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

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PROPOSED ACTION ON REGULATIONS

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TITLE 3. DEPARTMENT OF PESTICIDE REGULATION

1,3–DICHLOROPROPENE FIELD FUMIGATION METHOD — TREE–HOLE METHOD

DPR REGULATION NUMBER 26–006

The Department of Pesticide Regulation (DPR) proposes to amend Title 3, California Code of Regulations (3 CCR) sections 6448, 6448.2, 6624, and 6626. DPR also proposes to amend existing document "1,3–Dichloropropene Field Fumigation Requirements, Rev. January 1, 2026" incorporated by reference in sections 6448, 6448.2, 6624, and 6626. The pesticide regulatory program activities affected by the proposal are those pertaining to restricted materials and pesticide use enforcement. In summary, the proposed action allows for the use of 1,3–dichloropropene (1,3–D) to fumigate individual tree–holes (also known as tree planting sites), making permanent the three–year interim approval of the method granted in September 2024. The proposed action also establishes additional restrictions on use of the tree–hole method, including more stringent limits on the number of tree–holes per acre.

SUBMITTAL OF COMMENTS

Any interested person may present comments in writing about the proposed action to the agency contact person named below. DPR will accept written comments that are submitted via U.S. mail and postmarked no later than December 14, 2026. Comments regarding this proposed action that are transmitted via SmartComment online public comment portal at https://cdpr.commentinput.com?id=CBrjsbfHg or via email at dpr26006@cdpr.ca.gov must be received no later than December 14, 2026.

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and any associated contact information (e.g., your address, phone number, or email address) become part of the public record and can be released to the public upon request. You do not have to provide contact information when submitting a comment using the SmartComment portal.

A public hearing is not scheduled. However, one will be scheduled if any interested person submits a written request to DPR no later than 15 days prior to the close of the written comment period.[1]

EFFECT ON SMALL BUSINESS

DPR has determined that the proposed regulatory action does affect small businesses.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

DPR protects human health and the environment by fostering sustainable pest management and regulating pesticides. DPR's strict oversight includes: product evaluation and registration; statewide licensing of commercial and private pesticide applicators, pest control businesses, dealers, and advisers; environmental monitoring; and residue testing of fresh produce. This statutory scheme is set forth primarily in Food and Agricultural Code (FAC) Divisions 6 and 7.

1,3–Dichloropropene (1,3–D) was introduced in California in 1970 as a fumigant used to control nematodes, insects, and disease organisms in the soil. 1,3–D is currently listed as a restricted material in 3 CCR section 6400(e). As a restricted material, the purchase and use of 1,3–D for agricultural production purposes are allowed only under a restricted materials permit from the local county agricultural commissioner (CAC). Before issuing a permit, the CAC must evaluate the permit application to determine whether the intended use may cause a substantial adverse environmental impact based on local conditions at the application site. Depending on the results of this review, the CAC may deny the permit or impose permit conditions including the use of specific mitigation measures. As part of the permit for any restricted material, applicators must provide a notice of intent to the CAC before any application. The notice of intent includes application–specific information, such as the number of acres being treated and the date the application is intended to commence.

Additionally, 1,3–D is listed as a toxic air contaminant (TAC) in 3 CCR section 6860(b) based on its designation as a hazardous air pollutant under the fed-

[1] If you have special accommodation or language needs, please include this in your request for a public hearing. TTY/TDD speech–to–speech users may dial 7–1–1 for the California Relay Service.

eral Clean Air Act. Pursuant to FAC section 14023(f), for TACs and hazardous air pollutants (HAP–TACs) for which a risk assessment has been completed, DPR must determine the "need for and appropriate degree of control measures." Control or mitigation measures that DPR develops for HAP–TACs must also follow the requirements specified by FAC section 14024, including consulting with specified agencies.

1,3–D is also a volatile organic compound (VOC) and contributes to the formation of ozone, a major air pollutant in several regions of California. Under the federal Clean Air Act, California's State Implementation Plan for ozone includes an element to track and reduce VOC emissions from pesticides.

Certain product labels for 1,3–D allow for a specialized type of application known as a "tree–hole" or "tree planting site" application (henceforth referred to as "tree–hole" fumigations). Such applications are typically used in orchard replant scenarios where dead or diseased trees must be selectively removed and replaced. Whereas most 1,3–D applications involve the tillage and application of 1,3–D throughout an entire field via shank injection, tree–hole applications are akin to a spot treatment whereby applications are performed individually or in isolated clusters within an existing orchard.

Prior to January 1, 2024, tree–hole applications were not considered field soil fumigations and were exempt from the requirements now described in 3 CCR section 6448.2. The modifications to 3 CCR section 6448.2(d) that DPR adopted in 2024 specify that applications of 1,3–D are only allowed if they have been assigned a field fumigation method code as specified in DPR's document incorporated by reference, 1,3–D Field Fumigation Requirements. While tree–hole applications have long been allowed by product labels and used within California, no specific code previously existed for their reporting and uses were reported under a broad "Other Application Method" code which is now prohibited. Hence, following adoption of the modifications in 3 CCR section 6448, the tree–hole method was disallowed. Following a formal request from the Tehama County Agricultural Commissioner (CAC), DPR granted a three–year interim approval for this method on September 3, 2024, pursuant to 3 CCR sections 6448.3 and 6452, with continued use beyond its expiration in September 2027 requiring further regulatory action. DPR is therefore proposing to make permanent the interim approval of the individual tree–hole method, with restrictions that go beyond the interim–approved application method such that emissions from tree–hole applications are no greater than those of a low–emission reference method (FFM 1242) at the average rate for a non–tree–and–grape crop on a per–acre basis. The interim approval currently includes restrictions on the application rate; number of tree holes fumigated during calendar year; spacing between tree holes; setback requirements; and minimum amount of time between fumigation of adjacent tree holes. As part of this rulemaking, DPR proposes additional restrictions to the method, including lower per–acre limits on the number of fumigated tree–holes in a given year, as compared to the current provisions of the interim approval.

