, Article 5, sections 95859 and 95990.

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

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

- American Society for Testing and Material (ASTM) designation D–4806–21, "Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark–Ignition Engine Fuel," April 2021, section 95802(a).
- ASTM C150, "Standard Specification for Portland Cement," July 2022, section 95802(a).
- ASTM C595, "Standard Specification for Blended Hydraulic Cements," July 2023, section 95802(a).
- ASTM C1157, "Standard Performance Specification for Hydraulic Cement," September 2023, section 95802(a).
- California Public Utilities Commission (CPUC). "Decision Adopting Customer Climate Credit Updates," (Decision 21–08–026), August 2021, section 95891(b)(2).
- California Air Resources Board, "California Climate Investments Quantification Methodology Emission Factor Database Documentation" and "Appendix A: Sustainable Communities and Clean Transportation," January 2024, section 95892(e)(4)(B)2.b. and 95893(e)(4)(B)2.c.
- Internal Revenue Service, "Section 45V Credit for Production of Clean Hydrogen," July 2024, section 95891(g)(2)(C)1.a.

Background and Effect of the Proposed Regulatory Action:

Climate change is one of the most serious environmental threats facing humankind, and California is already feeling its effects and growing impacts to the economy and affordability. A 2024 national report ranked California the worst state for natural disasters fueled by a changing climate, with expected annual losses through 2024 totaling more than $16 billion annually statewide.[1] Home insurance is harder and more expensive to get. Seven of California's largest property insurers, State Farm, Allstate, Farmers,

[1] ClaimGuide.org, *Disaster Preparedness: Riskiest Places for Severe Weather* (May 2024).

USAA, Travelers, Nationwide and Chubb, recently limited new homeowners policies in the Golden State — raising questions about the stability of the California home insurance market.[2] During an 11–year period, exposure to wildfire smoke caused more than 50,000 deaths in California and more than $400 billion in economic impacts.[3] During seven extreme heat events over the past decade, California experienced $7.7 billion in losses.[4] Fueled by record drought conditions linked to climate change,[5] the January 2025 Southern California wildfires caused widespread losses including at least 440 deaths, with 31 direct deaths and 409 indirect fatalities from smoke or healthcare disruptions,[6] and destruction of over 16,0000 structures.[7] The economic impacts from these fires alone is estimated to be more than $30 billion.[8] This regulatory update, which reflects the Legislative direction in AB 1207 (Irwin, Chapter 117, Statutes of 2025) providing direction through 2045, will keep momentum for private investment in clean energy and technology to support the State's air quality and climate targets while growing the economy. California committed to take action to address the threat through the adoption of Assembly Bill (AB) 32 (Nunez, Chapter 32, Statutes of 2006), which requires California to reduce its statewide GHG emissions to 1990 levels by 2020, a goal achieved several years earlier than mandated, and identifies CARB as the State agency charged with monitoring and regulating sources of the GHG emissions that cause climate change. AB 32 also requires CARB to work with other jurisdictions to identify and facilitate the development of integrated and cost–effective regional, national, and international GHG emissions reduction programs.

AB 32 authorizes CARB to use a market–based aggregate emissions mechanism to reduce GHG emissions, and CARB promulgated the Cap–and–Trade Regulation pursuant to this authority. In 2016, the Legislature reaffirmed California's commitment to acting against climate change by adopting Senate Bill (SB) 32 (Pavley, Chapter 249, Statutes of 2016), which called for at least a 40% reduction in GHG emissions below 1990 levels by 2030. Following in 2017, AB 398 (Garcia, Chapter 135, Statutes of 2017) clarified the role of the Cap–and–Invest Program in achieving the 2030 GHG emissions reduction target. In passing AB 398, the Legislature, through a two–thirds supermajority vote, directed many of the design elements in the existing Regulation, while simultaneously offering strong support for the Cap–and–Invest Program as one of California's key tools for achieving the State's GHG emissions reduction targets.

In 2022, the Legislature passed AB 1279 (Muratsuchi, Chapter 337, Statutes of 2022), which requires both reducing anthropogenic GHG emissions by 85% below 1990 levels by 2045 and achieving carbon neutrality by 2045. AB 1279 was passed along side SB 905 (Caballero, Chapter 359, Statutes of 2022) which recognized the need for carbon dioxide removal in achieving the state's mid–century climate targets. CARB's 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan Update)[9] laid out a cost–effective and technologically feasible path to fulfill the AB 1279 mandates. Importantly, 2022 Scoping Plan Update modeling indicates that the State needs to increase the pace of emissions reductions to align with the trajectory needed to meet the State's more aggressive 2045 climate targets. Achieving the programmatic goals outlined in the 2022 Scoping Plan Scenario would result in an 86% reduction in total fossil fuel demand in 2045 relative to 2022. Under the Scoping Plan Scenario, impacts to economic and job growth would be negligible in both 2035 and 2045, while delivering $200 billion of health benefits in 2045 due to substantial reductions in emissions of harmful air pollution.

In 2025, the Legislature extended the Cap–and–Trade Program to 2045 with a pair of bills, AB 1207 and SB 840 (Limón, Chapter 121, Statutes of 2025), that passed both chambers with a supermajority vote. In AB 1207, the Legislature directed the Cap–and–Trade Program to be referred to instead as the Cap–and–Invest Program, and CARB is implementing that name change.[10] These bills reaffirm the role of Cap–and–Invest in supporting progress toward the 2030 and 2045 GHG reduction targets and include targeted changes to the Program, reviews of compliance offset protocols, and appropriation of auction revenues.

[2] Bankrate, *Limited Home Insurance Options in California As Major Carriers Pull Back* (August 2024).

[3] UCLA, *The death toll from wildfire smoke* (June 2024).

[4] California Department of Insurance, *Commissioner Lara releases pioneering analysis on hidden costs of extreme heat in California* (July 2024).

[5] NOAA, *The weather and climate influences on the January 2025 fires around Los Angeles* (February 2025).

[6] Boston University School of Public Health, *Death Count for 2025 LA County Wildfires Likely Hundreds Higher than Official Records Show* (August 2025).

[7] CAL FIRE, *2025 Fire Season Incident Archive* (undated).

[8] Doug Smith and Sandhya Kambhampati, "*Real estate losses from fires may top $30 billion, from old mobile homes to $23–million mansions*," Los Angeles Times (February 21, 2025).

[9] (CARB 2022a) California Air Resources Board. 2022 Scoping Plan for Achieving Carbon Neutrality. December 2022. *https://ww2.arb.ca.gov/sites/default/files/2023–04/2022–sp.pdf*.

[10] This name change is part of the Proposed Amendments. In this document, we refer to the Program generally as Cap–and–Invest or Program. The Cap–and–Trade Regulation will change to the Cap–and–Invest Regulation once the Proposed Amendments are adopted.

Since the adoption of the first Scoping Plan in 2008,[11] carbon pricing in the form of a Cap–and–Invest Program has been part of California's successful portfolio approach to achieving the State's GHG emissions reduction targets, and it will remain critical as California progresses towards carbon neutrality. The Program complements sector–specific programs and creates a strong economic incentive for investments in GHG emissions reduction by establishing a declining cap on approximately 80% of total statewide GHG emissions. CARB's continuation and expansion of the suite of climate programs created in response to AB 32, including the Cap–and Invest Program, is consistent with recent statutory direction in AB 1207 and, as outlined in the 2022 Scoping Plan Update, is critical to achieving the targets set forth in both SB 32 and AB 1279. Importantly, CARB is directed to find the most cost–effective and technologically feasible path to achieve the State's climate targets. The Cap–and–Invest Program continues to be one of the most cost–effective programs when compared to prescriptive regulations and a carbon tax set at the social cost of carbon.

The Proposed Amendments are critical to leverage private investments and provide additional support for deploying low–carbon technologies following the loss of federal funding opportunities, which will be needed this decade to realize the outcomes in the 2022 Scoping Plan Update. The carbon price imparted by the Cap–and–Invest Program is a key signal supporting the necessary flow of investments to GHG emissions reduction activities. Concurrent to the development of the 2022 Scoping Plan Update, the annually updated GHG Emissions Inventory was adjusted to more fully incorporate third–party verified GHG emissions data and correct some errors.

The suite of Proposed Amendments to the Cap–and–Trade Regulation works collectively to ensure the Program provides the long–term price signal, appropriate incentives, and regulatory certainty to support the economy–wide deep decarbonization needed through mid–century. Most significantly, staff propose to revise allowance budgets through 2045 to support achieving the legislative GHG targets for 2030 and 2045. These proposed changes to allowance budgets would increase the stringency of the Program, intensifying incentives for covered entities to invest in GHG emissions reduction activities in the near– and long–term. The package of Proposed Amendments is informed by AB 1207, AB 1279, the 2022 Scoping Plan Update, the existing 2030 GHG emissions reduction target enacted through SB 32, evolving State policy, and implementation experience.

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

Objectives and Benefits of the Proposed Regulatory Action:

Overall, the Proposed Amendments to the Cap–and–Trade Regulation are focused on the following objectives:

- Updating allowance budgets to reflect recent adjustments to the GHG Emission Inventory and alignment of post–2030 budgets in support of achieving the State's 2045 climate targets.
- Updates to market rules, in the context of budget adjustments, to support liquidity, enhance market protections, and contain costs.
- Amendments to ensure the Program appropriately supports consumer affordability, covers emissions, minimizes GHG emissions leakage, and incentivizes decarbonization in the evolving electricity, industrial, and transportation sectors.
- Revised methodology to account for the use of offset credits in annual budgets, as required by AB 1207.
- Provide a framework for the transition of free allowances from natural gas suppliers to electrical distribution utilities, as required by AB 1207.
- Technical updates to offset credit provisions to clarify, streamline implementation, and reflect lessons learned.
- Administrative updates to clarify and streamline Program implementation.

The Program is a system of design elements that together send a steadily increasing carbon price signal while avoiding price shocks. As such, staff have considered changes to the design elements as part of the overall system and not in isolation, and the cumulative impacts of changes to design elements are considered in the context of the need for overall Program stability and a steadily increasing price signal. Overall, the suite of Proposed Amendments works collectively to ensure the Program provides a steady long–term carbon price signal, appropriate incentives, and regulatory certainty to support the economy–wide deep decarbonization needed through mid–century.

These proposed changes, if adopted, would result in significant greenhouse gas (GHG) emissions reduction as well as air quality, health, and economic benefits across the State. These benefits, which are presented relative to expectations under the current Cap–and–Trade Regulation, include:

[11] (CARB 2008a) California Air Resources Board. Climate Change Scoping Plan. December 2008. *https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf*.

GHG Emissions Reduction:

- The Proposed Amendments are designed to support achieving the State's 2030 and 2045 GHG emissions reduction targets and are expected to reduce GHGs by 953 million metric tons carbon dioxide equivalent ($MTCO_2e$) during 2027–2046, largely from reduced fossil fuel combustion at covered facilities.
- The Proposed Amendments are also expected to increase near–term revenues from state–owned allowances sold at auction, which are deposited into the Greenhouse Gas Reduction Fund (GGRF) for appropriation by the Legislature and Governor. These increased revenues are estimated to produce 10 million metric tons CO_2e of additional GHG emissions reduction over the lifetime of GGRF projects in sectors not otherwise covered by the Program.

Health Benefits from Local Air Quality Improvements:

- Reduced fossil fuel combustion and additional GGRF program expenditures due to the Proposed Amendments are estimated to reduce 305,000 short tons of oxides of nitrogen (NOx) and 50,000 short tons of fine particulate matter (PM2.5) emissions from 2027–2046. These local air quality improvements result in avoided incidents of public health indicators, such as asthma symptoms or cardiopulmonary mortality, in communities near covered facilities.
- Staff estimates the monetary value of these avoided health costs to be $123 billion during 2027–2046.

Economic Benefits:

- $3.5 billion in estimated increased GGRF revenue through 2035, most of which will be invested in GHG reduction projects that benefit priority populations.
- $9.7 billion in estimated increased utility allowance auction revenue through 2046, which will be used to benefit ratepayers through the California Climate Credit and programs that reduce GHG emissions.[12]
- Avoided future global climate damages of $192–$485 billion, as estimated by applying the social cost of carbon.
- Expansion of businesses and employment opportunities in sectors that provide clean energy technologies and low–carbon fuels.

[12] All economic benefits are estimated using a set of assumptions described in the ISOR and Form 399 Economic Analysis. As the market administrator and due to forecast uncertainty, CARB cannot predict actual allowance value and is using a base set of assumptions for this economic analysis.

The Proposed Amendments will also help support implementation of California's complementary sector–specific programs, facilitate the rapid large–scale deployment of decarbonization solutions identified by the 2022 Scoping Plan Update, and will provide a model for other jurisdictions looking to adopt their own emissions trading systems. As other jurisdictions consider their own programs, CARB continues to improve efficiency, maintain environmental integrity, and align the Program with a transition to a deeply decarbonized economy to ensure that the Cap–and–Invest Program remains a policy that is effective for California and informative to other jurisdictions.

Summary of Proposed Amendments

The Proposed Amendments reflect a range of objectives, from simple updates and revisions to improve Program implementation, to broader proposals to implement AB 1207 and ensure that the Program supports California's climate targets. These proposed changes are expected to increase stringency and intensify the incentive for covered entities to invest in GHG emissions reduction activities, aligned with the accelerated pace of decarbonization called for in the 2022 Scoping Plan Update and the GHG reduction targets in SB 32 and AB 1279.

Most significantly, staff propose more stringent allowance budgets to reflect recent updates to the GHG Emission Inventory and to accelerate emissions reductions through 2045 in support of State goals. Setting informed Program allowance budgets through 2045 is critical to providing the needed near– and long–term price signal to achieve the State's midcentury emissions reduction targets. Toward this goal, staff propose to adjust and establish annual allowance budgets from 2027 through 2045, replacing the current annual budgets in the existing Program. The proposed annual budgets would:

- Remove approximately 118 million allowances from the 2027–2030 annual budgets, to reflect GHG Emission Inventory updates; and,
- Establish post–2030 budgets aligned with CARB's Scoping Plan that decline smoothly from the adjusted 2030 annual budget to a 2045 budget consistent with the AB 1279 target.

In total, the proposed allowance budgets contain approximately 2.1 billion allowances, cumulative from 2027–2045. Additionally, as required by AB 1207, the Proposed Amendments provide a mechanism for removing and retiring allowances from future annual budgets corresponding with compliance offset use, which is limited at six percent of covered entities' emissions obligations. The Proposed Amendments for implementing this new timing for accounting for off-

set use could potentially address some of the variability introduced into the auctions.

The specific proposed annual budgets and removals achieve the goals of:

- Providing incentives needed to pursue decarbonization solutions aligned with the 2030 and 2045 GHG reduction targets;
- Enabling a smooth transition into the post–2030 Program;
- Removing allowances for compliance offset use, as required by AB 1207;
- Maintaining cost–containment mechanisms and protections against price volatility; and,
- Providing Program certainty to unlock the private investments needed to deliver GHG emissions reduction at covered facilities.

Overall, the proposed Program budgets support a well–designed system aligned with the State's 2030 and 2045 decarbonization goals. During the course of this rulemaking, CARB may consider refinement of the proposed Program budgets and implementation timing aligned with achievement of these goals.

Staff are proposing to update market rules and cost–containment features in the context of allowance budget adjustments to support liquidity, enhance market protections, and ensure transparent pricing and reporting by entities. These proposed adjustments will affect the trading and banking behavior by market participants, and staff have carefully evaluated and Proposed Amendments to support a well–functioning market enabling cost–effective compliance with the Program. Staff are proposing amendments that would expand the control measures used to identify corporate association groups (CAG) of registered entities including control based on entities sharing common commodity pool operators and trading advisors and control by individuals with shared roles.