The broad objective of the proposed regulation is to allow for use of the tree–hole method, including for use in tree replant scenarios. In consideration of historical usage information, cost relative to broadcast applications, and orchard planting density, the following use restrictions are proposed:

- A maximum per hole application rate of 1.85 pounds of active ingredient (AI).
- The minimum distances between any two tree–hole planting sites must be 15 feet center to center. If trees are planted less than the 15–foot minimum, tree–hole applications must be separated by at least 24 hours.
- A maximum number of 60 tree–holes per acre in a calendar year.
- The minimum injection depth for fumigant is 36 inches.
- Tilling, soil, and application requirements.

Adoption of this regulation will provide a benefit to public health and the environment by allowing growers to extend the productive lifetime of an orchard through individual tree replacement and delay wholesale orchard replanting, thereby increasing the interval between broadcast or strip fumigations that are associated with greater emissions of 1,3–D. With the proposed limits on treated tree–holes per acre, this approach will utilize lower amounts of 1,3–D on a per–acre basis than are used in broadcast or strip orchard planting or replanting scenarios. The injection depth for the tree–hole method, which varies between 36–60 inches below the soil surface, is estimated to emit proportionally less 1,3–D pound–for–pound than the dominant methods used in large–scale orchard replant scenarios.

During the process of developing these proposed regulations, DPR conducted a search of any similar regulations on this topic and has concluded that these proposed regulations are neither inconsistent nor incompatible with existing state regulations. DPR is vested with statewide jurisdiction and primacy of authority to regulate the registration, sale, use, and transportation of pesticides.

Document Incorporated by Reference:

1,3–Dichloropropene Field Fumigation Requirements, rev. September 1, 2027.

CONSULTATION WITH OTHER AGENCIES

DPR formed a TAC workgroup to comply with the consultation required by FAC section 14024. In addition to County Agricultural Commissioners and Sealers Association and the Air Pollution Control Districts required by FAC section 14024, the TAC workgroup included representatives from California Air Resources Board and Office of Environmental Health Hazard Assessment. The TAC workgroup also included a representative of the California Department of Food and Agriculture to fulfill the consultation specified in FAC section 11454, and January 15, 2019, Memorandum of Understanding developed pursuant to FAC section 11454.2. In compliance with FAC section 14024, the TAC workgroup provides comments on the draft regulation text and related documents.

DPR also consulted with the Agricultural Pest Control Advisory Committee, as required by FAC section 12047, on December 9, 2026, and the Pesticide Registration and Evaluation Committee on November 20, 2026.

IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

DPR determined that the proposed regulatory action does not impose a mandate on local agencies or school districts. DPR also determined that there are no costs to any local agency or school district requiring reimbursement pursuant to Government Code section 17500 et seq.

OTHER NONDISCRETIONARY COST OR SAVINGS IMPOSED UPON LOCAL AGENCIES

There are no other nondiscretionary costs or savings imposed upon local agencies that are expected to result from the proposed regulation action.

COSTS OR SAVINGS TO STATE AGENCIES

DPR determined that no savings or increased costs to any state agency will result from the proposed regulatory action.

EFFECT ON FEDERAL FUNDING TO THE STATE

DPR determined that no costs or savings in federal funding to the state will result from the proposed action.

EFFECT ON HOUSING COSTS

DPR made an initial determination that the proposed action will have no effect on housing costs.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES

DPR made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Impact on the Creation, Elimination, or Expansion of Jobs/Businesses: DPR determined it is not likely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination of existing businesses, or the expansion of businesses currently doing business with the State of California because the proposed regulatory action allows for the continued use of an application method that is currently allowed under interim approval. The additional restrictions on the application method as part of the proposed action are not expected to adversely affect businesses, based on an analysis of available use data. Failure to adopt the proposed action will likely negatively impact businesses as growers either confront additional costs related to the use of application methods with buffer zones or experience a loss in yields as individual dead or diseased trees within an otherwise productive orchard are not replaced.

The Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: As stated on page 3 under "Informative Digest/Policy Statement Overview," adoption of this regulation will provide a benefit to public health and welfare and the environment by continuing to allow growers the use of a low–emission fumigation method for use in either individual tree planting or tree replacement situations. This enables growers to remove dead and/or diseased trees from orchards and use target "spot" treatments of 1,3–D prior

to replanting, which may help extend the productive life of the orchard and delay large–scale orchard fumigation and replacement, thereby increasing the interval between broadcast or strip fumigations that are associated with greater emissions of 1,3–D. With the proposed limits on treated tree–holes per acre, this approach will utilize lower amounts of 1,3–D on a per–acre basis than are used in broadcast or strip orchard replant scenarios. The injection depth for the method, which varies between 36–60 inches below the soil surface, is estimated to emit proportionally less 1,3–D pound–for–pound than the dominant methods used in large–scale orchard replant scenarios. Hence, the proposed action may reduce the overall impact of orchard fumigations on air quality as compared to a situation where the method is no longer allowed. Implementation of the proposed regulations will not adversely affect worker safety.

CONSIDERATION OF ALTERNATIVES

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

AUTHORITY

This regulatory action is taken pursuant to the authority vested by FAC sections 11456, 12976, 14005, and 14024.

REFERENCE

This regulatory action is to implement, interpret, or make specific FAC sections 11501, 14006, and 14024.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

DPR prepared an Initial Statement of Reasons and is making available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which DPR relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the comment period, DPR may make the regulation permanent if it remains substantially the same as described in the Informative Digest. If DPR does make substantial changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. DPR will accept written comments on any changes for 15 days after the modified text is made available.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulation; and inquiries regarding the rulemaking file may be directed to:

Ashley Anderson, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812–4015
(279) 399–8005

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back–up person at the same address as noted below:

Maziar Kandelous, Environmental Program Manager II
Environmental Monitoring Branch
(916) 445–0981

This Notice of Proposed Action, the Initial Statement of Reasons, and the proposed text of the regulation are also available on DPR's Internet Home Page <http://www.cdpr.ca.gov>. Upon request, the documents can be made available in another language, or an alternate form as a disability–related accommodation.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9(a) may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on DPR's Internet Home Page and accessed at <http://www.cdpr.ca.gov>.

TITLE 4. DEPARTMENT OF CANNABIS CONTROL

MODIFICATIONS TO A AND M DESIGNATION

Notice is hereby given that the Department of Cannabis Control (Department) proposes to adopt the amended regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Department will hold a virtual public hearing on December 15, 2026, beginning at 10:00 A.M.

Attendees may participate via WebEx online meeting platform or telephone conferencing. To participate via WebEx online meeting platform, please contact Melissa Brokken at (916) 465-9025 or Melissa.Brokken@cannabis.ca.gov by 4:30 P.M. on December 14, 2026 to request a link to the meeting. A link to the meeting will also be posted on the Department's website no later than 9:00 A.M. the day of the hearing.

As reasonable accommodation, limited in-person seating will be available in the Department Hearing Room, 2920 Kilgore Road, Rancho Cordova, CA 95670. Pleasecontact Melissa Brokken at (916) 465-9025 or Melissa.Brokken@cannabis.ca.gov by 4:30 P.M. on December 14, 2026 if reasonable accommodation is necessary.

Participants will be given instructions on how to provide oral comment once they have accessed the hearing. The hearing will proceed on the dates noted above until all testimony is submitted or 1:00 P.M., whichever is later. At the hearing, any person may present oral or written statements or arguments relevant to the proposed action described in the Informative Digest. The Department requests, but does not require, that persons who make oral comments at the hearing also submit a written copy of their testimony via email.

WRITTEN COMMENT PERIOD

Any interested person, or the interested person's authorized representative, may submit written comments relevant to the proposed regulatory action by mail or email to:

Department of Cannabis Control
Legal Affairs Division
2920 Kilgore Road
Rancho Cordova, CA 95670
Email: publiccomment@cannabis.ca.gov

The written comment period closes on December 14, 2026. To be considered by the Department, a comment must be received by December 14, 2026.

AUTHORITY

Business and Professions Code section 26012 and 26013.

REFERENCE

Business and Professions Code sections 26012 and 26050.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Effect of the Proposed Action

The Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) (Business & Professions Code, § 26000 et seq.) generally governs commercial cannabis activity in California. Business and Professions Code (BPC) section 26050, subsection (b) requires that all non-laboratory licenses issued by the Department have either a Medicinal (M) or Adult-Use (A) designation. Currently, a single license is authorized to bear both designations. There is currently no provision that would allow a licensee who holds a single license with both designations to instead be issued separate licenses each bearing a different designation, without requiring withdrawal of the original license, submitting two new applications, and investing a substantial amount of time.

BPC section 26012 authorizes the Department with the sole authority to create, issue, deny, renew, discipline, condition, suspend, or revoke licenses for commercial cannabis activity.

This rulemaking action would implement minor changes to the Department's licensing process to allow for existing licensees who hold a license with both a medicinal and Adult–Use designation to be issued separate Medicinal and Adult–Use licenses. The proposed regulations would develop a process that would facilitate the issuance of these licenses in an expedited manner. The proposed regulations would also allow existing licensees to have the separate licenses issued to a different legal entity from the entity holding the existing license, so long as certain requirements are met. To maintain the integrity of the existing licensing system, certain conditions will be placed on any new licenses issued under this process to ensure that the resulting medical cannabis businesses continue to comply with all existing requirements.

Currently, there is very little guidance provided by the United States Department of Justice, Drug

Enforcement Administration (DEA) regarding the specific requirements for registration for state licensed medical cannabis businesses existing in a regulatory system that currently allows for both medicinal and adult–use commercial cannabis activity. As such, the Department aims to provide licensees who plan to apply for DEA registration with flexibility in their licensing options that may allow the licensees to select the option that they feel may be the most optimal for their specific situation. The proposed regulations provide licensees who may be interested in exploring licensing options that are not currently available if these licensees determine that the newly provided licensing configuration may benefit them.

Evaluation of Inconsistency with Federal Laws

The proposed regulations are not inconsistent with federal regulation or statute as they relate to medicinal cannabis or cannabis products subject to a state issued medicinal cannabis license. The Order reschedules these items from Schedule I to Schedule III, allowing them to be imported or exported pursuant to a permit. Thus, medicinal commercial cannabis activity will no longer be considered illegal under federal law.

However, the Order did not reschedule adult-use cannabis or cannabis products from Schedule I to Schedule III. Therefore, adult-use commercial cannabis activity and businesses engaged solely in adult–use commercial cannabis activity are still illegal under federal law. However, California, through MAUCRSA and other laws, has decriminalized the cultivation, sale, and possession of cannabis goods for persons aged 21 or older.

Objectives and Anticipated Benefits of the Proposed Regulations

The objectives of this proposed regulatory action are providing a pathway for California commercial cannabis businesses to take advantage of the potential opportunities presented by the federal rescheduling of medicinal cannabis. The April 28, 2026, DEA Order reschedules cannabis to Schedule III of the CSA, thereby opening the possibility that commercial cannabis products created in California may comply with the Controlled Substances Act by registering with the DEA. It is in the best interest of California cannabis licensees and the State's regulated cannabis market to allow for medical cannabis businesses to apply for and receive DEA registration. California medical cannabis businesses that obtain a DEA registration will be able to lawfully manufacture, distribute, or dispense cannabis under federal law. Applicants who receive DEA registration authorization will be more clearly exempted from the deduction disallowance imposed by Section 280E of the Internal Revenue Code, in addition to potentially being eligible for other benefits which at this time cannot be fully quantified. The proposed changes will further the stated intent of MAUCRSA by providing Department licensees flexibility in their operations so that they may pursue DEA registration, which would expand their opportunities in the regulated commercial cannabis industry. Added flexibility for retail operators will also aid the state in its goal of reducing the illicit cannabis market by limiting opportunities for diversion to the unlicensed market, while bringing more people into the regulated marketplace.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

After careful evaluation, the Department has determined that the proposed changes are not inconsistent or incompatible with existing regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

- Mandate on local agencies or school districts: None.
- Cost or savings to any state agency: The Department does foresee a potential increase in its licensing division operations as licensees interested in taking advantage of the proposed relief provided by the Order submit modification requests to split their medicinal and adult-use designations into separate licenses. However, the staff's workload associated with processing the modifications under these regulations can be absorbed by existing staff.
- Cost to any local agency or school district required to be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed upon local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: None. This 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.
- Cost impacts on a representative private person or business: Any eligible licensee may incur costs attributed to the request, including minor administrative costs related to creation of business formation records for the separated Mlicense, additional license records, and licensee review of modification forms and request forms for license changes. However, many of these costs are likely to be absorbed by current operating costs attrib-

utable to the single-dual designation license, resulting in a near net zero cost to businesses per year.