Additionally, staff are proposing a delay in implementation of changes to purchase limit shares and holding limit shares for entities newly subject to a CAG due to updated CAG rules to provide flexibility and prevent potential price volatility due to sudden release of compliance instruments into the market. The delay will prevent abrupt market disruption, allow entities time to adjust their holdings, update their corporate structure, and/or disclose their new purchase and holding limit shares to CARB, as applicable. Staff has also added Proposed Amendments that clarify the conduct of trade rules, particularly the Beneficial Holding Prohibition, to accurately assess and track ownership and control of compliance instruments and ensure against market manipulation. With the delayed implementation of changes to purchase limit shares and holding limit shares for entities newly subject to a CAG, the release of allowances is expected to be steady and in a manner that can support access to allowances needed for compliance by covered entities in the context of the proposed removals of allowances from overall annual budgets to recognize updates to the GHG Inventory and to recognize the use of offsets for compliance.

Staff are proposing updates to entity registration and disclosure requirements to aid with market oversight. Changes to transfer price reporting are proposed for zero–priced and unpriced transfers to ensure market integrity. Further, to reflect increased Program stringency, to support transparent assessment of progress, and to address administrative jurisdiction needs for timely assessment of jurisdictional GHG mitigation targets, compliance period durations would be modified to align with California's GHG reduction target dates and also supports the accounting mechanism for Article 8 of the 2017 Linkage Agreement.

Staff propose to clarify the Know Your Customer information verification and maintenance, and individual user eligibility requirements to enhance CARB's ability to monitor and to provide effective enforcement oversight of participants in the Program. Staff also propose to include in the Regulation the prohibition of a user of the tracking system and auction system from sharing their user credential information. The Proposed Amendments include further updates to the tracking system and auction system terms and conditions to strengthen CARB's ability to monitor and enforce requirements. The Proposed Amendments also include updates to the auction and reserve sale administration requirements to clarify and streamline the auction and reserve sale operations. In total, the bulk of the amendments reflect clarifications and responses to support oversight of a growing and maturing market.

The Proposed Amendments would extend cost–containment mechanisms, designed to optimize the cost–effectiveness of the Program, including the two–tier Allowance Price Containment Reserve (Reserve) and price ceiling sales. The Reserve would be continued in the post–2030 Program and 1% of each post–2030 annual budget would be allocated to the first APCR tier.

The proposed changes to the EDU allocation, NGS allocation, and utility use of allowance value support affordability, ratepayer protection, and California's clean electricity goals. The Proposed Amendments include updates to the EDU allocation from the 2027–2030 allowance budgets to account for the more ambitious statewide clean electricity targets and newly available data sources. The Proposed Amendments also establish EDU allocation for the vintage 2031–2035 allowance budgets. Staff are also evaluating whether any newly eligible EDUs should be added to the EDU allocation using the same methodology

and comparable data sources and may propose further language during a 15–day comment period. The Proposed Amendments also include a framework for the transition of NGS allocation to EDUs with residential ratepayers as required by AB 1207, starting in 2029. The framework of the Proposed Amendments for the transition of NGS allocation to EDU allocation includes the timing, which EDUs are eligible, and a basis and data for apportioning NGS allocation to eligible EDUs. The Proposed Amendments also include a true–up allocation mechanism for NGSs that become newly eligible for allowance allocation. Additionally, staff propose to make several updates to utility use of allowance value including removing the requirement for non–volumetric return of allocated allowance value for investor–owned utility EDUs. Additional Proposed Amendments include aligning natural gas supplier use of allocated allowance value with the 2022 Scoping Plan Update, and clarifications to ensure allocated allowance value including accrued interest is used for the primary benefit of California ratepayers and expected GHG benefits are accurately captured. The Proposed Amendments include additional eligibility requirements for electricity to be used towards the RPS adjustment, an optional compliance mechanism beginning in 2031. These amendments would require that electricity to be used towards the RPS adjustment be limited to RPS Portfolio Content Category 0 resources to support alignment of the Regulation with the increased Program stringency necessary to achieve the deep decarbonization of the electricity required by SB 1020, AB 1279 and SB 100. The Proposed Amendments also include updates to terminology in the Regulation to reflect the development of the Extended Day–Ahead Market and align with proposed definition changes and changes to the Outstanding Emissions calculation in Mandatory Greenhouse Gas Reporting Regulation (MRR). These updates support MRR changes to minimize the potential for emissions leakage due to updates and changes to CAISO Markets.

The Proposed Amendments include a suite of changes to support decarbonization and innovation in California's industrial sector and minimize emissions leakage, pursuant to the requirements of AB 32 and AB 398. The Proposed Amendments add cap adjustment factors for 2032– 2035, maintain assistance factors at 100% through 2035 and would add new covered products and benchmarks and revise some existing product definitions and benchmarks for cement manufacturing, crude oil production, transportation fuels, food processing, and manufacturing sectors. These updates are intended to reflect evolving in–state production and ensure the Program appropriately incentivizes low–GHG production methods and provides consistent treatment for innovative methods of supplying California with fuels and materials. The Proposed Amendments also incorporate new provisions to provide product–based allowance allocation for manufacturing a newly covered product during prior years, corresponding to the start of manufacturing the newly covered product, to minimize emissions leakage risk associated with manufacturing new or evolving products. The Proposed Amendments also include changes to update the industrial allocation to directly provide allowances to covered industrial facilities to minimize the leakage risk associated with Program costs in purchased electricity, completing the transfer of responsibility for administering this leakage protection mechanism from CPUC to CARB. The Proposed Amendments include provisions on the return of allocated allowances to clarify what events prompt a return allowance allocation and to specify the requirements of returning allowances to CARB. The Proposed Amendments add an allowance allocation mechanism for leakage risk protection for covered manufacturing facilities that incentivize on–site decarbonization actions including electrification projects, renewable energy, fuel switching to low–carbon hydrogen or other low–carbon fuels. Staff are also evaluating new product–based benchmarks for industry, which would be added to Table 9–1 in the Regulation with corresponding new product definitions. Any proposed benchmarks would be circulated for a 15–day comment period.

The Proposed Amendments clarify and revise provisions specifying the compliance obligation incurred by biomass–derived fuels and CO_2 emissions exemption requirements. Staff propose to clarify and update biomass–derived fuels provisions to improve the Program's ability to provide a clear mechanism for biomass–derived fuels, such as biomethane, to be eligible as an exempt biomass–derived fuel. Informed by implementation experience and the growing variety of biomass–derived fuels, the Proposed Amendments also clarify and update the list of biomass–derived fuels eligible for exemption. Overall updates to biomass–derived fuel provisions are made to promote consistent understanding of Program requirements by biofuel producers and covered entities, provide necessary certainty for entities, reduce the administrative burden of the Program, and address emissions from emergent biomass–derived fuels.

Staff propose to add exemptions for emergency back–up generators and certain fuel cells, update emissions exemptions for natural gas supplier associated infrastructure and clarify existing language to enable the future inclusion of Carbon Capture and Sequestration (CCUS). The Proposed Amendments would prevent a non–covered electricity generating facility from becoming a covered entity due to the emissions associated with an increase in energy pro-

duction during a State of Emergency. Per the direction of the Board under Resolution 18–51, staff propose a limited exemption from the inclusion threshold for fuel cells provided certain conditions are met. The Proposed Amendments update emissions exemptions for natural gas supplier associated infrastructure and address potential double–counting associated with NGS covered emissions. These updates are intended to align emissions exemptions for vented and fugitive methane emissions across all segments and facilities within the natural gas production and distribution sector. Staff propose adding a new section for future CCUS provisions and to expand the possible future accepted sequestration and utilization methodologies beyond geologic sequestration, provided meet Board–approved quantification and permanence standards. The Proposed Amendments also remove exemptions for exported CO_2 in order to reduce leakage risk.

Staff propose an array of amendments to the Compliance Offsets Program requirements to clarify and streamline implementation. Additionally, staff propose to add several new requirements intended to clarify areas of uncertainty in the existing rules and to further ensure the integrity of the offset credits issued under the program. The Proposed Amendments include clarifications to definitions and updates to offset project listing, monitoring, reporting, and verification requirements, processes, and deadlines. The Proposed Amendments also clarify requirements for Offset Project Registries. Staff propose modifying the timeframes for requests for issuance, invalidation, and renewed crediting period applications for all project types. Staff propose several new requirements related to post–crediting period monitoring and reversal requirements. Staff propose new requirements for direct environmental benefits in the State (DEBS) status, notification requirements for forest project land ownership transfers, allowing baseline adjustment for forest projects, and new and modified requirements related to forest project reversals. Staff also propose minor modifications to forest project listing requirements and explicitly recognizing that forest projects on Alaska Native Corporation (ANC) lands are eligible to use the public lands risk ratings. In addition, staff propose removing the automatic termination requirement for a forest project if its carbon stocks fall below the baseline by providing options to continue. Staff propose removing early action credit invalidation language which is no longer needed.

Some additional Proposed Amendments are based on experience implementing the Regulation or to improve clarity. These Proposed Amendments are mostly administrative in nature, such as fixing typos, improving or adding definitions, removing requirements for time periods in the past, removing requirements specific to repealed federal regulations, and clarifying provisions that have caused confusion. The changes will make it easier for regulated parties to understand and adhere to the Regulation.

Finally, the proposed changes also update the name of the Program to Cap–and–Invest per Legislative intent in AB 1207.

Public Process

To ensure an open and transparent rulemaking, staff have engaged in an extensive public process since development of the Proposed Regulation began in 2023. Staff conducted eight public workshops, one of which included a presentation from the Environmental Justice Advisory Committee (EJAC), an advisory committee convened by CARB to advise on the Scoping Plan development as required by AB 32, and two of which were held jointly with Québec Ministry of Environment, Fight Against Climate Change, Wildlife and Parks, the operator of the Québec Cap–and–Trade System. Staff also conducted two community meetings with the EJAC to solicit public feedback and discuss potential changes to the Regulation and presented at and participated in five EJAC Meetings and three Joint EJAC/CARB Board Meetings. Meetings were attended by a range of interested parties including covered entities, including representatives from natural gas and electrical utilities, industrial facilities, and transportation fuel suppliers; community members; environmental organizations; environmental justice groups; carbon market observers; voluntary carbon market participants; academics; consultants; and members of the public. Staff posted information, recordings, public comment letters, and associated materials on the Cap–and–Trade Meetings and Workshops webpage[13] and distributed notice of each workshop/meeting to about 30,500 recipients through existing subscription lists.

Staff also participated in numerous meetings requested by various interested parties to discuss implementation of the existing Regulation and Proposed Amendments. A detailed summary of public outreach and solicitation of public input is included in Section XI of the Initial Statement of Reasons (ISOR).

Comparable Federal Regulations:

There are no directly comparable federal regulations mandating economy–wide Cap–and–Invest Programs. The Proposed Amendments continue to place a compliance obligation on large industrial sources, fuel suppliers, and electricity generators and importers for the GHG emissions associated with their current and future activities. The GHG emissions from these entities, except for the GHG emissions from certain electricity generating units (EGUs) covered by the feder-

[13] See *Cap–and–Trade Meetings & Workshops | California Air Resources Board* for more information.

al new source performance standards and emissions guidelines set under section 111 of the Clean Air Act,[14] are not currently covered by any federal regulations. Covering these GHG emissions does not conflict with federal regulations. Affected EGUs under those federal standards are covered under the proposed amended Regulation; indeed, compliance by affected EGUs with the proposed amended Regulation is the likely means by which the State will propose to demonstrate compliance with the federal standards. The federal standards generally allow for state measures, such as California's Cap–and–Invest Program, that place requirements on affected EGUs in order to meet aggregate emissions limits for the entire sector during each compliance period. The proposed amended Regulation is not different from federal regulations but rather a state measure that can be used as a means of complying with federal regulations. The Cap–and–Invest Program and the present Proposed Amendments do not conflict with federal regulations.

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

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

MANDATED BY FEDERAL LAW OR REGULATIONS (GOV. CODE, §§ 11346.2, SUBDIVISION (C), 11346.9)

The proposed regulatory action is not generally mandated by federal law or regulations. However, federal emissions guidelines set under section 111 of the Clean Air Act, discussed above, do require that California limit GHG emissions from certain EGUs at certain power plants by developing a compliance plan and accompanying regulations. California has discretion as to how it complies with those federal emissions guidelines and anticipates the proposed amended Regulation can address such compliance, thereby supporting compliance with both state and federal mandates.

[14] The U.S. Environmental Protection Agency has proposed to rescind these new source performance standards and emissions guidelines. (90 Fed. Reg. 25,752 (June 17, 2025).) At the time of this Notice publication, that proposal has not been finalized. If it were finalized, then no sources would be covered by any federal GHG regulations.

DISCLOSURE REGARDING THE PROPOSED REGULATION

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

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

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

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

Pursuant to Government Code sections 11346.5, subdivision (a)(5), this regulatory action will result in a mandate that would create costs and cost–savings to local agencies and school districts. However, these costs are not reimbursable pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code. These costs are not reimbursable because the Proposed Amendments neither compel local agencies to provide new governmental functions (i.e., do not require such agencies to provide additional services to the public), nor do they impose requirements that apply only to local agencies or school districts.[15] Costs or cost–savings due to increased stringency of the Cap–and–Invest Program apply to covered entities in all sectors and may ultimately be passed through to all individuals and entities in the State in the price of energy or goods. This proposed regulatory action also does not compel local agencies to increase the actual level or quality of services that they already provide the public.[16] For the foregoing reasons, any costs incurred by local agencies to comply with this regulatory action are not reimbursable.

Cost or Savings for State Agencies:

The Proposed Amendments are expected to impact State revenues from GHG allowance auctions depos-

[15] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

[16] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 877.

ited into the GGRF and appropriated for projects that reduce GHG emissions and local air pollution in priority communities. Staff projects a minor near–term increase and cumulative decrease of $900 million in GGRF revenues from 2027–2046. The Proposed Amendments are also expected to have secondary impacts on State sales tax, income tax, and energy tax and fee revenues due to GHG abatement measures taken at facilities covered by the Program (e.g., replacing fossil fuel combustion with low–carbon alternatives) and downstream macroeconomic impacts that may affect personal incomes.

Including GGRF, State revenues across all applicable tax and fee categories are expected to increase by $4.5 billion and decrease by $10.2 billion, for a net fiscal decrease of $5.7 billion cumulatively from 2027–2046. There are no impacts anticipated for the current fiscal year (2025–2026).

Other Non–Discretionary Costs or Savings on Local Agencies:

The Proposed Amendments are expected to impact certain categories of local government costs and revenues. Publicly owned utilities (POUs) may see increases in Cap–and–Invest compliance costs in the price of electricity produced from fossil fuels, while POUs also receive free GHG allowances which are consigned to auction and used to benefit their ratepayers. Local governments may also see changes in sales tax and energy tax revenues as businesses and consumers replace fossil fuel use with low–carbon alternatives.

In total, local government tax revenues and Cap–and–Invest allowance revenues are expected to increase by $5.1 billion and decrease by $948 million from 2027–2046. Including an increase in Program compliance costs, local governments are expected to see a net fiscal decrease of $235 million across this period.

Cost or Savings in Federal Funding to the State:

The proposed regulation is not expected to impose any costs or savings in federal funding to the State.

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

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

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

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

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

Major Regulation: Statement of the Results of the Standardized Regulatory Impact Analysis (SRIA) (Gov. Code, § 11346.3, subdivision (c)): (if applicable)

Under Government Code section 11346.3, subdivision (c)(1), each state agency proposing to adopt, amend, or repeal a major regulation on or after November 1, 2013, must prepare a standardized regulatory impact assessment (SRIA) in the manner prescribed by the Department of Finance pursuant to Government Code section 11346.36. The standardized regulatory impact analysis must address all of the following:

The creation or elimination of jobs within the state.

The Proposed Amendments do not directly create or eliminate any jobs. However, as an economy–wide GHG reduction program that puts a price on carbon emissions, Cap–and–Invest does produce indirect employment impacts by affecting production costs in California.

The Regional Economic Model Inc. (REMI) model is used to model the estimated macroeconomic impacts of the Proposed Amendments. Baseline employment is estimated to grow by over 1.8 million jobs across the regulatory horizon, to over 27.5 million jobs in 2046. As estimated by the REMI modeling approach described in the SRIA, the Proposed Amendments are estimated to result in a decrease in employment growth that becomes larger over time, resulting in an average decrease of less than 0.1%, or near zero percent, of baseline employment by 2046. In 2046, the Proposed Amendments are estimated to result in approximately 27 thousand jobs foregone, primarily in manufacturing, services, and government sectors, and 400 job gains on average.