- Effect on housing costs: None.

Small Business Determination

The proposed regulations would affect approximately 1,600 licensees, approximately 97 percent of which are estimated by the Department to be small businesses. These businesses include licensed retailers and microbusinesses.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

Creation or Elimination of Jobs in California: Unknown. The number of jobs, if any, that may be created or eliminated cannot be quantified. It is uncertain how many eligible businesses will submit requests to modify or change their licenses as the choice to modify a single dual-designated license to two separate A and M licenses is voluntary.

Creation or Elimination of New Businesses in California: Unknown. It is unclear how many of the eligible businesses will submit requests to modify or change their licenses as the choice to modify a single dual–designated license to two separate A and M licenses is voluntary.

Expansion of Businesses Currently Doing Business within California: None. The proposed regulations apply to existing licensed commercial cannabis businesses under a single dual-designated license for adult-use and medicinal commercial cannabis business. The proposed regulations allow a licensee to split their single dual–designated license into two separate A and M licenses; however, the business is not operating any differently than it did under its single dual-designated license.

Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment: The proposed regulations create a flexible pathway for commercial cannabis licensees to modify their single dual–designated license into separate A and M licenses which better positions them to obtain DEA registration which may allow them to be more clearly exempt from the deduction disallowance imposed by Section 280E of the Internal Revenue Code, in addition to potentially being eligible for other benefits which at this time cannot be fully quantified due to a lack of further guidance and information from the federal government, as explained in previous sections.

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSONS

Inquiries concerning the proposed rulemaking action may be directed to:

Melissa Brokken
Department of Cannabis Control
2920 Kilgore Road
Rancho Cordova, CA 95670
(916) 465-9025
Regulations@cannabis.ca.gov

The backup contact person for these inquiries is:

Kaila Fayne
Department of Cannabis Control
2920 Kilgore Road
Rancho Cordova, CA 95670
(916) 251-4544
Kaila.Fayne@cannabis.ca.gov

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

The Department will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, and the Standard (STD). 399. Please direct requests to inspect or copy the rulemaking file to the contact person(s) listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this notice. If the Department makes modifications that 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 adopting the regulations as revised. Please direct

requests for copies of any modified regulations to the contact person(s) listed above. The Department will accept written comments on the modified regulations for the duration of the period of public availability.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Department will make copies of the Final Statement of Reasons available. Please direct requests for copies to the contact person(s) listed above.

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Action, the Initial Statement or Reasons, and the text of the regulations with modifications highlighted, as well as the Final Statement of Reasons, when completed, and modified text and notices thereof, if any, may be accessed via the Department's website at https://www.cannabis.ca.gov/cannabis-laws/rulemaking/.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS
CHAPTER 4. DIVISION OF INDUSTRIAL SAFETY
ARTICLE 1. GENERAL INDUSTRY SAFETY ORDERS
GROUP 16. CONTROL OF HAZARDOUS SUBSTANCE
ARTICLE 107 DUSTS, FUMES, MISTS, VAPORS AND GASES
SECTION 5155

AIRBORNE CONTAMINANTS — TRICHLOROETHYLENE (TCE)

NOTICE IS HEREBY GIVEN that the California Department Industrial Relations — Occupational Safety and Health Standards Board (Board) proposes to amend regulations governing airborne contaminants — trichloroethylene, which are established by Title 8 of the California Codes of Regulations, section 5155. If approved, the proposed regulation would reduce the trichloroethylene permissible exposure limit (TCE PEL) in section 5155 Table AC–1 to 0.24 parts per million (ppm) (1.3 milligrams per cubic meter (mg/m^3)). and withdraw the existing short-term exposure limit (STEL) and ceiling limits.

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date: December 17, 2026
Location: **California State University, Stanislaus**
Mart Stuart Rogers Building, Room MSR 130
One University Circle
Turlock, California 95382

OR

Videoconference: https://tkoworks.zoom.us/j/87501250331
(Conference ID: 875 0125 0331)
Call–in Number: (669) 444–9171
(Conference ID: 875 0125 0331)
Live video stream and audio stream (English and Spanish): https://videobookcase.com/california/oshsb
Time: 10:00 A.M.

Pre–hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or their authorized representative, may submit written comments relevant to this proposed regulatory action. All written comments must be received by the Board no later than 5:00 P.M. on December 17, 2026, in order to be considered. Written comments may be submitted by mail, email, or fax as follows:

By mail to: Department of Industrial Relations — Occupational Safety and Health Standards Board
Attention: Airborne Contaminants — Trichloroethylene (TCE)
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

By email to: oshsbrulemaking@dir.ca.gov

Subject: Airborne Contaminants — Trichloroethylene (TCE) — Darus Wise

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, the Board may adopt the proposals, as described below, or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15–days prior to its adoption from the contact person(s) designated in this notice and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. The Board will accept written comments on the modified regulations during the 15–day period.

AUTHORITY AND REFERENCE

The authority and reference for this action occur through both implied and express authority as described below:

Authority: Labor Code Section 142.3.

Reference: Labor Codes 142.3 and 144.6.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW

Labor Code section 142.3 establishes the Board as the only agency in the State authorized to adopt occupational safety and health standards. In addition, Labor Code section 142.3 requires the adoption of occupational and health standards that are at least as effective as federal occupational safety and health standards.

The proposed regulations implement, interpret, and make specific Labor Code section 144.6. Labor Code section 144.6 requires that the Board when dealing with standards for toxic materials and harmful physical agents, adopt standards which most adequately assure, to the extent feasible, that no employee suffer material impairment of health or functional capacity even if such employee has regular exposure to the hazard for the period of their working lifetime. This section also requires that the Standards Board base standards on research, demonstrations, experiments and other information as may be appropriate. Labor Code section 144.6 also lists other considerations such as the latest scientific literature, the reasonableness of the standards, and experience gained under this and other health and safety laws.

SUMMARY OF EXISTING REGULATIONS

Under California Code of Regulations (CCR) title 8, section 5155, Airborne Contaminants, the existing 8–hour, time–weighted average (TWA) permissible exposure limit (PEL) for trichloroethylene (TCE), Chemical Abstracts Registry #79016, is 25 parts per million (ppm), which is equivalent to 135 milligrams per cubic meter (mg/m^3).

The TWA is the employee's average airborne exposure to a substance in any 8–hour work shift of a 40–hour work week which shall not be exceeded. The 8–hour TWA PEL is the level of exposure established as the highest level of exposure an employee may be exposed to without incurring the risk of adverse health effects. PPM is a unit of measurement that describes the concentration of a substance within a mixture. It represents the number of "parts" of a substance for every million parts of the whole mixture. For example, 1 ppm means one part of the substance for every one million parts of the mixture. The concentration of a substance in a mixture can also be described using mg/m^3, which represents the mass of a substance in milligrams in one cubic meter of air.

The existing 15–minute short–term exposure limit (STEL) is 100 ppm and the ceiling limit is 300 ppm.

SUMMARY OF THE EFFECT OF PROPOSED REGULATORY ACTION

The purpose of this proposed regulation is to reduce the TCE PEL in section 5155 Table AC–1 to 0.24 ppm (1.3 mg/m^3) and withdraw the existing STEL and ceiling limits.

The revised PEL of 0.24 ppm meets the Board's 1:1000 cancer risk threshold and is consistent with the following:

- 1997 Recommendation of the Division's Airborne Contaminants Advisory Committee;
- 2007 Analysis by the Cal/OSHA Office of Environmental Health Hazard Assessment (OEHHA);
- 2010 Recommendation by the Division's Health Effects Advisory Committee (HEAC);
- 2011 Toxicological Review of Trichloroethylene by the U.S. Environmental Protection Agency (EPA);
- 2012 Analysis by OEHHA;
- 2014 Analysis by the International Agency for Research on Cancer (IARC);
- 2015 Reassessment by the Hazard Evaluation System and Information Service (HESIS) of the California Department of Public Health (CDPH) for the HEAC;
- 2020 Risk Evaluation for Trichloroethylene by U.S. EPA;

- 2024 U.S. EPA Risk Management Rule under the Toxic Substances Control Act (TSCA).

The federal Occupational Safety and Health Administration (OSHA) Sampling and Analytical Method 1001 for trichloroethylene shows that the proposed PEL of 0.24 ppm is reliably quantifiable in the laboratory with both 4–hour and 8–hour sample periods. The federal OSHA quantitation limit for TCE is 0.013 ppm (0.068 mg/m^3) in workplace air, using personal sampling pumps to draw air at a rate of 50 milliliters per minute (mL/min) through coconut shell adsorbent charcoal tubes.

What is the problem this rulemaking intends to address?

Trichloroethylene is a colorless, nonflammable, volatile liquid that evaporates quickly in air. Its two major uses are as a solvent to remove grease from metal parts and as a chemical intermediate to make other chemicals, particularly the refrigerant, Hydrofluorocarbon (HFC–134a). It has also been used as an extraction solvent for greases, oils, fats, waxes, and tars; by the textile processing industry to scour cotton, wool, and other fabrics; in dry cleaning operations; and as a component of adhesives, lubricants, paints, varnishes, paint strippers, pesticides, and cold metal cleaners.

The PEL for TCE was established in 1988, based on evidence of "central nervous system impairment, cognitive decrements and renal toxicity," before TCE was confirmed to be a human carcinogen. As a result, the TCE PEL is not protective against the health endpoint of cancer. In fact, based on the most recent 2011 risk assessment by U.S. EPA, which was confirmed by OEHHA in 2012 and by Hazard Evaluation System and Information Service (HESIS) in 2015, the Board calculated that exposure over a working lifetime to TCE at the existing PEL of 25 ppm results in a cancer risk of 106 cases per 1,000 workers, more than 100 times over the Board's 1:1000 cancer risk threshold. The proposed reduction of the PEL to 0.24 ppm reduces the lifetime cancer risk to one in 1,000 workers.

Since the Board's original action on TCE in 1988, multiple scientific bodies have confirmed that TCE is carcinogenic. These include the U.S. EPA, which classified TCE as a "known human carcinogen" in 2011; IARC, which classified TCE as a Group 1 carcinogen in 2014, based on "convincing evidence that the agent causes cancer in humans;" the U.S. Center for Disease Control's (CDC) National Institute for Occupational Safety and Health (NIOSH), which lists TCE as a "known carcinogen;" the U.S. CDC's Agency for Toxic Substances and Disease Registry (ATSDR), which describes TCE as "known to be a human carcinogen based on sufficient evidence of carcinogenicity from humans" in its 2019 Toxicological Profile for TCE; the U.S. EPA's reaffirmation in 2020 of its 2011 toxicological review; and, based on these assessments, the U.S. EPA's proposed prohibition on nearly all commercial and consumer uses of TCE in 2024, with certain exceptions. This most recent action has since been delayed by the Trump Administration and the Third Circuit Court of Appeals.

Because the TCE PEL has not been updated to reflect these findings, it is no longer consistent with the scientific evidence and is therefore not sufficiently protective of workers. It is therefore no longer consistent with Labor Code sections 144.6 and 147.1 or with CCR title 8, section 5155.