The creation of new businesses or the elimination of existing businesses within the state.

The Proposed Amendments are not expected to directly create or eliminate any businesses. However, the economy–wide GHG reduction Program may incentivize some sectors to expand or contract. For example, increasing demand for clean electricity in the electric power sector facilitates a large increase in sales, but services are expected to be provided primarily by existing utilities. Additionally, producers of low–carbon fuels or equipment may see increased business in California as facilities undergo abatement measures to mitigate their GHG emissions.

While the REMI model cannot directly estimate the creation or elimination of businesses, it can be used to understand changes in business output for major in-

dustries in the California economy. The business output impacts of the Proposed Amendments are small relative to the total California economy, representing changes of less than 0.2% in each year of the analysis. However, impacts across specific industries differ.

The competitive advantages or disadvantages for businesses currently doing business within the state.

The Proposed Amendments increase the stringency of the Cap–and–Invest Program, which strengthens the incentive to use low–carbon energy sources and production methods within the State. This incentive may provide a competitive advantage to in–state businesses that decarbonize their operations.

Separately, the Program includes allowance allocation for industrial facilities in emissions–intensive, trade–exposed sectors that is designed to minimize the competitive disadvantage for in–state firms relative to out–of–state competitors that are not covered by a similar regulation. Industrial allowance allocation is critical to minimize emissions leakage and maintain an incentive for clean, efficient production within the State of California.

The increase or decrease of investment in the state.

Private domestic investment consists of purchases of residential and nonresidential structures and of equipment and software by private businesses and nonprofit institutions. It is used as a proxy for impacts on investments in California because it provides an indicator of the future productive capacity of the economy.

Staff used REMI modeling to estimate the relative changes to growth in private investment due to the Proposed Amendments. In total, the Proposed Amendments are estimated to result in a decrease in private investment of about $672 million in 2030, and decreases over time to be $393 million below baseline in 2046. Overall, there is a cumulative decrease of $21.4 billion or 0.14%, which is near zero percent of the $15 trillion in baseline private investment for 2027–2046.

The incentives for innovation in products, materials, or processes.

By imparting a long–term price signal on the combustion of fossil energy, the Program provides a direct incentive for innovation toward more efficient, low–carbon processes and energy. Staff analysis of the costs of the Proposed Amendments projects an increase in investment in GHG abatement technologies by facilities covered by the Program. While staff analysis reflects contemporaneous installation and operation cost data, the carbon price imparted by the GHG reduction Program incentivizes additional technological innovation that may drive abatement costs lower in future years.

The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state's environment and quality of life, among any other benefits identified by the agency.

CARB anticipates that the Proposed Amendments will produce the following benefits to California businesses and individuals:

- Reduced GHG emissions. The Cap–and–Invest Program is designed to help the State meet its statutory GHG reduction targets in SB 32 and AB 1279 (40% below 1990 levels by 2030 and 85% below 1990 levels by 2045, respectively) by imparting an economy–wide carbon price signal that discourages the use of fossil fuels and incentivizes the use of low–carbon energy sources and production methods, or efficiency improvements. GHG reductions achieved through the Program contribute to California's efforts to combat climate change.
- Improved local air quality. The Program is anticipated to reduce fuel combustion emissions from covered facilities,[17] which reduces emissions of criteria air pollutants in surrounding areas. Improved local air quality will lead to improved public health outcomes, especially in priority communities and communities of color that are disproportionately exposed to air pollution from large industrial facilities.
- A marginal increase in total GHG allowance auction revenues, which are used for community investments through the GGRF and to benefit ratepayers through utility programs such as the California Climate Credit.

Cumulatively from 2027–2046, staff estimate that the Proposed Amendments will reduce 963 million $MTCO_2e$, as well as 305 thousand short tons of NOx and 50 thousand short tons of PM 2.5. By applying the federal EPA's estimate of the social cost of carbon, the value of these avoided GHG emissions is $192–$485 billion, depending on the chosen discount rate, and the monetary value of public health benefits due to improved local air quality is estimated to be $123 billion.

Additional non–quantified benefits of the Proposed Amendments may include the following:

[17] Although the Cap–and–Invest Program imparts an economy–wide carbon price that extends to transportation fuels and residential/commercial energy use, staff analysis for the Proposed Amendments assigns GHG emissions benefits, criteria pollutant emissions benefits, and associated health benefits from decarbonization measures in those sectors to complementary measures such as the Low Carbon Fuel Standard. In reality, the Cap–and–Invest Program is expected to drive down emissions in all covered sectors. The GHG and health benefits in this analysis should be seen as conservative estimates.

- California's path to decarbonization will provide new jobs and economic opportunities in clean–energy industries.
- A well–designed Cap–and–Invest Program that continues to reduce GHG emissions while growing the economy signals the viability of the Program and supports other jurisdictions in pursuing similar policies. CARB's policy leadership may have profound effects on the global effort to combat climate change, which in turn benefits California by further reducing the risk of prolonged drought, heat waves, wildfires, and other extreme weather–related events.

Department of Finance Comments and Responses

1. **Department of Finance (DOF) Comment: the SRIA states that the average price of natural gas (page 49) was taken from the U.S. Energy Information Administration's 2021 price outlook, when the 2023 outlook had been published at the time. The SRIA should either update the projection with the latest available data or explain why the 2021 outlook is appropriate for the analysis.**

Response: Per direction from DOF's SRIA comment letter, the updated staff analysis used to produce the economic evaluation presented in the ISOR now includes more recent natural gas pricing data from the U.S. Energy Information Administration (US EIA). As explained in the SRIA, staff scaled natural gas price projections from the 2021 US EIA Energy Outlook data to average California industrial natural gas rates to derive an assumed rate of $12/MMBtu (in 2023 dollars) for calculating future GHG abatement costs under a more stringent Cap–and–Invest Program. After updating this calculation to reflect 2025 EIA industrial rate data for California, the revised natural gas price assumption is $11/MMBtu.

2. **DOF Comment: the baseline California employment number in table 25 used to identify employment impacts shows projected statewide employment of 25.6 million in 2026. In 2023, California household employment was about 18.4 million and payroll employment was 17.8 million. The baseline California employment projection should be taken from Finance's latest published economic forecast as per CCR title 1, section 2003 (b), which currently shows household and payroll employment of 18.8 and 18.4 million respectively in 2026.**

Response: The SRIA incorporated DOF's California Employment Projections from the California Economic Forecast released with the 2024 Governor's Budget, which was the latest available published forecast at the time the SRIA was submitted to DOF on April 9, 2024 (see SRIA Page 64).

The total employment numbers reported in the macroeconomic impacts section of the SRIA differ from the employment estimates in the DOF forecasts because of different definitions used for employment in the DOF forecast and what is output from the REMI model.

The California Economic Forecast from DOF relies on data from California's Employment Development Department and reports Civilian Employment, i.e. the number of working people. Individuals with more than one job are only counted once.[18] The REMI model reports Total Industry Employment, i.e. the number of jobs. Within the REMI model, employment comprises estimates of the number of jobs, full–time plus part–time, by place of work for all industries. Full–time and part–time jobs are counted at equal weight. Employees, sole proprietors, and active partners are included, but unpaid family workers and volunteers are not included. If an individual holds two wages and salaried jobs, total industry employment will count both jobs while civilian employment will only count the single person. In 2023, the total number of jobs in California was 25.3 million.[19]

Because of the different definitions used for employment, CARB uses the employment growth *rates* from DOF's California Economic Forecast to adjust REMI's California's baseline employment projection. After the DOF employment forecasts end, staff make an assumption that the employment to population ratio within the REMI model stays constant. The population projection is from DOF's P–3 Complete State and County Projections Dataset.

3. **DOF Comment: the estimated impact on state personal income tax revenue that is discussed in the impacts to individuals section on personal income as part of the economic impact analysis should also be included in the fiscal impact estimate.**

Response: Per direction from DOF's SRIA comment letter, the estimated impacts on state personal income tax due to the Proposed Amendments are included in the updated staff analysis used to produce the Economic and Fiscal Impact Statement (Form 399) and the fiscal impact statement included in this Notice of Public Hearing.

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[18] See *https://labormarketinfo.edd.ca.gov/data/civilian–employment–vs–industry–employment–comparison.html*.

[19] (U.S. Bureau of Economic Analysis 2025). U.S. Bureau of Economic Analysis. *SASUMMARY State annual summary statistics: personal income, GDP, consumer spending, price indexes, and employment*. September 2025.

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

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

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

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. By removing allowances from future annual budgets, the Proposed Amendments increase the stringency of the Cap–and–Invest Program, which is expected to increase the pace of GHG reductions and Program compliance costs and GHG abatement costs for covered entities. Compliance responses vary by covered entity and sector, depending on factors such as the emissions–intensity of a facility's operations and the feasibility of alternative low–carbon production methods. Many facilities also receive free allowance allocation to minimize emissions leakage, which lowers their Program compliance obligation. The SRIA contains detailed staff analysis of anticipated compliance and abatement costs by sector under the Proposed Amendments, which is summarized in Chapter VIII of the ISOR.

Individuals or private persons may be indirectly affected through the passthrough of Program costs in the price of energy or goods. This cost impact on individuals is partially mitigated through the use of Program revenues, and individuals are also expected to see health benefits from improved local air quality due to decreased combustion of fossil fuels. Expected benefits to individuals are discussed further in Chapter IV of the ISOR.

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

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small businesses. Due to the 25,000 $MTCO_2e$/year covered emissions threshold for incurring a Cap–and–Invest Program compliance obligation, small businesses typically do not face any direct costs associated with the Program. However, small businesses may be indirectly affected by any increased costs that covered entities pass through to consumers. Costs will vary based on the businesses' use of fossil fuels and ability to reduce the use of fossil fuels in their operations.

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

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

In the SRIA, staff considered two alternatives, three different bounds of the Proposed Scenario (denoted in the SRIA as Proposed Scenarios A, B, and C), and included discussion on three additional regulatory concepts recommended through public comment and the Environmental Justice Advisory Committee. As explained in Section IX of the ISOR, no alternative proposal was found to be less burdensome and equally effective in achieving the purposes of the Proposed Amendments in a manner that ensures full compliance with the authorizing law. Staff has not identified any reasonable alternatives that would lessen any adverse impact on small business.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the Proposed Amendments, has prepared a Draft Environmental Impact Analysis (Draft EIA) under its certified regulatory program (California Code of Regulations, title 17, sections 60000 through 60008) to comply with the requirements of the California Environmental Quality Act (CEQA; Public Resources Code section 21080.5). The Draft EIA concluded implementation of the Proposed Amendments, could result in: beneficial impacts to greenhouse gas emissions; less than significant impacts, or no impacts, to energy, mineral resources, population and housing, public services and recreation; and potentially significant adverse impacts to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, transportation, tribal cultural resources, utilities and service systems and wildfire. The Draft EIA, included as Appendix B to the ISOR, is entitled Draft Environmental Impact Analysis for the Proposed Regulatory Amendments to the Cap–and–Invest Program. Written comments on the Draft EIA will be accepted during a 45–day public review period starting on January 23, 2026, and ending on March 9, 2026.

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

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

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Michael Turgeon, Staff Air Pollution Specialist, Program Development Section, at (279) 208–7976 or michael.turgeon@arb.ca.gov. The designated back–up contact is Rachel Gold, Manager, Program Development Section, who may be contacted at (279) 208–7516 or rachel.gold@arb.ca.gov.

AVAILABILITY OF DOCUMENTS

CARB staff have prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Proposed Amendments to the Regulation for the California Cap on Greenhouse Gas Emissions and Market–Based Compliance Mechanisms

Copies of the ISOR and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulation, may be accessed on CARB's website listed below, on January 20, 2026. Please contact Lindsay Garcia, Regulations Coordinator, at lindsay.garcia@arb.ca.gov or (916) 546–2286 if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

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

HEARING PROCEDURES

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

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

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at *https://ww2.arb.ca.gov/rulemaking/2026/cap–and–invest2026*.

TITLE 17. AIR RESOURCES BOARD

MANDATORY REPORTING OF GREENHOUSE GAS EMISSIONS

The California Air Resources Board (CARB or Board) will conduct a public hearing at the date and time noted below to consider proposed amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions.

Date: May 28, 2026
Time: 9:00 a.m.
In–Person Location:
California Air Resources Board
Byron Sher Auditorium
1001 I Street, Sacramento, California 95814
Remote Option:
Zoom

This public meeting may continue at 9:00 a.m., on May 29, 2026. Please consult the public agenda, which will be posted ten days before the May 28, 2026, Board Meeting, for important details, including the day on which this item will be considered and how to participate via Zoom if they choose to be remote.

WRITTEN COMMENT PERIOD AND SUBMITTAL OF COMMENTS

In accordance with the Administrative Procedure Act, interested members of the public may present comments orally or in writing during the hearing and may provide comments by postal mail or by electronic submittal before the hearing. The public comment period for this regulatory action will begin on January 23, 2026. Written comments not submitted during the hearing must be submitted on or after January 23, 2026, and received **no later than March 9, 2026**. Comments submitted outside that comment period are considered untimely. CARB may, but is not required to, respond to untimely comments, including those raising significant environmental issues. The Board also encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action. Comments submitted in advance of the hearing must be addressed to one of the following:

Postal mail:

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

Electronic submittal:

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

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

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

AUTHORITY AND REFERENCE

This regulatory action is proposed under the authority granted in California Health and Safety Code, sections 38510, 38530, 38580, 39600, 39601, 39607, 39607.4, and 41511. This action is proposed to implement, interpret, and make specific sections 38501, 38505, 38510, 38530, 38560.5, 38564, 38565, 38570, 38580, 38597, 39600, 39601, 39602, 39607, 39607.4, and 41511 of the Health and Safety Code.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW (GOV. CODE, § 11346.5, SUBDIVISION (A)(3))

Sections Affected:

Proposed amendments to California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 2, subarticles 1, 2, 4 and 5, sections 95101, 95102, 95103, 95104, 95105, 95106, 95107, 95110, 95111, 95112, 95113, 95114, 95115, 95116, 95117, 95118, 95119, 95120, 95121, 95122, 95123, 95124, 95130, 95131, 95132, 95133, 95150, 95152, 95153, 95156, and 95157. Proposed adoption of California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 2, subarticle 2, sections 95125, 95126, and 95127.

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

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

- ASTM International. (April 2021). D4806–21: Standard Specification for Denatured Fuel Ethanol for Blending with Gasolines for Use as Automotive Spark–Ignition Engine Fuel. Incorporated in section 95102(a), "Fuel ethanol".

- ASTM International. (July 2022). C150/C150M–22: Standard Specification for Portland Cement. Incorporated in section 95102(a), "Cement".
- ASTM International. (July 2023). C595/C595M–23: Standard Specification for Blended Hydraulic Cements. Incorporated in section 95102(a), "Cement".
- ASTM International. (September 2023). C1157/C1157M–23: Standard Performance Specification for Hydraulic Cement. Incorporated in section 95102(a), "Cement".
- 40 C.F.R. §§ 98.440–98.449. (November 29, 2013). Code of Federal Regulations, 7–1–2023 Edition. *https://www.govinfo.gov/content/pkg/CFR–2023–title40–vol23/pdf/CFR–2023–title40–vol23–part98–subpartRR.pdf*. Incorporated in section 95125.
- California Energy Commission (CEC). (April 2017*). Renewables Portfolio Standard Eligibility Commission Guidebook, Ninth Edition Revised*. *https://efiling.energy.ca.gov/getdocument.aspx?tn=217317*. Incorporated in section 95102(a), "Renewable Energy Credit" or "REC."