In 2010, HESIS applied a quantitative risk assessment (QRA) approach to TCE using OEHHA's updated cancer unit risk level (URL) of 2.0×10^{-3} $(mg/m^3)^{-1}$ and recommended that the HEAC reduce the PEL from 25 ppm to 0.40 ppm. The HEAC did not act on the HESIS recommendation.

In 2015, HESIS returned to the HEAC with a revised TCE PEL recommendation of 0.20 ppm (rounded down from 0.24 ppm) based on U.S. EPA's 2011 amended URL of 4.0×10^{-3} $(mg/m^3)^{-1}$, which represents twice the cancer potency compared to the 2010 estimate of 2.0×10^{-3} $(mg/m^3)^{-1}$. EPA reported that TCE is "carcinogenic to humans by all routes of exposure, based on convincing evidence of a causal association between trichloroethylene exposure of humans and kidney cancer." OEHHA evaluated and confirmed these findings in 2012. Again, however, the HEAC did not act on the HESIS recommendation.

The current proposal to reduce the TCE PEL from 25 ppm to 0.24 ppm reaffirms the HESIS recommendation from 2015, using the updated URL of 4.0×10^{-3} $(mg/m^3)^{-1}$.

In addition, under the proposed TCE PEL reduction, the existing STEL and ceiling limit for TCE are no longer appropriate or necessary. An STEL is used to supplement the 8–hour TWA PEL "where there are recognized acute effects from a substance whose toxic effects are primarily of a chronic nature." These effects include, for example, "narcosis of sufficient degree to increase the likelihood of accidental injury, impaired self–rescue, or materially reduced work efficiency." Under section 5155, the STEL is defined as "a 15–minute time–weighted average exposure which is not to be exceeded at any time during a workday even if the 8–hour time–weighted average is below the PEL."

The threshold for mild central nervous system (CNS) depression for TCE is in the range 81–110 ppm. However, a single, 15–minute (short–term) exposure to TCE at 81 ppm during an 8–hour workday results in an 8–hour TWA of 2.5 ppm, assuming no other TCE exposures occur during the remaining 7.75 hours. This is more than 12 times greater than the proposed 8–hour TWA PEL of 0.24 ppm in this rulemaking. The STEL is therefore not relevant. This same find-

ing applies in the case of the TCE ceiling limit. Because air concentrations of TCE cannot approach the 15–minute STEL or ceiling limit without exceeding the proposed 8–hour PEL, this rulemaking withdraws the existing STEL and ceiling limit. In this way, the proposed 8–hour TWA PEL also protects against the short–term neurological effects of TCE more effectively than the existing STEL and ceiling limit.

Overall, the effect of the proposed TCE PEL reduction will be to reduce the risk of cancer among workers exposed to TCE from 106 expected cases per 1,000 workers to one case per 1,000 workers. In addition to cancer, the proposed PEL reduction is also expected to protect (at least in part) against other TCE health endpoints identified by U.S. EPA, including damage to the central nervous system, kidney, liver, immune system, reproductive system, and developing fetus.

Is the proposed regulation consistent with state and Federal requirements?

The proposed changes to title 8, section 5155 are considered to be at least as effective as, or more stringent than, the federal OSHA requirements for these substances found at title 29 of the Code of Federal Regulations (title 29 CFR) section 1910.1000 for Air Contaminants.

This proposal differs from existing federal standards in that the proposed PEL value for TCE of 0.24 ppm is about 400 times lower than the PEL of 100 ppm found in the federal air contaminants standard at 29 CFR 1910.1000. The federal TCE PEL is a result of the 1992 decision of the U.S. Court of Appeals, Eleventh Circuit, which vacated federal OSHA's revised 1989 PELs, including for TCE. As a result, the federal standards for air contaminants have remained largely unrevised since their promulgation in the early 1970s, with the exception of a small number of substances for which individual comprehensive chemical hazard control standards have been promulgated, primarily for carcinogens. Since the federal standards were promulgated over 40 years ago, considerable scientific evidence has since shown that TCE is a known human carcinogen, as noted above.

Labor Code section 147.1(c) mandates that the Division maintain surveillance, determine the necessity for standards, and develop and present proposed standards to the Board. The Division appropriately carried out its mandate under Labor Code section 147.1 to present to the Board the PEL proposed for TCE in this rulemaking, including a determination of necessity for the proposed amendments. In addition, the Board is carrying out its mandate under Labor Code Section 144.6 to adopt standards dealing with toxic materials that most adequately assure, to the extent feasible, that no employee will suffer material impairment of health or functional capacity, taking into account the latest available scientific evidence in the field and the reasonableness of the standard.

SECTIONS AFFECTED

Following is the specific section of Title 8 affected by this proposed action:

Amend: 5155.

POLICY STATEMENT OVERVIEW

ANTICIPATED BENEFITS OF THE PROPOSED ACTION

The Board estimates that an average of 9.76 employees is employed at each of the 367 affected businesses, for a total of 3,582 employees.

At the current PEL, TCE exposure could result in cancer for 380 workers employed in the 367 businesses affected by the proposal.

Assuming that all 3,582 workers employed by these 367 businesses are exposed to TCE at (or above) the existing PEL of 25 ppm under the conditions prescribed by CCR title 27 section 25721, these workers would be expected to experience 380 cancer cases attributable to TCE. Treating these 380 cases comes to a total cost of $68,700,000 in direct medical costs. Because TCE is capable of causing various cancers within ten years or less, and the timeline of the proposed regulation is projected at 10 years, this comes to approximately $6.87 million per year over ten years.

The proposed TCE PEL reduction could avoid 376 of these cancer cases, saving approximately $68,000,000 over ten years.

Because the proposed PEL of 0.24 ppm would be expected to result in one cancer per 1,000 workers, these 3,582 workers would be expected to experience four cancer cases over this ten–year time period. This avoids 376 cancer cases that would otherwise occur at the current PEL. The cost of treating these four cases is about $700,000 over 10 years, or $70,000 per year.