Background and Effect of the Proposed Regulatory Action:

The Global Warming Solutions Act of 2006 (Assembly Bill (AB) 32, Nunez, Stats. 2006, ch. 488) requires California to cut greenhouse gas (GHG) emissions to 1990 levels by 2020, to continue and maintain reductions beyond 2020, support investment in clean and efficient technologies, and improve air quality and public health. AB 32 also requires CARB to adopt regulations for the mandatory reporting of GHG emissions in order to monitor and enforce compliance with CARB's GHG emissions reduction actions, including the market–based compliance mechanism. In 2016, the Legislature passed and Governor Brown signed Senate Bill (SB) 32 (California Global Warming Solutions Act of 2006: emissions limit, Pavley, Stats. 2016, ch. 249), which mandates a 40% reduction below 1990 levels by 2030. The 2022 Scoping Plan for Achieving Carbon Neutrality (2022 Scoping Plan; CARB, December 2022) lays out a path to achieve targets for carbon neutrality and reduce anthropogenic GHG emissions by 85% below 1990 levels no later than 2045, as directed by AB 1279 (The California Climate Crisis Act, Muratsuchi, Stats. 2022, ch. 337). AB 1207 (Climate change: market–based compliance mechanism: extension), Irwin, Stats. 2025, ch. 117) extends the Cap–and–Invest Program (formerly Cap–and–Trade Program) to January 1, 2046, to support further climate action and achieve the 2045 targets. SB 905 (Carbon sequestration: Carbon Capture, Removal, Utilization, and Storage Program, Caballero, Stats. 2022, ch. 359) works together with AB 1279 to accelerate the deployment of carbon management technologies to meet the 2045 targets.

One of the requirements of AB 32 is that CARB must adopt a GHG reporting regulation. To comply with this requirement, the Board approved the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (reporting regulation or MRR) at its December 2007 Board meeting. The initial reporting regulation became effective on January 2, 2009.

Over the past fifteen years, CARB staff has implemented the California GHG reporting program established by the reporting regulation. Under the program, approximately 800 facilities and entities annually submit to CARB their GHG emissions data reports, the majority of which are verified as accurate and complete by CARB–accredited third–party verifiers. Information about the program can be found at: http://www.arb.ca.gov/our–work/programs/mandatory–greenhouse–gas–emissions–reporting.

At its December 2010 public hearing, the Board approved amendments to the reporting regulation to support the California Cap on Greenhouse Gas Emissions and Market–Based Compliance Mechanisms (Cal. Code Regs, title 17, § 95800 et seq.) (Cap–and–Invest Regulation) data requirements, harmonize to the extent feasible with the U.S. Environmental Protection Agency's (U.S. EPA) Final Rule on Mandatory Reporting of Greenhouse Gases (U.S. EPA rule), and align with the Western Climate Initiative reporting structure. Those amendments to the reporting regulation became effective on January 1, 2012.

In September 2012, the Board approved additional amendments to the reporting regulation, as well as updates to the definition sections of the AB 32 Cost of Implementation (COI) Fee Regulation and the Cap–and–Invest Regulation. These updates were necessary to streamline and avoid duplicate GHG reporting, to further align with U.S. EPA's rule, and to continue to provide the highest quality data needed to support California's Cap–and–Invest Regulation. These amendments to the reporting regulation became effective on January 1, 2013. In September 2013, the Board approved further amendments to the reporting regulation and the Cap–and–Invest Regulation, which became effective on January 1, 2014. In September 2014, the Board adopted amendments to clarify the reporting requirements, integrate the COI Fee Regulation reporting requirements, and collect additional information to support CARB's various climate change programs, such as the statewide GHG emissions inventory. These amendments to the reporting regulation became effective on January 1, 2015. In July 2017, the Board approved further amendments to the reporting regulation, which became effective on January 1, 2018.

Since the Board's 2018 action, CARB staff has identified additional requirements and clarifications to the reporting regulation to be heard at the Board's May 28, 2026, hearing. These amendments are needed to support the Cap–and–Invest Regulation, to ensure that reported GHG emissions and product data are accurate and complete to support California's GHG reduction programs, and further clarify the regulation and reporting requirements.

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

OBJECTIVES AND BENEFITS OF THE PROPOSED REGULATORY ACTION

The purpose of the proposed amendments to the reporting regulation is to carry out the directions in AB 32, SB 32, and AB 1279 and maintain a robust and accurate GHG reporting program. The data submitted by reporters under the reporting regulation allow CARB staff to track the emissions from reporting entities over time, demonstrating California's progress in reducing GHG emissions.

The proposed amendments support the Cap–and–Trade Regulation (which is in process of changing its name to Cap–and–Invest Regulation) with the highest quality of data by improving clarity for reporting entities as to their reporting requirements, collecting additional information for more complete and accurate GHG emissions estimates. This supports continued, robust methods for reporting emissions and product data to support the statewide greenhouse inventory program and emissions reduction programs that directly improve the health and welfare of California residents, worker safety, the state's environment, and CARB's Cap–and–Invest Regulation.

CARB staff has proposed amendments to the regulations to:

- Align with and support California's Cap–and–Invest Regulation, including allocation and the calculation of compliance obligations.
- Ensure that reported GHG emissions and product data are accurate and complete to support California's GHG emissions reduction programs, including the statewide GHG emissions inventory.

The proposed amendments to the reporting regulation are necessary to ensure complete and accurate GHG reporting by clarifying reporting requirements and including additional or modified definitions reflecting the other modifications. The proposed amendments do not change the overall reporting structure or requirements of the reporting regulation. These proposed amendments improve upon, clarify, and add to the existing requirements.

Consistent with Government Code sections 11346, subdivision (b), and 11346.45, subdivision (a), and with the Board's long–standing practice, CARB staff held five public workshops between 2023 and 2025 and had other meetings with interested persons during the development of the proposed regulation. These informal pre–rulemaking discussions provided staff with useful information that was considered during development of the regulation that is now being proposed for formal public comment. Other changes are considered to be relatively minor clarifications and have not been a subject of pre–rulemaking workshops.

SUMMARY OF PROPOSED AMENDMENTS

Below is a summary of proposed updates to the reporting regulation. A more detailed description of the proposed updates appears in the Initial Statement of Reasons (ISOR).

General

Staff proposes minor revisions throughout the regulation that do not materially affect the reporting requirements, including corrections for typos and references, clarifications, and removal of obsolete or redundant requirements; these are not summarized in this chapter, but are discussed in detail in Chapter III of the ISOR. Staff proposes setting an effective start date of 2027 data reported in 2028 for the amended regulation unless otherwise specified. Staff propose that amendments related to Electric Power Entity (EPE) reporting and verification requirements are applicable for 2026 data reported in 2027.

Staff proposes amendments to the definitions of "operational control" and "supplier" to require multiple entities that that are under common control or common ownership that supply fuels for which GHG emissions are reportable under MRR to report as a single reporting entity under MRR.

Staff proposes substantive amendments to other definitions that do not fall under the topics covered in later sections of this chapter. Staff proposes revising the definition of "supplier" to include importers of cement and hydrogen and suppliers of imported liquified petroleum gas (LPG) and revising the definition of "fuel supplier" to include suppliers of biomass–derived natural gas and natural gas liquids, and suppliers of hydrogen. Staff proposes revising the "natural gas supplier" definition to include entities that sell or deliver fossil or biomass–derived liquefied natural gas (LNG) or compressed natural gas (CNG) to end–users so that natural gas purchases from these suppliers are included in natural gas purchase data reported by facilities under section 95115(k). Staff proposes revising the definition for "pipeline quality nat-

ural gas" to be based on annual weighted averages of the defining criteria. Staff also proposes amending the definition of "biogenic portions of CO_2 emissions" to include emissions from the consumption of biomass–derived fuels and feedstocks.

Staff proposes a number of amendments to provisions for cessation of reporting and verification, including clarifying cessation requirements for EPEs with reduced emissions levels, establishing cessation provisions for EPEs and suppliers that cease operations, and revising existing reporting cessation requirements for facility operators and suppliers with reduced emissions levels to be based more generally on their applicable reporting threshold, rather than a 10,000 MT CO_2e reporting threshold, which will no longer apply to all suppliers under proposed amendments.

Staff proposes amendments requiring CARB to assign an emissions level when needed to all entities subject to verification and not just those with a Cap–and–Invest Regulation compliance obligation. Staff propose to add a statement clarifying that product data definitions in section 95102(b) of the MRR may be utilized immediately by reporters starting with 2026 data reported in 2027. Staff proposes that data on the use of forest–derived wood and wood waste be reported for wood harvested from CalFire's Tier 1 High Hazard Zones of Tree Mortality, as emissions from this wood may be eligible for exemption under section 95852.2(a)(4) of the Cap–and–Invest Regulation. To support this change, staff also proposes amending the definition for "forest–derived wood and wood waste" to incorporate wood harvested from areas of the State designated by CalFire as Tier 1 High Hazard Zones of Tree Mortality.

Staff proposes an amendment to require operators or suppliers who report emissions from biomethane to report for each contracted delivery whether the biomethane is a biomass–derived fuel with exempt CO_2 emissions as described under sections 95852.1.1 and 95852.2.(a) of the Cap–and–Invest Regulation. This change helps reporters, CARB staff, and verifiers evaluate if biomethane emissions are accurately reported as exempt or non–exempt, which may impact an entity's covered emissions. Staff also proposes to require entities to separately identify, calculate and report direct emissions of CO_2 from the consumption of biomass–derived fuels rather than only from their combustion for consistency with proposed amendments to exemption provisions for CO_2 from biomass–derived fuels in the Cap–and–Invest Regulation.

Staff proposes revisions to add and clarify information that must be included in an alternative method request to reduce the need for staff to collect additional information from the reporter before the request can be routed for Executive Officer approval.

Staff proposes revisions to add a definition for "linear generators" and require that operators of linear generator units are subject to the same reporting requirements as operators of fuel cells.

Staff proposes an amendment to require all reporting entities to designate an Alternate Designated Representative in the California electronic GHG Reporting Tool in addition to a Designated Representative. This amendment helps to ensure continuity in reporting and prevent late reporting violations.

Applicability

Staff proposes applying this article to biorefineries regardless of emissions levels, as is currently the case for petroleum refineries, so that all types of refineries are treated consistently under this article.

Staff proposes several amendments to include GHG emissions from sources and fuels not currently subject to MRR to support the statewide GHG emissions inventory and other programs that rely on data collected under this article. Staff proposes to expand the point of regulation for transportation fuel suppliers to include enterers of biomass–derived fuels and in–state biomass–derived fuel production facilities that supply fuel outside of the bulk transfer/terminal system to better capture GHG emissions from biomass–derived transportation fuels supplied in California. To support emissions reductions under SB 596 (Greenhouse gases: cement sector: net–zero emissions strategy, Becker, Stats. 2021, ch. 246) net–zero GHG target for cement used in California, staff proposes applying this article to importers of cement to collect the data needed to track and analyze GHG emissions associated with imported cement. Staff proposes applying this article to importers of hydrogen and producers of hydrogen utilizing electricity to collect GHG emissions data to support tracking of hydrogen production and associated GHG emissions in response to expected expansion of lower carbon hydrogen production technologies as signaled by the 2022 Scoping Plan Update (CARB, December 2022).[1]

Staff proposes to revise the intrastate pipeline definition to include entities that jointly own or operate an interconnection pipeline to an interstate pipeline with other facilities if they do not report facility GHG emissions under MRR so that GHG emissions from supplied natural gas are reported by entities that fit this description. Staff also proposes to apply MRR requirements to suppliers of biomass–derived equivalents of natural gas liquids (NGL), including biomass–derived LPG, rather than just suppliers of

[1] Existing provisions in MRR capture emissions from in–state hydrogen production facilities that have combustion and process emissions greater than 10,000 MT CO_2e, inclusive of traditional fossil–based technologies and biomass–based production technologies.

fossil NGLs, to capture GHG emissions from novel, low carbon fuels not currently reported under MRR.

To ensure accurate and complete reporting of GHG emissions from imported LPG, staff also proposes changing the point of regulation for LPG imports from the "importer of fuel" to the operator of an LPG receiving facility that supplies imported fossil or biomass–derived LPG at their facility for distribution in California; staff also proposes excluding suppliers of imported LPG from a minimum reporting threshold. The proposed changes to the point of regulation and reporting threshold for imported LPG has been discussed and refined with stakeholders and will be reflected in the proposed regulation going forward. However, to ensure that proposed amendments are as accurate and comprehensive as possible, staff may continue to develop proposals in this area throughout this regulatory process.

Product Data Reporting

The data used to calculate allocation under the Cap–and–Invest Regulation's product–based benchmarks for industrial allocation are reported pursuant to MRR. To align with proposed amendments to several product–based benchmarks and related definitions in the Cap–and–Invest Regulation, MRR staff proposes to add "sweet whey powder" as a reportable covered product and revise the definition of "aseptic tomato paste" to include tomato puree. Staff proposes new requirements to support updated allocation for cement in the Cap–and–Invest Regulation. These include requiring cement producers to report the annual quantity of supplementary cementitious materials (SCM) consumed for blending cement that is received from SCM manufacturers that are covered or opt–in entities in the Cap–and–Invest Regulation, by SCM type and manufacturer, and requiring manufacturers of SCMs to report annual quantities of SCMs produced and the annual quantity of SCMs delivered to cement or concrete plants to make finished cement, by SCM type and customer. Staff also proposes revising product data reporting requirements for refineries, including transitioning from reporting complexity–weighted barrel (CWB) data to reporting liquid hydrocarbon fuel and asphalt production data, and defining asphalt production for the purposes of non–CWB reporting to exclude facilities that only engage in bitumen oxidation or asphalt blowing of asphalt produced from offsite petroleum refining. These potential changes have been discussed in public workshops and will be reflected in the proposed regulation going forward. However, to ensure that proposed amendments are as accurate and comprehensive as possible, staff may continue to develop proposals in these areas throughout this regulatory process.

Staff proposes to remove the requirement to report calcium ammonium nitrate production data because the product–based benchmark for this covered product was eliminated from the Cap–and–Invest Regulation in a prior rulemaking. Staff also proposes to revise the definitions for dehydrated onions, chili peppers, garlic, onion, parsley, and spinach to be based on a weight–based moisture content rather than volume–based to simplify calculating the quantity of reportable product, and to revise the definition for "plasterboard" to clarify that only saleable plasterboard, which excludes trimmings, should be reported in the quantity of plasterboard produced.

Staff also proposes revisions to allow covered product data from up to five data years immediately prior to the current data year to be reported and verified for the purpose of one–time new product allocation pursuant to section 95891(b)(1) of the Cap–and–Invest Regulation. To ensure that proposed amendments are as accurate and comprehensive as possible, staff may continue to develop proposals in this area throughout this regulatory process.

Staff is also considering the potential need to require reporting of additional industrial product information to support Cap–and–Invest Regulation allowance allocation. These changes would also require the addition of new product definitions. Any further amendments that staff propose would be sufficiently related to this notice and proposed regulation order and circulated for a 15–day comment period.

Electric Power Entities

Staff proposes to explicitly add the abbreviations for electric power entities (EPE), multi–jurisdictional retail provider (MJRP), asset–controlling supplier (ACS), and ARB identification number (ARB ID) to the regulation text, in line with references in all other CARB and sector documentation. Staff is also proposing to amend the procedure used by CARB to calculate specified source emission factors to clarify which data sources are used in the event that data from the U.S. Environmental Protection Agency (EPA) 40 CFR Part 98 data and/or EIA electricity generation data are unavailable. Staff is also considering the potential need to require certain EPEs that are also electrical distribution utilities to report additional retail sales and retail customer information to support Cap–and–Invest Regulation allowance allocation, though staff is not yet proposing these changes at this time.

Staff also proposes changes to remove requirements for EPEs to report certain redundant information associated with registering specified sources, to clarify high GHG and Renewable Portfolio Standard (RPS) adjustment reporting requirements, to clarify references to the Cap–and–Invest Regulation for RPS Adjustment requirements, and to remove the requirement that REC serial reporting issues for specified sources result in a qualified positive verification. Staff also

propose changes to require information related to California Independent System Operator (CAISO) sales to be reported triennially instead of annually to reduce repetitive reporting and better reflect regulatory provisions that determine reporting requirements at the end of each compliance period instead of year–to–year.

Staff proposes adding definitions related to reporting specific types of electricity imports, including pseudo–tie resources and dynamically tagged imports, and updating definitions and requirements related to electricity imports and exports acquired through CAISO operated electricity markets. Staff also proposes adding requirements for aggregated zero–emissions generation sources to accommodate long–standing contracts between multiple integrated generation sources, and future development of naturally interconnected sources.

Staff also proposes adding definitions and requirements related to electricity imports that pass through an Energy Storage System (ESS) on their transmission path before being imported. As part of future planning, increasing demand, and reliability concerns, entities in the Western Electricity Coordinating Council (WECC) have built out, and are continuing to build out, significant quantities of electricity storage, the nature of which is to delay electricity deliveries of generation from times of low demand to times of higher need, which requires additional reporting clarifications and requirements to ensure accurate accounting and reduce potential sources of leakage over the current assumptions of instantaneous deliveries.

Staff proposes amendments to ensure accurate accounting of, and to appropriately address and minimize the potential for emissions leakage resulting from, imported electricity transfers within the CAISO's Western Energy Imbalance Market (WEIM), including amendments anticipating CAISO's Extended Day Ahead Market (EDAM) tariff. More specifically, staff proposes updating the Outstanding Emissions calculation to reflect improvements in CAISO–operated electricity markets and the new CAISO EDAM expected in 2026. Additional background information and details for these amendments are provided below.

Renewable Portfolio Standard (RPS) Adjustment

The RPS adjustment was included in the initial MRR and Cap–and–Invest Regulations ("Regulations") to provide electricity importers an optional mechanism to recognize the cost of compliance associated with out–of–state RPS–eligible generation. Generation eligible for the RPS adjustment must be RPS–eligible, from an out–of–state source, and not directly delivered to California. To claim an RPS adjustment, an electricity importer must either (1) have ownership or contract rights to procure the out–of–state RPS–eligible generation and the associated RECs or (2) have a contract with an entity subject to California's RPS that meets the first requirement. The RPS adjustment is not meant to recognize avoided emissions, rather it is meant to recognize the costs associated with RPS Program compliance for importers of electricity, which are generally costs related to Portfolio Content Category (PCC) 2 and PCC 0 Renewable Energy Credits (RECs). PCC 2 (Pub. Utilities Code, § 399.16(b)(2)) are purchases of renewable energy from out–of–state resources that aren't delivered to California and are paired with purchases of substitute energy, generally unspecified electricity imports. PCC 0 (Pub. Utilities Code, § 399.16(d)) are purchases from RPS resources under contract prior to June 1, 2010. Typically, out–of–state PCC 0 resources do not have a path to direct delivery to California. PCC 0 resources also represent the earliest RPS program procurements. The RPS adjustment does not impact CARB's GHG Emissions Inventory, which reflects all emissions from imported electricity, rather it is solely a mechanism to reduce an electricity importer's Cap–and–Invest Regulation compliance obligation.

Despite being included in the Regulations since 2010, the RPS adjustment has continued to pose significant implementation challenges (CARB, October 2010). These challenges include difficulty determining that electricity has not been directly delivered to California, difficulty reporting and verifying claims when a portion of generation from an RPS–eligible resource is directly delivered to California and the RPS adjustment is claimed for only a portion of the generation that is not directly delivered, and difficulty reporting and ensuring claims meet the RPS adjustment requirements where multiple entities claim an RPS adjustment for electricity from the same generator. Validation of RPS adjustment claims is further hindered both by confidentiality agreements that limit staff's ability to communicate with procurement contract counterparties, and by differences between reporting requirements for the RPS adjustment and electricity imports.

In recent years staff have addressed many of the challenges with validating RPS adjustment claims, however issues remain. Under California Energy Commission (CEC) rules, RECs can be created retroactively up to 24 months prior to the date of the request to claim use of the REC for RPS purposes to the CEC, and eligibility of RECs for RPS adjustment claims may vary depending upon locational and temporal factors, creating obstacles for staff in assessing the validity of RPS adjustment claims (CEC, April 2017, page 24). Discrepancies between meter readings at the busbar and REC meter readings present reconciliation problems when attempting to validate that the electricity importer has RECs representing generation from an RPS–eligible source. In addition, RECs may be withdrawn after retirement under certain circum-

stances, further complicating the assessment of applicable RECs for the RPS adjustment.

SB 1020 (Clean Energy, Jobs, and Affordability Act of 2022, Laird, Stats. 2022, ch. 361), AB 1279, and SB 100 (California Renewables Portfolio Standard Program: emissions of greenhouse gases, De Leon, Stats. 2018, ch. 312) require deep decarbonization of the electricity sector, necessitating significant increases in renewable electricity that are not associated with GHG emissions as well as increased Program stringency to support these changes. Staff are proposing amendments to the Cap–and–Invest Regulation to align the RPS adjustment with the increased stringency necessary for deep decarbonization and to alleviate the implementation challenges posed by the RPS adjustment. The proposed Cap–and–Invest Regulation amendments limit the RPS adjustment to PCC 0 resources after the 2030 Cap–and–Invest Regulation budget year, limiting the implementation challenges posed by the RPS adjustment, while giving entities certainty and time to respond to this change. The words "and associated RECs" were added to MRR section 95111(b)(5), which reference the Cap–and–Invest Regulation's RPS Adjustment requirements, to fully integrate the requirements for RECs claimed as part of an RPS adjustment in both regulations.

Minimize Emissions Leakage for Imported Electricity

Staff are proposing changes to address requirements for imported electricity in light of California's increasingly ambitious decarbonization targets for the electricity sector and CAISO's planned launch of the EDAM. These updates are necessary to ensure that the Regulations reflect California's shifting regulatory environment and avoid gaps due to changes to CAISO markets.

Amendments to reflect changes to CAISO Markets

The CAISO manages the majority of California's electricity grid and operates wholesale electricity markets for California and portions of the West.

In 2014, CAISO expanded its real–time market to other balancing authority areas (BAA), including out–of–state BAAs. This market is known as the Western Energy Imbalance Market (WEIM). The WEIM provides BAAs throughout the West access to CAISO's real–time market services and increases market efficiency by expanding the availability of electricity generation to WEIM participants.

Under AB 32, CARB must account for statewide GHG emissions, including all emissions resulting from the generation of electricity delivered to and consumed in California, whether that electricity is generated in–state or imported to serve California load. In 2015, CARB found that the design of WEIM does not account for the full GHG emissions experienced by the atmosphere from imported electricity under WEIM and results in emissions leakage. CARB has historically referred to these emissions as EIM Outstanding Emissions. Beginning in 2016, CAISO and CARB began coordinating to address GHG accounting limitations in the WEIM. This included implementing a "bridge solution" to account for the full GHG emissions experienced by the atmosphere from imported electricity under WEIM in 2017. The "bridge solution" was a temporary solution developed in anticipation of CAISO implementing improvements to its market at a later date. Under the "bridge solution," CARB retired unsold allowances equal to EIM Outstanding Emissions.

In 2018, CAISO made changes to its market optimization design to better reflect the availability of resources not otherwise supporting demand outside of California, thereby more accurately reflecting the GHG emissions experienced by the atmosphere from electricity imported to California under WEIM. These changes limited the amount of electricity available to support WEIM imports to California by constraining attributions to serve California demand from individual WEIM participating resources located outside of California. While this change helped minimize emissions leakage, it did not fully address the emissions leakage concerns.

In the Cap–and–Invest Regulation 2018 amendments, CARB made changes to the approach to addressing EIM Outstanding Emissions to continue maintaining the environmental integrity of the Cap–and–Invest Regulation (CARB, September 2018). Instead of retiring unsold allowances to address EIM Outstanding Emissions, CARB started withholding allowance allocation to EDUs that both participate in CAISO markets and receive free allowance allocation (historically, these EDUs have been referred to as "EIM Purchasers") and retiring the withheld allowances that would otherwise have been allocated to EDUs. Beginning in 2019, and in each subsequent year, CARB has retired allowances that would otherwise be allocated to EIM Purchasers in an aggregate amount equal to the prior year's EIM Outstanding Emissions. The ratio of an EIM Purchaser's reduced allocation to total EIM Outstanding Emissions is equal to the ratio of its retail sales to the total retail sales of all EIM Purchasers.

CAISO has recently developed changes to its day–ahead market that will extend the option to participate in CAISO's day–ahead market services. EDAM will allow for optimized commitment of electricity generation by CAISO in the day–ahead timeframe. Like the WEIM, the EDAM will enable electricity generators in the West to opt–in to serving areas that prices GHG emissions, including California, and to reflect those costs in their energy bids. EDAM will optimize transfers to GHG regulation areas based

on GHG bid adders and energy bids from generators in the West. The new optimization in EDAM is similar to and improves on the WEIM optimization for GHG attribution. Improvements in EDAM relative to WEIM include:

1. Attributing electricity to GHG regulation areas based on state boundaries (instead of balancing authority area (BAA) boundaries);
2. A day–ahead counterfactual that establishes a baseline of what dispatch would have occurred in the non–GHG regulation area absent GHG policy;
3. Placing limits on resource attribution to time periods when a BAA in which the resource is located is exporting electricity; and,
4. Providing an opportunity to attribute capacity under contract to load serving entities in a GHG regulation area if it is economic to do so.

In December 2022, CAISO released a final proposal for EDAM (CAISO, December 2022), and in August 2023, CAISO submitted the tariff to implement EDAM to the Federal Energy Regulatory Commission (FERC) for approval (CAISO, August 2023). In December 2023, FERC approved the relevant provisions of the CAISO's EDAM tariff (FERC, December 2023) setting the stage for an expected EDAM to launch in 2026. In this rulemaking, staff proposes to update the Regulations to reflect EDAM and the changes and improvements approved for the WEIM. The proposed changes ensure coverage of all imported electricity emissions and help ensure CARB is appropriately addressing emissions leakage in these markets.

WEIM and EDAM Amendments

To address the developments in CAISO Markets, staff are proposing to update corresponding terminology for these electricity markets in MRR. This includes updating references in the Regulations from "EIM" to "WEIM" and replacing "EIM Outstanding Emissions" with the term "CAISO Markets Outstanding Emissions." The proposed changes to the calculation of Outstanding Emissions are designed to address leakage for electricity imports that occur via WEIM–only and EDAM (once operational). The revised calculations limit the outstanding emissions, to the MWh attributed below a resource's baseline, which are the MWh associated with the highest risk for emissions leakage and to exclude generation from resources contracted to California utilities for reliability purposes. Other terminology changes are proposed to ensure that imports via the EDAM are covered and to reflect the fact that all transactions in CAISO Markets will be settled in the WEIM. Staff also propose to update the term "EIM Purchasers Emissions" to "CAISO Markets Purchaser Emissions." This broader terminology addresses emissions leakage associated with electricity imports that occur through the WEIM only and via the EDAM. The proposed changes are aligned with proposed changes in the Cap–and–Invest Regulation.

Electricity Generation Facilities

Extreme heat events can strain the State's power infrastructure and increase demand beyond what can be met by electricity generation facilities (EGF) under normal operating conditions. During an extreme heat event in 2022, the Governor proclaimed a State of Emergency and issued Executive Order N–14–22 that included provisions to facilitate an increase in electricity generation by suspending certain regulatory requirements. To prevent a non–covered EGF from becoming newly subject to Cap–and–Invest requirements due to emissions from electricity generated to mitigate a grid–related state of emergency, CARB staff has proposed an amendment to section 95812(c)(2)(A)1 of the Cap–and–Invest Regulation that would allow a non–covered EGF to exclude covered emissions during an eligible declared emergency from their Cap–and–Invest applicability threshold calculation. MRR staff proposes requiring electricity generation facilities (EGF) seeking to exclude covered emissions from the Cap–and–Invest applicability threshold under proposed Cap–and–Invest section 95812(c)(2)(A)1 to separately report total annual covered emissions that occurred during eligible states of emergency to facilitate data checks and verification of the emissions excluded from the Cap–and–Invest Regulation applicability threshold calculation. Emergency electricity generation emissions would continue to be included in the total GHG emissions and covered emissions calculated for MRR GHG emissions reporting, which are used by other agency programs, such as the statewide GHG Inventory, as well as in the reporting and verification applicability threshold determinations.

Refineries and Hydrogen Production Plants

Staff proposes amendments to incorporate biorefining and coprocessing of biomass–derived feedstocks in the scope of MRR refinery reporting to ensure comprehensive GHG emissions reporting by the refinery sector, which now extends beyond petroleum refineries processing crude oil. Staff proposes adding and revising definitions to establish biorefineries and petroleum refineries as distinct entities within the broader category of "refineries," and requiring operators of biorefineries to report the same data as petroleum refineries under section 95113 of MRR, including vented and fugitive emissions. Staff proposes adding a definition for "coprocessing," and adding requirements in section 95113 for reporting biogenic emissions from the processing of biomass–derived feedstocks in refinery units.

Staff proposes requiring emissions from all startup, shutdown, and malfunction (SSM) flare events to be reported to ensure comprehensive reporting of emissions from SSM flares during all operational scenarios, not just higher–flow situations. Staff also proposes requiring refinery operators to report processed feedstock data and refinery total, biomass–derived, and fossil crude inputs to help CARB monitor facility changes for petroleum refineries and biorefineries and QA reported data.

Staff proposes several amendments to section 95114. Staff proposes requiring operators of hydrogen plants, including hydrogen plants integrated in refinery operations, to report product and delivery data for gaseous and liquid hydrogen sold or otherwise transferred to biorefineries in addition to hydrogen sold or otherwise transferred to petroleum refineries and hydrogen vehicle fueling stations, as is currently required. Staff also proposes requiring operators of standalone hydrogen plants to report GHG emissions from process vents in the same manner that hydrogen plants at integrated refineries already are required to under section 95113. This addition is necessary to capture emissions from process vents at hydrogen plants that are not part of an integrated refinery and ensure consistency in reporting requirements for hydrogen plants across the refining and hydrogen production sectors.

Staff proposes minor deletions in sections 95113 and 95114 to ensure GHG emissions from all fuel combustion, not just fossil fuel combustion, are reported by operators of refineries and hydrogen plants.

Transportation Fuel Suppliers

Staff proposes various amendments to require reporting of GHG emissions from novel, low carbon transportation fuels that are not currently reported by suppliers. These amendments include adding definitions for biomass–derived LPG and biomass–derived California Reformulated Gasoline Blendstock for Oxygenate Blending (CARBOB or RBOB) and modifying existing reporting requirements in section 95121 to also apply to their biomass–derived equivalent fuel, including requiring GHG emissions to be calculated for biomass–derived fuels using the same emission factors as their fossil equivalents.

Staff proposes amendments to better capture GHG emissions from biomass–derived fuels that are supplied outside of the bulk transfer/terminal system. Staff proposes revisions that apply the existing transportation fuel supplier reporting requirements in section 95121 to in–state biomass–derived fuel production facilities and importers of biomass–derived fuels who supply fuels outside of the bulk transfer/terminal system, which are added to the point of regulation for transportation fuel suppliers in the regulation's applicability provisions. To allow staff to assess completeness and double–reporting of biomass–derived transportation fuels reported to MRR under the existing and proposed points of regulation, staff proposes requiring suppliers to report, for all biomass–derived fuel volumes for which GHG emissions are reported: the LCFS pathway code, fuel type, point of regulation under which the volume is being reported, and the volume of biomass–derived fuel associated with each unique combination of LCFS pathway code, fuel type, and point of regulation.

To improve the quantification of GHG emissions from fossil denaturant in fuel ethanol and to include fossil denaturant emissions in an entity's covered emissions, staff proposes amendments requiring suppliers to report denaturant in fuel ethanol as RBOB or biomass–derived RBOB, rather than as pure ethanol. Staff proposes that denaturant emissions be quantified based on a default volume of 2% of the total fuel ethanol volume or based on a user–defined value that can be demonstrated. Staff also proposes an amendment requiring the hydrocarbon component of E85 to be reported as fossil or biomass–derived RBOB; this will ensure that GHG emissions from the E85 hydrocarbon component are captured under MRR.