These estimates do not include indirect costs, such as lost wages and benefits, lost productivity and opportunity, private purchases of medical supplies, in–home support services, care provided by family members, insurance co–pays and other costs associated with caring for an individual with a serious illness.

TCE is also a well–recognized environmental and public health hazard.

In addition to its effects on the health of workers, TCE is a well–recognized environmental and public health hazard. The Air Resources Board (ARB) has designated TCE as a toxic air contaminant (TAC); OEHHA lists it as a known carcinogen and reproductive toxicant for purposes of the public warning provi-

sions of Proposition 65; U.S. EPA has found TCE in at least 1,051 (57%) of 1,854 current or former superfund sites on the National Priorities List, which are the nation's most serious hazardous waste sites. TCE persists in groundwater and diffuses into air spaces beneath buildings and enters indoor air (a process known as vapor intrusion) such that occupants—including children and other vulnerable members of the population—can be exposed. In light of the many health hazards associated with TCE, any reduction in its use in industrial processes or in consumer and commercial products will benefit public and environmental health, in addition to benefiting the health and safety of workers.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

The Board evaluated the proposed regulation pursuant to Government Code section 11346.5(a)(3)(D) and has determined that it is not inconsistent or incompatible with existing state regulations. The proposal is part of a system of occupational safety and health regulations. The consistency and compatibility of that system's component regulations is provided by: (1) the requirement of the federal government and the Labor Code to the effect that state regulations be at least as effective as their federal counterparts, and (2) the requirement that all state occupational safety and health rulemaking be channeled through the Board.

SMALL BUSINESS IMPACT STATEMENT

The Board has determined that the proposed regulatory action would affect small businesses, although the anticipated impact is limited, as explained below.

Data from the Cal/EPA California Environmental Reporting System (CERS) provided to CDPH in December 2024 shows that 367 businesses use TCE and therefore affected by the proposal. (See further information on CERS below under Business Impact).

CERS does not distinguish between large and small establishments; however, statewide across all industry sectors, small businesses with 100 or fewer employees make up 99% of businesses.[1] As such, 1,848,921 (99%) of California's 1,867,597 businesses are small businesses, as of the second quarter of 2024, and 363 (99%) of the 367 businesses that reported using TCE in 2024 are small businesses. This constitutes 0.02% of the state's small businesses; 99.08% of small businesses are unaffected by the proposal

In addition, because safer alternatives to TCE are available for most applications, it will be relatively uncomplicated for most small businesses to comply with the proposed TCE PEL reduction by switching to safer chemical alternatives or processes. For example, 207 (56%) of the 367 affected businesses are in auto repair businesses, which represents about 2% of the nearly 20,000 auto repair facilities statewide. 98% of these facilities previously relied heavily on TCE for cleaning and degreasing tasks but have since identified and implemented functional (and ideally, safer) alternatives to TCE, as of December 2024.

If the remaining other small businesses are unable to find safer alternatives to TCE, they will likely need additional local exhaust ventilation controls to meet the reduced PEL; these can be relatively expensive but are not prohibitive. The Board therefore concluded that the vast majority of small businesses in California will not be adversely affected by the proposed regulatory action.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: NONE.
- Costs or savings to any state agencies: NONE.
- Costs or savings to local agencies or school districts, which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- Other nondiscretionary costs or savings imposed on local agencies: NONE.
- Costs or savings in federal funding to the state: NONE.
- Costs to housing: NONE.

BUSINESS IMPACT

The Board has determined that the proposed reduction in the TCE PEL will have no significant adverse economic impact on California businesses or individuals, nor will it affect the ability of businesses to create new business or expand business in California, or compete with businesses in other states. It will not affect the creation or elimination of jobs in California. The Board reached this conclusion based on the finding that the proposal affects 367 businesses, or 0.02% of the 1,867,597 businesses operating in the state as of

[1] Government Code 11346.3 (b) (4). See California Employment Development Department (EDD) (2024). Size of Business Data for California (Quarterly). Payroll and Number of Businesses by Size of Business — Classified by Industry (Table 2A) — 2024, Quarter 2. Total businesses at line 10 (Total All Industries) in Table 2A are 1,867,597. Total small businesses with 99 or fewer employees (1,841,716) is derived by adding columns E through I. Total large businesses with 100 or more employees (25,881) is derived by adding columns J through M. Percent small businesses is derived using 1,841,716 / 1867,597 = 99%. https://labormarketinfo.edd.ca.gov/LMID/Size–Data–for–CA–Quarterly.html. Accessed May 2025.

the second quarter of 2024. This is the latest quarter for which data were available at the time of the Board's analysis.

Under the California Environmental Reporting System (CERS), California businesses must submit annual reports to Cal/EPA if they store or handle hazardous materials, or manage underground or aboveground storage tanks, or generate hazardous waste.

As of December 2024, Cal/EPA showed that 320,061 businesses in California (17%) reported to CERS. Of these, 142,639 (45%) are classified by Cal/EPA as "Chemical Storage Facilities," meaning that they use or handle a "hazardous material," which is defined under Health and Safety Code section 25501 as a chemical for which the "quantity, concentration, or physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released into the workplace or the environment." This definition applies to any chemical for which the producer reports health or environmental hazard data on the Safety Data Sheet (SDS). The minimum reporting threshold is 55 gallons for hazardous materials. In addition, businesses are required to report the presence of any amount of "extremely hazard substances," as defined in CFR title 40, Part 355, Appendices A and B.

Cal/EPA reported to HESIS that as of December 2024, 367 businesses in the CERS database reported using or handling TCE. These businesses and their percentages among the 367 are automotive repair, dealership, body and paint (56%); education/Research and Development (R&D) (20%); manufacturing (8%); remediation (4%); electric power distribution (3%); warehouse/wholesalers (2%); and other (6%). This represents 0.02% of California's 1,867,597 businesses, as of the second quarter of 2024. On account of its well–established toxicity, and in response to local and state government regulations and initiatives, 99.98% of California businesses no longer handle, store or otherwise work with TCE.