Staff proposes additional changes that apply existing calculation requirements for sole position holders at terminals who do not have sealed or financial transaction meters to sole position holders of any fuel, rather than just biodiesel or diesel. To better align MRR reporting requirements in section 95121(d)(8) with the underlying AB 32 Cost of Implementation (COI) Fee Regulation definitions for fuel producer and California diesel, staff proposes adding language to clarify that biodiesel and renewable diesel volumes blended into California diesel do not need to be reported if the resulting product is not marketed as California diesel. To support statewide GHG inventory calculations for transportation fuels, staff proposes requiring suppliers who exclude volumes from GHG emissions reporting under the exemptions provided in section 95121(a)(2) to report these volumes separately by the exemption category (e.g., final destination outside of California, exclusive use in marine applications), in addition to fuel type.

Suppliers of Natural Gas and Natural Gas Liquids

Staff proposes various amendments to require reporting of GHG emissions from novel, low carbon fuels that are not currently reported by suppliers of natural gas or natural gas liquids (NGL). These amendments include adding definitions for biomass–derived LPG and biomass–derived NGLs and modifying existing reporting requirements in section 95122 to also apply to the biomass–derived equivalents of regulated fuels, including requiring GHG emissions to be calculated for biomass–derived fuels using the same emission factors as their fossil equivalents.

To ensure that all covered emissions from natural gas redelivered to another pipeline operator is accounted for in MRR reporting, staff proposes amending how gas utilities calculate the CO_{2j} parameter of the natural gas emissions equation, which accounts for redeliveries and receipts of gas from other natural gas transmission companies. Specifically, staff proposes that redeliveries to other public utility gas corporations must be included in the CO_{2j} parameter, and consequently subtracted out from the supplier's reported GHG emissions, only when emissions associated with the redelivered natural gas equals or exceeds the Cap–and–Invest threshold of 25,000 MT CO_2e; this threshold already applies to redeliveries to all other types of pipeline operators except for interstate pipeline operators, which aren't subject to GHG emissions reporting under MRR.

To support CARB staff's calculation of covered emissions for intrastate pipelines, staff proposes amendments to require intrastate pipeline operators to report customer delivery data for all deliveries to end–users, not just deliveries that exceed 188,500 MMBTU per year to a single entity. This allows CARB staff to subtract out emissions for all deliveries to covered facilities who have the compliance obligation for combusted natural gas emissions when calculating the intrastate pipeline operator's covered emissions.

Staff proposes minor revisions to section 95122 to align with proposed changes that revise the definitions for "local distribution company (LDC)," "natural gas suppliers," and "intrastate pipeline operator." Staff proposes revising the definition for LDC to exclude intrastate pipeline operators for greater consistency with how LDC is used in existing reporting requirements; this revision is not intended to change any reporting requirements. Revisions to the other two definitions are discussed under the "General" and "Applicability" sections of this chapter, respectively.

To simplify reporting, staff proposes an amendment to allow suppliers of imported LPG to report fuel volumes generically as "LPG" and use the default LPG emission factor to calculate emissions, rather than require LPG volumes and associated emissions to be reported and calculated from their LPG components (e.g., butane, propane) when component composition is known. Staff proposes an amendment to allow importers of LPG, CNG, or LNG to exclude fuel used exclusively in ocean–going vessels from GHG emissions reporting as these emissions would be emitted primarily outside of California. Staff also proposes revisions to align the requirements to report fuel volumes excluded from GHG emissions reporting with existing and proposed language in section 95122 that specifies the fuel supplier types eligible for the exemption (i.e., NGL fractionators and importers of LPG, CNG, or LNG), and the fuel types for which they are required to report GHG emissions (i.e., fossil and biomass–derived NGLs, CNG, or LNG). Staff also proposes requiring excluded volumes to be reported separately by their reason for exclusion, similar to the proposed amendment for transportation fuel suppliers in section 95121, so that the data may be used for GHG Inventory calculations and to support other analyses.

Geologic Sequestration

Operators of facilities with geologic sequestration of carbon dioxide are currently subject to this article, but no data reporting requirements have been established and the broader California framework under SB 905 is still under development. For now, staff proposes to have entities report emissions data from geologic sequestration of CO_2 as required under Subpart RR in the U.S. EPA's Mandatory Greenhouse Gas Reporting Regulation (40 C.F.R. § 98, 2013). Staff may need to propose future amendments to align with the requirements of SB 905 once the rulemaking directed by that statute is completed.

Cement

Staff proposes an amendment to require cement producers to report the annual quantities of baghouse dust and grind aids consumed for blending in cement instead of the more general "cement substitute." Staff also propose to update the definition of "cement" to include non–conventional cement types that use low–carbon materials or processes if they satisfy performance standards for conventional cement types.

SB 596 establishes a target of net–zero GHG emissions for the cement sector in California by 2045 and requires emissions reductions from all cement used in California, including imported cement. To support these mandates, staff proposes new requirements in MRR for cement importers to report GHG emissions from imported cement, along with additional data to support staff analysis of sector GHG emissions. Staff also proposes that cement importer data not be subject to verification because reported emissions are based on best available data and not subject to a Cap–and–Invest Regulation compliance obligation. At this time, requirements are focused on assessing what data is available and providing a framework for reporting emissions. To ensure that proposed amendments to add cement importers to MRR are as accurate and comprehensive as possible, staff may continue to develop proposals throughout this regulatory process.

Imports of Hydrogen and Producers of Hydrogen Utilizing Electricity

The 2022 Scoping Plan Update signals the need for an aggressive reduction of fossil fuel use and a transition to lower carbon technologies. Meeting energy demand in California requires building out significant new low–carbon energy supply capacity, including an

expected expansion of lower carbon hydrogen production (CARB, December 2022). The current MRR requires that in–state hydrogen producers exceeding 10,000 MT CO_2e of combustion and process emissions report emissions associated with hydrogen production. These existing provisions apply to traditional fossil hydrogen production technologies, as well as biomass–based production technologies that exceed the 10,000 MT CO_2e threshold. Imported hydrogen and hydrogen produced from electricity by facilities in California are currently not captured under MRR. To ensure the MRR has broader coverage of emissions resulting from the production of hydrogen utilized in California, staff proposes amendments to require operators of facilities that produce hydrogen utilizing electricity and importers of hydrogen to report GHG emissions resulting from the production of the hydrogen, along with additional data to support staff analysis of sector GHG emissions. These amendments include adding a reporting threshold consistent with the existing 10,000 MT CO_2e threshold for hydrogen production to ensure consistent treatment across production technologies and adding a definition of "importer of hydrogen." To provide flexibility to reporters in this sector, staff proposes language allowing for reporters to submit requests for the use of alternative methods for measuring and quantifying GHG emissions when specified methods are not viable or not applicable. Staff also proposes language to exempt data collected under this section from verification because hydrogen importers and producers of hydrogen utilizing electricity are not subject to the Cap–and–Invest Regulation.

Verification

Staff proposes changes to streamline verification requirements, including allowing verifier accreditation to be renewed for up to six years, establishing remote site visit eligibility criteria and requirements for certain low–risk reporters, removing unnecessary requirements from the information a verifier must report in the Notice of Verification Services and Verification Plan, allowing low–risk conflict–of–interest verifications to commence before the Executive Officer has granted approval for verification services, requiring verification site visits once every three years instead of once every compliance period, requiring ten days advance notice to be given the Executive Officer for a site visit instead of 14 days, removing specialized verification requirements related to process emissions sources, removing the requirement to provide information on causes of emissions changes in the verification report if a full verification was not conducted and there was a greater than 25% change in GHG emissions compared to prior data year, and simplifying the accreditation requirements for offset project specific verifiers. Staff also proposes to allow errors in an emissions data report to be corrected by the reporting entity and re–verified by the same verification body if the errors do not impact covered emissions or covered product data, rather than if the errors do not impact any emissions data or covered product data.

Staff proposes amendments to strengthen the integrity and rigor of verification services, including expanding the criteria under which a verification is deemed to have a high potential for a conflict–of–interest, capping a verification body's verification services for a single entity to six consecutive verifications in addition to six consecutive years, requiring a verifier accredited as an oil and gas systems specialist to provide verification services to operators of biorefineries, and clarifying that verifiers must conduct material misstatement calculations for thermal and non–thermal production by summing crude oil and associated gas covered product data in units of barrel of oil equivalent. Staff also proposes an amendment to require verifiers to include in their conformance review emissions associated with an eligible state of emergency that are optionally reported by an electricity generation facility for exclusion from the Cap–and–Invest Regulation applicability threshold, if the facility was not a covered entity in the previous data year.

Petroleum and Natural Gas Systems

Staff proposes changes to require natural gas distribution facilities to report transmission pipeline blowdowns and their GHG emissions. This change supports the State's GHG Inventory and aligns MRR reporting requirements with Subpart W requirements for transmission pipeline blowdowns in U.S. EPA's Mandatory GHG Reporting Rule (40 C.F.R. § 98).

COMPARABLE FEDERAL REGULATIONS

U.S. EPA currently requires mandatory GHG reporting under the Mandatory Reporting of Greenhouse Gases Rule (40 C.F.R. § 98). While U.S. EPA has proposed eliminating various reporting requirements under that rule, U.S. EPA's proposal is not final.[2] The proposed amendments are consistent with existing federal law. The proposed amendments to the reporting regulation were developed to minimize to the greatest extent possible any redundant State and federal reporting, while also ensuring that CARB is collecting the necessary additional information required by California's various GHG programs, including the Cap–and–Invest Regulation, COI Fee Regulation, and the statewide GHG inventory.

[2] 90 Fed Reg. 44591 (Sept. 16, 2025).

AN EVALUATION OF INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING STATE REGULATIONS (GOV. CODE, § 11346.5, SUBDIVISION (A)(3)(D))

The proposed regulation is consistent and compatible with existing State regulations.

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

DISCLOSURE REGARDING THE PROPOSED REGULATION

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

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

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

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

Pursuant to Government Code sections 11346.5, subdivisions (a)(5) and (a)(6), the Executive Officer has determined that this regulatory action will result in a mandate that would create costs and cost–savings to local agencies. However, these costs are not reimbursable pursuant to Section 6 of Article XIII B of the California Constitution and Part 7 (commencing with Section 17500) of Division 4 of the Government Code. These costs are not reimbursable because the proposed amendments neither compel local agencies to provide new governmental functions (i.e., do not require such agencies to provide additional services to the public), nor do they impose requirements that apply only to local agencies.[3] This proposed regulatory action also does not compel local agencies to increase the actual level or quality of services that they already provide the public.[4] For the foregoing reasons, any costs incurred by local agencies to comply with this regulatory action are not reimbursable. The proposed regulatory action would not create costs to any school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), division 4, title 2 of the Government Code.

Cost or Savings for State Agencies:

Pursuant to Government Code section 11346.5(a)(6), the Executive Officer has determined that this regulatory action will result in costs and savings for five State agencies. The cost impact to affected state government agencies is a cumulative cost–savings of $8,000 for all agencies over a 6–year time horizon, which is the sum of the total costs of $100 and total cost savings of $7,900. There is expected to be an estimated total cost–increase for two state agencies in the amount of $100 in Fiscal Year 2026/27 and no cost increases in the subsequent five fiscal years.

CARB does not have a fiscal impact as a result of the proposed regulation changes because there is no new CARB workload, staffing, or other resources needed to implement the proposed MRR revisions.

Other Non–Discretionary Costs or Savings on Local Agencies:

The Executive Officer has determined that this regulatory action will result in costs and savings for 61 local agencies. The cost impact to affected local government agencies is a cumulative cost–savings of $*70,000* for all agencies over a 6–year time horizon, which is the sum of the total costs of $20,000 and total cost savings of $90,000. The total cost to local government agencies is estimated to be $5,000 in Fiscal Year 2026/27 and $3,000 per year in the subsequent five fiscal years.

Cost or Savings in Federal Funding to the State:

The proposed regulation is not expected to impose any costs or savings in federal funding to the State.

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

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

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

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide adverse economic impact directly affecting businesses, including the ability of

[3] *County of Los Angeles v. State of California* (1987) 43 Cal.3d 46, 56.

[4] *San Diego Unified School Dist. v. Commission on State Mandates* (2004) 33 Cal.4th 859, 877.

California businesses to compete with businesses in other states, or on representative private persons.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT (GOV. CODE, § 11346.5, SUBDIVISION (A)(10))

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

(A) The creation or elimination of jobs within the State of California.

Based on the economic impacts of the proposed amendments as noted above, the Executive Officer has determined that the proposed regulatory action would not affect the creation or elimination of jobs within the State of California because the GHG MRR program is mature, and the proposed amendments are minor.

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

Based on the economic impacts of the proposed amendments as noted above, the Executive Officer has determined that the proposed regulatory action would not affect the creation of new businesses or elimination of existing businesses within the State of California because the GHG MRR program is mature, and the proposed amendments are minor.

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

Based on the economic impacts of the proposed amendments as noted above, the Executive Officer has determined that the proposed regulatory action would not affect the expansion of businesses currently doing business within the State of California because the GHG MRR program is mature, and the proposed amendments are minor.

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

The objective of the proposed regulatory action is to align with and support California's Cap–and–Invest Regulation, including allocation and the calculation of compliance obligations, and ensure that reported GHG emissions and product data are accurate and complete to support California's GHG emissions reduction programs, including the Cap–and–Invest Regulation and statewide GHG emissions inventory.

The estimated benefits of the proposed amendments are unquantified, which include any benefits to the health and welfare of California residents, worker safety, and the state's environment.

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

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

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

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

CARB staff performed an analysis of the reporters affected by the proposed amendments and determined that they are expected to affect approximately 270 California businesses (15 of which are small businesses). Two hundred and thirty California businesses will have cost increases, such as oil and gas producers, hydrogen production plants, hydrogen importers and producers utilizing electricity, refineries, cement importers, suppliers of natural gas and natural gas liquids, transportation fuel suppliers, and industrial facilities, including electric generation entities. Forty other California businesses will have cost savings, including electric power entities, natural gas suppliers, and industrial facilities, including electric generation entities.

CARB staff estimates that over six years, the net impact to California businesses is a cost of $900,000, which is the sum of cost increases of $*1,000,000* and cost savings of $*100,000*.

The Executive Officer has made an initial determination that the proposed regulatory action would not have a significant statewide economic impact directly affecting representative private persons.

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

The Executive Officer has also determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would affect small businesses. Based on CARB staff's analysis of existing reporters and data reported under section 95104, subdivision (a) of MRR, 15 total California small businesses will have cost changes due to the proposed regulation updates.

The cost of the proposed amendments are not expected to have a significant material impact on any affected small businesses. For small businesses, the first–year costs are estimated to be $720 per small business. The annual average ongoing costs to comply with the proposed revisions are estimated to be $540 per small business in the remaining five years.

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

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The proposed amendments are made to the existing reporting regulation, and these proposed amendments do not have a significant adverse fiscal or economic impact. However, staff considered alternatives, including not requiring verification for LPG and transportation fuel suppliers who would be newly subject under the proposed amendments, gathering data from individual reporters and other sources without adding regulatory requirements, or adopting performance standards. The specific alternatives are described in Section IX of the ISOR. These alternatives were evaluated but dismissed as not being more effective than the proposed amendments in carrying out the purposes of the updates.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency under the California Environmental Quality Act (CEQA), has reviewed the proposed regulatory action and concluded that it is exempt pursuant to section 15061, subdivision (b)(3) of the CEQA Guidelines because it can be seen with certainty that there is no possibility that the proposed action may have a significant adverse impact on the environment. A brief explanation of the basis for reaching this conclusion is included in Section VI of the ISOR.

SPECIAL ACCOMMODATION REQUEST

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

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

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

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

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

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

AGENCY CONTACT PERSONS

Inquiries concerning the substance of the proposed regulatory action may be directed to the agency representative Syd Partridge, Manager, Climate Change Reporting Section, at (916) 750–0361 or Ryan Schauland, Acting Chief, Program Planning and Management Branch, at (279) 842–9017.

AVAILABILITY OF DOCUMENTS

CARB staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the proposed regulatory action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: Initial Statement of Reasons for Rulemaking — Proposed Amendments to the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions.

Copies of the ISOR and the full text of the proposed regulatory language in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on CARB's website listed below, on January 20, 2026. Please contact Lindsay Garcia, Regulations Coordinator, at regulations@arb.ca.gov or (916) 546–2286 if you need physical copies of the documents. Pursuant to Government Code section 11346.5, subdivision (b), upon request to the aforementioned Regulations Coordinator, physical copies would be obtained from the Public Information Office, California Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, First Floor, Sacramento, California, 95814.

Further, the agency representative to whom non–substantive inquiries concerning the proposed administrative action may be directed is Lindsay Garcia, Regulations Coordinator, at regulations@arb.ca.gov or (916) 546–2286. The

Board staff has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

HEARING PROCEDURES

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

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

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

FINAL STATEMENT OF REASONS AVAILABILITY

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

INTERNET ACCESS

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on CARB's website for this rulemaking at *https://ww2.arb.ca.gov/rulemaking/2026/mrr2026*

TITLE 22. DEPARTMENT OF TOXIC SUBSTANCES CONTROL

VIOLATIONS SCORING PROCEDURE REGULATION REVISIONS DEPARTMENT REFERENCE NUMBER: R–2021–05R

NOTICE IS HEREBY GIVEN that the Department of Toxic Substances Control (DTSC) proposes to amend California Code of Regulations, title 22, division 4.5, chapter 21, sections 66271.50, 66271.51, 66271.53, 66271.54, 66271.55, 66271.56 and 66271.57.

WRITTEN COMMENT PERIOD

A public comment period has been established commencing on January 23, 2026, and closing on March 11, 2026.

Statements, arguments, or contentions regarding the rulemaking and/or supporting documents must be submitted in writing during the public comment period (electronically or in hard copy) or presented orally or in writing at a public hearing for them to be considered by DTSC before it adopts this regulation. Only comments received at the DTSC office or postmarked on or before that date will be considered.

Written comments may be submitted electronically through the DTSC regulations email address at regs@dtsc.ca.gov. Please direct hard–copy written comments to the Office of Legislation and Regulatory Review, as specified below.

Office of Legislation and Regulatory Review
Department of Toxic Substances Control
P.O. Box 806
Sacramento, California 95812–0806
regs@dtsc.ca.gov

PUBLIC HEARING

DTSC will hold one public hearing on the proposed regulations at the following time and location.

DATE: March 11, 2026
TIME: 1:00 p.m.–3:00 p.m. (PDT)
LOCATION: Zoom via registration and link

During the hearing, interested parties may submit both written and oral comments; however, no responses will be provided at that time.

When the hearing convenes participants will be given instructions on how to provide oral or written comments. Any person(s) may present statements or arguments, orally or in writing, relevant to this proposal. The public hearing will begin at 1:00 p.m. and will remain open until 3:00 p.m. or until all registered persons complete their testimony, whichever occurs first.

Representatives of DTSC will preside at the hearing. Anyone who wishes to speak via Zoom or phone

must register before the hearing. Pre–hearing registration is conducted until the public hearing commences at 1:00 p.m. on March 11, 2026, via the following link:

https://dtsc–ca–gov.zoom.us/webinar/register/WN_–K4bdEgjSyK4R6_djEBkqA

Any person(s) wishing to speak may participate remotely via Zoom or join the meeting by phone. DTSC reserves the right to set time limits to ensure that everyone has an opportunity to speak.

Notice Pertaining to Accessibility and Reasonable Accommodation

All documents related to these regulations can be made available in an alternate format (i.e., braille, large print, etc.) or in another language, as requested, in accordance with state and federal law.

Further, to ensure the public has equal access to all available services and information, DTSC will provide disability–related reasonable accommodations and/or translator/interpreter needs, upon request. For assistance, please contact the Office of Legislation and Regulatory Review. Note: the range of assistive series available may be limited if requests are made less than 10 business days prior to a public hearing.

AUTHORITY AND REFERENCE

Authority: Health and Safety Code sections 25200.21, 25150, 25159, 25201, 58004, 58012.

Reference: Health and Safety Code section 25200.21.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Background and Effect of the Proposed Regulatory Action

DTSC conducted a thorough evaluation of the Violations Scoring Procedures (VSP) Regulations that were previously implemented in 2019 to incorporate historical regulatory compliance as another tool for making Hazardous Waste Management Permit Decisions. The proposed revisions to the VSP regulations include several changes that were required to address confusion identified in the implementation of the original regulations. DTSC proposes to:

In 2027, the VSP scoring will include both averaging and summation scoring methods to assign a facility to a tier. Beginning January 1, 2029, only the summation scoring will be utilized.

- Summation scoring removes the total number of inspections (divisor) from the total calculation of the annual Facility VSP score,
- The new unacceptable tier using summation scoring will apply to facilities with an annual Facility VSP score of 300 or higher, and,
- The new conditionally acceptable tier using summation scoring will apply to facilities with an annual Facility VSP score from 100 to less than 300,
- The Summation Method acceptable tier, the lowest tier, will be defined as facilities with an annual Facility VSP score of less than 100.
- The new scores based on summation scoring will be included for annual Facility VSP scores beginning January 1, 2027. The summation scoring will be utilized solely for Facility VSP scores and Tier assignments beginning January 1, 2029.

Revise and clarify requirements for facilities under the conditionally acceptable compliance tier assignment:

- Remove language that requires DTSC to select an auditor for the facility when needed,
- Require only one qualified auditor proposal instead of three,
- Require one audit per year instead of two,
- Clarify that a permittee must continue to implement third–party annual audits while under the conditionally acceptable compliance tier once a year rather than twice a year,
- Clarify that a permittee must submit its Compliance Implementation Plan (CIP) for DTSC review and approval prior to implementation (for items which cannot be corrected immediately), and,
- Require the permittee to submit monthly progress report(s) for CIP implementation (for items which may take longer than a month to finalize and implement).

Revise definitions of compliance inspections to be included in Facility VSP Scoring:

- Financial Record Review inspections are part of a compliance inspection, and,
- Multiple types of inspections can be conducted and reported as one compliance inspection.

Expand list of excluded inspections to contain:

- Self–audits,
- Permitting site visits,
- Self–disclosures, and,
- Additional inspections not referred to DTSC (United States Environmental Protection Agency (U.S. EPA) inspections will not be scored).

Clarify violations excluded from scoring:

- Class II violations, and,
- Cancelled, retracted, withdrawn or successfully challenged violations.

Clarify how to score new facilities:

- Start annual scoring and tier assignments for new facilities only after an operating permit is issued; and,

- Clarify that facilities will be scored until the facilities provide written notice to DTSC that they will begin closure.

Revise the tier challenge process for unacceptable facilities:

- If DTSC decides to change a facility's compliance tier assignment to conditionally acceptable pursuant to a tier challenge, the revised tier may be upheld without another tier challenge for subsequent years under certain circumstances,
- If DTSC upholds a facility's unacceptable tier pursuant to a tier challenge, the facility may not submit a new tier challenge in subsequent years under certain circumstances,
- Remove DTSC's 60–day time requirement to issue public notices and tier challenge decisions, and,
- Allow evaluation of any records the DTSC deems relevant for tier challenge decisions.

Benefits of the Proposed Regulatory Action

The proposed regulation will provide clarity to both the regulated community and DTSC. There will be less ambiguity and reduced opportunity to misinterpret the regulations with these revisions. Scoring will more accurately reflect a facility's compliance history and a facility's potential threats to public health and/or the environment.

Existing Laws and Regulations

The existing body of regulations that DTSC implements in title 22, California Code of Regulations, Division 4.5, has a federal corollary in title 40, Code of Federal Regulations. In fact, DTSC is authorized by the U.S. EPA to enforce DTSC's hazardous waste management program in lieu of the federal hazardous waste management program (the Resource Conservation and Recovery Act, "RCRA," commencing at title 42, United States Code, section 6901) in California. There are no provisions in the federal regulations implementing RCRA that are analogous to the provisions being proposed by DTSC. Nonetheless, RCRA expressly allows states that implement their hazardous waste management programs in lieu of RCRA to be more stringent, broader in scope, or both. These proposed regulations are not based on, nor identical to, any federal regulations. Therefore, the proposed regulations will neither duplicate nor conflict with existing federal regulations.

Related State Laws and Regulations

DTSC is the only agency that regulates and governs hazardous waste management and the permitting of hazardous waste facilities. The proposed regulations improve these existing regulations by clarifying parts of the VSP regulations that were ambiguous or otherwise not previously addressed. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

OTHER APPLICABLE REQUIREMENTS PRESCRIBED BY STATUTE

California Environmental Quality Act (CEQA) Compliance

Pursuant to California Code of Regulations, title 14, section 15187(a), DTSC is required, at the time of the adoption of a rule or regulation requiring the installation of pollution control equipment, establishing a performance standard, or establishing a treatment requirement to perform an environmental analysis of the reasonably foreseeable methods by which compliance with that rule or regulation will be achieved.

The proposed regulation will not result in a significant change of any of the physical conditions within the environmental factors that are analyzed under CEQA. DTSC intends to prepare a Notice of Exemption as the appropriate CEQA document for the adoption of a rule or regulation pursuant to the CEQA Guidelines [Cal. Code Regs., title 14, § 15164(b)] because none of the conditions described in the CEQA Guidelines [Cal. Code Regs., title 14, §15162] apply.

Peer Review Compliance

Under the provisions of Health and Safety Code section 57004, peer review is not required because the proposed regulation changes do not establish a regulatory level, standard, or other requirement subject to scientific peer review.

DISCLOSURES REGARDING THE PROPOSED ACTION/ECONOMIC AND FISCAL IMPACT ASSESSMENT

DTSC has determined that the proposed regulations will impose costs or savings on a state agency but will not impose a cost to a local agency or school district that is required to be reimbursed pursuant to part 7 of division 4, commencing with section 17500, of the Government Code, or other nondiscretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state. DTSC has determined that the proposed regulations will not result in any changes to federal funds that the state of California receives.

Costs or Savings to Any State Agency: DTSC has determined that the proposed regulation changes will increase annual costs to DTSC by $148,000 per year for the next five years for a total of $740,000 due to increased tier challenges and fewer audit reviews.

Local Agencies: None.

School Districts: None.

Federal Funding to the State: None.

Local Mandate: None.

Types of Businesses Affected: DTSC determined the proposed regulatory action will cost statewide hazardous waste facilities an estimated $250,000 per year over the next five years for a total of $1.25 million due to the increased number of tier challenges and the decrease in number of internal audits conducted by facilities.

Projected Reporting, Recordkeeping, or other Compliance Requirements: There are no proposed changes to prescribed reporting, recordkeeping, or other compliance requirements.

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.

Effect on Housing Costs: None.

Effect on Small Businesses: DTSC has determined that the proposed regulation will have no significant effect on small businesses. Some small businesses may be subjected to a tier challenge but will have the number of required internal audits reduced for an estimated increase cost of $150,000 per year (60% of the total costs).

Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including the Ability of California Businesses to Compete with Businesses in Other States: None.

Expansion of Businesses Currently doing Business: None.

Creation of New Jobs or Elimination of Existing Jobs: None.

Benefits of the Regulation on the Health and Welfare of California Residents, Worker Safety, and the State's Environment: DTSC made an initial determination that the adoption of this regulation may increase the protection of public health through clearer and consistent compliance monitoring of hazardous waste facilities.

Creation or Elimination of Businesses: None.

Effect on Worker Safety and the States Environment: None.

CONSIDERATION OF ALTERNATIVES

DTSC must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of DTSC 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. DTSC's consideration of alternatives is available in the Initial Statement of Reasons included as part of this proposed regulation.

CONTACT PERSONS

Inquiries regarding technical aspects of the proposed regulation may be directed to Gary Hammond at (916) 322–2833 or Michelle Gastil at (916) 419–4309 or, if unavailable, the Office of Legislation and Regulatory Review, as specified above, or call (279) 895–5179; TTY/TDD/Speech–to–Speech users may dial 7–1–1 for the California Relay Service. However, such oral inquiries are not part of the rulemaking record. Statements, arguments, or contentions regarding the rulemaking and/or supporting documents must be submitted in writing for them to be considered by DTSC before it adopts, amends, or repeals these regulations.

AVAILABILITY OF TEXT OF PROPOSED REGULATIONS, INITIAL STATEMENT OF REASONS, AND OTHER RULEMAKING DOCUMENTS

Copies of the Notice of Proposed Action, Initial Statement of Reasons, all the information upon which this proposal is based, and the express terms of the proposed regulation (also known as the proposed regulatory text) are posted to DTSC's website at https://dtsc.ca.gov/regs/ and will be made available for viewing at the Office of Legislation and Regulatory Review, as specified below.

Office of Legislation and Regulatory Review
Department of Toxic Substances Control
1001 I Street
Sacramento, California 95814–2828

The text of the proposed amendment contains the following formatting features:

- The symbol "***" means that intervening text not proposed for amendment is not shown.
- Proposed additions are indicated in single underlining to show where the new text is being added.
- Proposed deletions (repeals) are indicated as a ~~strikethrough~~ to show where the existing text is being removed.

After the close of the comment period, DTSC may adopt the proposed regulation. If substantial, sufficiently related changes are made to the regulatory text, the modified full text (with the changes clearly indicated) will be made available for comment for at least 15 days prior to adoption. Only persons who request to be notified of any modifications to the proposed text, submit written or oral comments (comments submitted at a hearing, if one is held, or comments submitted

to DTSC), will be sent a copy of the modified text, if substantial, sufficiently related changes are made.

Once DTSC finalizes the regulatory text, DTSC will prepare a Final Statement of Reasons that updates the Initial Statement of Reasons, summarizes how DTSC addressed comments, and includes other materials. A copy of the Final Statement of Reasons will also be posted on DTSC's Internet site at https://dtsc.ca.gov/regs/, along with the date the approved regulation is filed with the Secretary of State and the effective date of the regulation.

ALL OTHER QUESTIONS/
COMMENTS/INQUIRIES/UPDATES

Please direct all written comments, procedural inquiries, and requests for documents by mail, email, or fax to the office of Legislation and Regulatory Review, as specified above. To be included in this regulation package's mailing list and to receive updates of this rulemaking, please email: regs@dtsc.ca.gov.

RULEMAKING PETITION DECISIONS

FISH AND GAME COMMISSION

SEPTEMBER 9, 2025
MATTHEW WHITE [ADDRESS ON FILE]
SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE
(TRACKING NUMBER 2022–02)

Dear Matthew White:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2022–02) requesting to create a new class of deer hunting tags restricted to specified methods of take, such as traditional archery and muzzleloading shotgun and rifle. Your petition requested that sections 354, 355, 361 and 362 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as sections 200, 203, 240, 265, and 4370 of the California Fish and Game Code.

At its August 13–14, 2025 meeting, the Commission denied your petition based on the California Department of Fish and Wildlife's recommendation to defer consideration of a new tag class until the completion of the statewide deer plan, which will provide more information and context for reevaluating the deer hunting tag framework. Further, the Commission has already adopted regulations addressing the petition's primary concern regarding hunting opportunities and preference points following wildfire–related closures of specific hunting areas.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's August 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=233326&inline. You may also find a link to the meeting minutes — the video recording — of the August 2025 meeting on our website at https://fgc.ca.gov/Meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,

/s/

Melissa Miller–Henson
Executive Director

FISH AND GAME COMMISSION

NOVEMBER 26, 2025
REBECCA DMYTRYK [ADDRESS ON FILE]
SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE
(TRACKING NUMBER 2023–13)

Dear Rebecca Dmytryk:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2023–13) seeking clarified regulatory language regarding the use of traps for fur–bearing mammals, including trap types and disposition of animals trapped.

Your petition requested that Section 465.5 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as sections 200, 203, 219, 265, 3003.1, 4005 and 4009.5 of the California Fish and Game Code.

At its October 8–9, 2025 meeting, the Commission chose to grant part of your petition and deny part of your petition, based on a memo from the California Department of Fish and Wildlife (attached). Any of your requested changes that were granted by the Commission will be considered in a future rulemaking, and we invite you to participate in that rulemaking process when it begins.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's October 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=237911&inline. You may also find a link to the meeting minutes — the video recording — of the October 2025 meeting on the Commission website at https://fgc.ca.gov/Meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,

/s/

Melissa Miller–Henson

Executive Director

FISH AND GAME COMMISSION

SEPTEMBER 9, 2025
DAVID BESS, REGULATORY CHAIR
BACKCOUNTRY HUNTERS AND
ANGLERS [ADDRESS ON FILE]
SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE
(TRACKING NUMBER 2025–04)

Dear David Bess:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2025–04) requesting to allow the purchase of a second bear tag. Your petition requested that Section 708.12 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as Section 200 of the California Fish and Game Code.

At its August 13–14, 2025 meeting, the Commission denied your petition. Bear hunting regulations are under active consideration in the Commission Wildlife Resources Committee (WRC); you are invited to participate in the discussion at the upcoming WRC meeting on September 11 in Sacramento.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's August 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=233326&inline. You may also find a link to meeting minutes — the video recording — of the August 2025 meeting on our website at https://fgc.ca.gov/Meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,

/s/

Melissa Miller–Henson

Executive Director

FISH AND GAME COMMISSION

NOVEMBER 14, 2025
MICHAEL RESCINO [ADDRESS ON FILE]
SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE
(TRACKING NUMBER 2025–05)

Dear Michael Rescino:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2025–05) requesting to allow filleting of striped bass on commercial passenger fishing vessels. Your petition requested that sections 27.65 and 27.85 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority

to take the requested action as sections 110, 200, 205, 265, 275, 313, 5508 and 5509 of the California Fish and Game Code.

At its October 8–9, 2025 meeting, the Commission considered and denied your petition. In reaching its decision, the Commission noted that establishing a legal fillet length would require new data to develop a scientifically valid conversion factor from whole fish length to fillet length. The California Department of Fish and Wildlife currently lacks the capacity and resources to undertake the necessary data collection, as staff are focused on existing, prioritized management efforts.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's October 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=237920&inline. You may also find a link to the meeting minutes — the video recording — of the October 2025 meeting on the Commission website at https://fgc.ca.gov/meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,

/s/

Melissa Miller–Henson

Executive Director

FISH AND GAME COMMISSION

SEPTEMBER 29, 2025 BEN GRUNDY,
ASSOCIATE OCEANS CAMPAIGNER
[ADDRESS ON FILE]
SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE
(TRACKING NUMBER 2025–06)

Dear Ben Grundy:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2025–06) concerning implementing commercial coonstripe shrimp fishery vertical line gear restrictions in seasonally biologically important areas and to authorize use of pop–up gear to minimize risk of whale entanglements. Your petition requested that subsection (c) of Section 108.15 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as sections 205, 219, 301, 314 and 7071 of the California Fish and Game Code.

At its August 13–14, 2025 meeting, the Commission denied your petition. In making its decision, the Commission recognized that proposed regulatory action in response to whale entanglement risk related to commercial coonstripe shrimp trap fishing was already an active topic. The Commission's Marine Resources Committee, at its July 2025 meeting, recommended the Commission pursue near–term management changes through a rulemaking, and to support the Department developing longer–term management options to further minimize the risk of whale entanglements. The Commission took the committee's recommendations into consideration in August and scheduled the rulemaking to commence in October 2025. You are invited to participate in the topic through the Commission's rulemaking process, beginning with an update at the October 8–9, 2025 meeting.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's August 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=233341&inline. You may also find a link to the meeting minutes — the video recording — of the August 2025 meeting on the Commission website at https://fgc.ca.gov/Meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,

/s/

Melissa Miller–Henson

Executive Director

FISH AND GAME COMMISSION

NOVEMBER 14, 2025
PASCAL MEIER [ADDRESS ON FILE] SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE (TRACKING NUMBER 2025–08)

Dear Pascal Meier:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2025–08) requesting to allow recreational take of gooseneck barnacles. Your petition requested that Section 29.05 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as Sections 200, 205, 255, 265, 270 and 275 of the California Fish and Game Code.

At its October 8–9, 2025 meeting, the Commission considered and denied your petition. Similar requests were previously reviewed and denied in 2021 and 2022, based on two considerations: (1) Existing fisheries have been prioritized for management under the Marine Life Management Act master plan framework; and (2) opening a new fishery for the petitioned species would require substantial data collection to assess sustainability, which would divert limited staff resources from current management priorities. As no new information was provided in your petition, nor identified by the Department, the Commission found no basis to alter its previous determinations.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's October 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=237920&inline. You may also find a link to the meeting minutes — the video recording — of the October 2025 meeting on the Commission website at https://fgc.ca.gov/meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,

/s/

Melissa Miller–Henson
Executive Director

FISH AND GAME COMMISSION

NOVEMBER 14, 2025
BRANDON WORTHINGTON
[ADDRESS ON FILE]
SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE (TRACKING NUMBER 2025–09)

Dear Brandon Worthington:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2025–09) requesting to allow non–salmonid fishing in currently closed areas of the upper Klamath River. Your petition requested that Section 7.40(b) of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as Section 200 of the California Fish and Game Code.

At its October 8–9, 2025 meeting, the Commission considered and denied your petition. While wild trout populations are increasing and habitat is improving in the upper Klamath River, they are not yet confirmed to be at levels compatible with sport fishing. The California Department of Fish and Wildlife has committed to keeping the Commission apprised of the status of upper Klamath River fish populations and habitat improvements as information becomes available.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's October 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=237911&inline. You may also find a link to the meeting minutes — the video recording — of the October 2025 meeting on the Commission website at https://fgc.ca.gov/Meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,

/s/
Melissa Miller–Henson
Executive Director

FISH AND GAME COMMISSION

DECEMBER 24, 2025
DALE ANDERSON [ADDRESS ON FILE]
SENT VIA EMAIL TO [ADDRESS ON FILE]

RE: PETITION FOR REGULATION CHANGE
(TRACKING NUMBER 2025–10)

Dear Dale Anderson:

The California Fish and Game Commission (Commission) recently took action related to the petition for regulation change you submitted to the Commission (Tracking Number 2025–10) requesting to update regulations for restricted animal caging requirements and materials used. Your petition requested that sections 671.3 and 679.5 of Title 14, California Code of Regulations, be amended. You cited the Commission's authority to take the requested action as California Fish and Game Code Section 2192.

At its December 10–11, 2025 meeting, the Commission granted your petition for consideration in a future rulemaking. The restricted caging animal requirements are part of a more comprehensive set of restricted species regulations that are due for review and amendment. The topic has been referred to the Commission's Wildlife Resources Committee (WRC) for review and is reflected in the WRC work plan, though a timeline for the effort has yet to be determined. If you do not already receive Commission or WRC meeting agendas, I highly recommend subscribing to our electronic mailing list (https://public.govdelivery.com/accounts/CNRA/signup/35154) for both so that you can track the restricted species topic; each list only receives a handful of messages each year, and you can easily remove yourself through a link at the bottom of any list message.

Your original petition, as well as written materials in support of the Commission's decision, may be found in the materials for the Commission's December 2025 meeting at https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=239644&inline. You may also find a link to the meeting minutes — the video recording — of the December 2025 meeting on the Commission website at https://fgc.ca.gov/Meetings/2025.

Any interested person has a right to obtain a copy of the petition, which can be found in the regulations petition index at https://fgc.ca.gov/Regulations/Petition–for–Regulation–Change. If you are unable to find a copy of the petition via the website, you may request a copy by contacting Commission staff via the letterhead phone number or email address.

If you have any questions about your petition, please feel free to contact me at fgc@fgc.ca.gov or (916) 653–4899.

Sincerely,
/s/
Melissa Miller–Henson
Executive Director

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.

Respiratory Care Board
File # 2025–1231–01
Basic Respiratory Tasks and Services

This emergency action pursuant to Government Code section 11346.1 by the Respiratory Care Board of California amends the existing regulatory identification of basic respiratory tasks and services to specify that its provisions do not apply to licensed vocational nurses performing respiratory care tasks and services as provided by Business and Professions Code section 3765, subdivisions (i) and (j).

Title 16
Amend: 1399.365
Filed 01/12/2026
Effective 01/12/2026
Agency Contact: Kathryn Pitt (916) 999–2203

Department of Human Resources
File # 2025–1126–01
Voluntary Personal Leave Program — Excluded Employees

This file and print action pursuant to Government Code section 3539.5 by the Department of Human Resources amends Voluntary Personal Leave Program (VPLP) regulations to remove references to the specific number of VPLP hours available to employees

excluded from, or otherwise not subject to, the Ralph C. Dills Act (Government Code, section 3512 et seq.).

Title 02
Amend: 599.737.5
Filed 01/13/2026
Effective 01/13/2026
Agency Contact: Katie Narvaez (916) 324–9724

Department of Insurance

File # 2025–1121–08

Low Cost Auto Plan of Operations

This request for filing and printing, pursuant to Government Code section 11343.8, amends the California Automobile Insurance Low Cost Program Plan of Operations. This action is exempt from the Administrative Procedure Act pursuant to California Insurance Code section 11620(c).

Title 10
Amend: 2498.6
Filed 01/08/2026
Effective 01/08/2026
Agency Contact:
Michael Riordan (415) 538–4226

Department of Insurance

File # 2025–1121–09

CAARP Plan of Operations Private Passenger Rate Filing

This file and print action pursuant to Insurance Code section 11620(c) by the Department of Insurance amends rates in the California Automobile Assigned Risk Plan (CAARP).

Title 10
Amend: 2498.5
Filed 01/08/2026
Effective 01/08/2026
Agency Contact:
Michael Riordan (415) 538–4226

Department of Insurance

File # 2025–1121–10

Low Cost Auto Plan of Operations Rate Filing

This request for filing and printing, pursuant to Government Code section 11343.8, amends the California Automobile Insurance Low Cost Program Plan of Operations Rates. This action is exempt from the Administrative Procedure Act pursuant to California Insurance Code section 11620(c).

Title 10
Amend: 2498.6
Filed 01/08/2026
Effective 01/08/2026
Agency Contact:
Michael Riordan (415) 538–4226

California Horse Racing Board

File # 2025–1126–03

Jockey's Riding Fee

This section 100 action pursuant to California Code of Regulations, title 1, section 100 by the California Horse Racing Board adjusts jockey riding fees for losing mounts, as required by Business and Professions Code section 19501(b)(1), to reflect the California minimum wage increase effective January 1, 2026.

Title 04
Amend: 1632
Filed 01/13/2026
Agency Contact:
Brooke Tuchman (916) 869–3221

Department of Corrections and Rehabilitation

File # 2025–1126–02

Non–Substantive Changes — CALPIA Name Change

This section 100 action pursuant to California Code of Regulations, title 1, section 100 by the Department of Corrections and Rehabilitation replaces mention of the "California Prison Industry Authority" (CALPIA) with "California Correctional Training and Rehabilitation" to align with changes made by Senate Bill 857 (Chapter 241, Statutes 2025).

Title 15
Amend: 3000, 3041.2, 3480, 3481
Filed 01/12/2026
Agency Contact: Alison Colavita (279) 223–2314

New Motor Vehicle Board

File # 2025–1120–01

Article 7 — Conflict–of–Interest Code

This section 100 action, submitted by the New Motor Vehicle Board (NMVB) pursuant to California Code of Regulations, title 1, section 100, amends the preceding note to NMVB's conflict–of–interest code to reflect the updated address for the Fair Political Practices Commission.

Title 13
Amend: 599
Filed 01/07/2026
Agency Contact: Robin Parker (916) 323–1536

Physician Assistant Board

File # 2025–1121–02

Technical Clean–Up & Statutory Fee Changes

This Physician Assistant Board section 100 action pursuant to California Code of Regulations, title 1, section 100, updates authority and reference cites to align with current statutes, replaces gendered pronouns with gender neutral pronouns, amends fee amounts to align with current statutes, and corrects the agency's mailing and web addresses.

Title 16
Amend: 1399.501, 1399.503, 1399.514, 1399.515, 1399.520, 1399.536, 1399.546, 1399.547, 1399.550, 1399.612
Filed 01/08/2026
Agency Contact:
Jasmine Dhillon (279) 666–2838

State Personnel Board

File # 2025–1209–03

Agency Name Change

In this section 100 action pursuant to California Code of Regulations, title 1, section 100, the California State Personnel Board (Board) changes the name of the Prison Industry Authority to the California Correctional Training and Rehabilitation Authority (CALCTRA) for the CALCTRA Managerial and Supervisory Selection Demonstration Project that the Board supervises. The agency name change is mandated by Senate Bill 857 (Chapter 241, Statutes of 2025).

Title 02
Amend: 549.95
Filed 01/13/2026
Agency Contact:
Joseph Ruggiero (916) 653–0920

California Prison Industry Authority

File # 2025–1124–02

CALPIA Name Change

This section 100 action pursuant to California Code of Regulations, title 1, section 100 by the California Prison Industry Authority (CALPIA) amends regulations to update cross–references, use gender–neutral language, and account for the agency name change to the California Correctional Training and Rehabilitation Authority established by Senate Bill 857 (Chapter 241, Statutes of 2025).

Title 15
Amend: 8000, 8001 , 8004, 8004.1, 8004.2, 8004.3, 8004.4, 8005, 8006, 8007, 8008, 8100, 8102, 8105, 8106, 8107,8110, 8114, 8116.1,8117, 8118, 8119, 8120, 8121, 8122,8200,8201, 8202,8203 ,8205,8206,8207,8208,8209,8210, 8211, 8212, 8213, 8215, 8298, 8299, Appendix A, Appendix B, 8900, 8901
Filed 01/07/2026
Agency Contact:
Kelly Mortenson (916) 413–1140

Board of Chiropractic Examiners

File # 2025–1120–04

Continuing Education: Distance Learning

In this rulemaking action, the Board of Chiropractic Examiners updates its continuing education requirements to allow courses delivered through synchronous online learning platforms to be eligible for the same credit as traditional, in–person classroom environments.

Title 16
Amend: 363.1
Filed 01/07/2026
Effective 01/07/2026
Agency Contact: Kristin Walker (916) 574–7784

California Victim Compensation Board

File # 2025–1126–04

Victim Compensation

In this rulemaking action the California Victim Compensation Board amends its hearing provisions as well as regulations regarding income or support loss verification, emergency awards, acts constituting one qualifying crime and human trafficking.

Title 02
Amend: 615.2, 617.1, 617.4, 617.7, 617.8, 617.9, 619.4, 619.5, 647.20, 647.21, 647.26, 647.30, 647.31, 649, 649.8, 649.32, 649.33, 649.41, 649.48
Repeal: 617.5, 617.6, 647.3, 647.4, 647.20.1, 647.22, 647.25
Filed 01/13/2026
Effective 04/01/2026
Agency Contact: Neil Ennes (916) 491–3728

Civil Rights Council

File # 2025–1121–01

Modifications to Contractor Nondiscrimination and Compliance Regulations

In this rulemaking action the Civil Rights Council seeks to amend regulations governing contractor nondiscrimination and compliance.

Title 02
Amend: 11004, 11105, 14000, 14003, 14020, 14025, 14051, 14343
Filed 01/07/2026
Effective 04/01/2026
Agency Contact: Suge Lee (916) 477–5795

Department of Alcoholic Beverage Control

File # 2025–1121–06

Responsible Beverage Service Training Program Drink Spiking Update

This rulemaking action adopts a baseline of topics to be taught by an accredited training provider for the prevention of drink spiking. This includes methods to prevent drink spiking, including creating a safe environment, recognizing signs of drink spiking, using equipment like drink lids and testing kits, and responding to someone who believes they or someone they know has been drugged because of drink spiking.

Title 04
Adopt: 165.1, 165.2
Filed 01/08/2026
Effective 04/01/2026
Agency Contact:
Robert de Ruyter (916) 419–8958

Veterinary Medical Board

File # 2025–1125–01

Veterinary Drug Compounding

This rulemaking action amends regulations related to veterinary drug compounding. It modifies existing terms and adds new definitions. It specifies a list of information that must be included in a master formula document for each compounded drug preparation. It also establishes labeling requirements for all intravenous, intramuscular, and subcutaneous compounded drug preparations for an animal patient that contain a sterile solution.

Title 16
Amend: 2036.5, 2090, 2091, 2092, 2093, 2094
Filed 01/12/2026
Effective 04/01/2026
Agency Contact: Justin Sotelo (916) 905–5511

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.