The costs of the proposal among the 367 affected businesses are felt primarily in the first year of implementation.

The Board estimates that the proposed TCE PEL reduction will cost each of the 367 affected businesses an average of $15,000 in the first year of the proposal and $500 per year in each of the subsequent nine years, for a total ten–year cost of $19,500 per business. For all 367 businesses, this comes to a 10–year total cost of $7,156,500. Under a "most costly" scenario, the Board estimates that the proposal could cost each business $20,000 in the first year and $1,000 each of the subsequent nine years, for a total ten–year cost of $29,000 per business. For all 367 businesses, this comes to a total ten–year cost of $10,643,000.

Ambient levels of TCE measured in urban air confirm the limited use of TCE in California. While the CERS data indicates that only 367 businesses reported using TCE in 2024, the limited use of TCE in California is also apparent in data reported by the California Air Resources Board (ARB) from ambient air monitoring stations located in urban areas of the state. From 1989 to the most recent data reported in 2024, the mean statewide ambient TCE air concentration declined 95%, from 0.183 parts ber billion (ppb) to 0.010 ppb, below the detection limit of 0.020 ppb. Air concentrations of TCE have remained below the limit of detection since 2006. ARB's emissions data illustrates that since 1989, industrial and commercial uses of TCE have declined substantially, reflecting reduced usage statewide.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The 367 businesses affected by this rulemaking will take one of two possible approaches in complying with the proposal:

- Approach (1): Identify an alternative to TCE, which will primarily involve administrative costs to assess the efficacy of the alternative(s), or;
- Approach (2): Continue using TCE, which will likely require additional local exhaust ventilation systems to maintain TCE exposure level below the proposed PEL of 0.24 ppm.

Approach #1 would require about $10,000 in administrative costs per business in the first year of the proposed PEL reduction, and no additional costs each year over the subsequent nine years, for a total ten–year cost per business of $10,000.

Approach #2 would cost up to $20,000 per business in the first year and $1,000 each year over the subsequent nine years for maintenance and cleaning, for a total ten–year cost per business of $29,000. These estimates are based on the mid–point price for the installation and maintenance of local exhaust ventilation systems.

Assuming that the 367 affected businesses choose approach #1 or approach #2 in equal measure, the mid–point cost estimates per business are $15,000 in the first year of the proposal and $500 per year in each of the subsequent nine years, for a total ten–year cost of $19,500 per business. For all 367 businesses, this comes to a 10–year total cost of $7,156,500.

In the Board's analysis, assuming that businesses will select approach #1 or approach #2 in equal measure is reasonable because 56% (207) of the 367 affected businesses are in automotive repair, auto dealerships and auto body and paint, where alternatives to TCE have already been implemented by about 19,800 such facilities statewide, as of December 2024. The

affected facilities represent about 2% of the nearly 20,000 auto repair facilities statewide, which previously relied heavily on TCE for cleaning and degreasing tasks. This 2% of facilities will therefore most likely choose approach #1 and simply select an alternative to TCE.

The remaining 160 (44%) affected facilities might be less able to take this approach; some would need to take the more costly approach #2.

However, even if all 367 businesses selected the more costly approach #2 (incurring an initial expense of $20,000 in the first year and $1,000 each year over the following nine years) the total cost over ten years of the proposal, per business, would be $29,000, and the total ten–year cost for all 367 businesses would be $10,643,000.

Upstream businesses that produce or import TCE, and manufacturers of products that contain TCE, are unlikely to be affected by the proposal. EPA national databases show there are 16 U.S. businesses that manufacture or import TCE and eight U.S. businesses that use TCE in commercial formulations. While these databases are not necessarily a complete inventory of businesses, of those listed, only one product manufacturer that uses TCE is shown as operating in California.

As noted above, the use of TCE has declined substantially in California in the wake of numerous regulatory actions; it will continue to do so if U.S. EPA is successful in defending its proposed prohibition on the use of TCE under the Toxic Substances Control Act (TSCA), which went into effect in September 2025 but is now under judicial review. Since many manufacturers already produce TCE–free alternatives, the proposed TCE PEL reduction to 0.24 ppm and the transition away from TCE into alternatives by California employers are aligned with this upstream effort occurring on a national level.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/BUSINESS IMPACT

The Board has determined the following:

(1) The proposal will not affect the creation or elimination of jobs within California.

If facilities using TCE switch to alternatives products, this may create some business opportunities for California–based companies that manufacture or distribute these alternatives; however, because only 0.6% of facilities reported using TCE in 2019 under the California Environmental Reporting System (CERS), this effect will be small. Therefore the Board concludes that the rulemaking will have a negligible effect on the creation or elimination of jobs. Businesses that choose to continue using TCE–based commercial products will need to provide effective protections for workers; this activity, however, will not create or eliminate jobs within the state.

(2) The proposal will not affect the creation of new businesses or elimination of existing businesses within California.

Because only 0.6% of facilities reported using TCE in 2019, and those businesses are likely to switch to alternatives to TCE, the rulemaking will have a negligible effect on the creation of new businesses or the elimination of existing businesses. If TCE users switch to alternatives to TCE, this may create some business opportunity for California–based companies that manufacture or distribute these alternatives; however, because TCE users represent only 0.6% of facilities, this stimulus effect will be negligible. Businesses that choose to continue using TCE–based products will need to provide effective protections for workers; this activity, however, will not lead to the creation of new businesses or the elimination of existing businesses within the state.

(3) The proposal will not affect the expansion of businesses currently doing business within the state.

Due to restrictions on TCE air emissions by the California Air Resources Board, manufacturers and purveyors of TCE–containing products are likely to be located outside of California. To the extent that this rulemaking compels California businesses to seek alternatives to TCE, businesses providing these alternatives that are based in California may see an expansion of business; however, because only 0.6% of facilities reported using TCE in 2019, this expansion would be negligible.

In addition, alongside the potential costs to 367 businesses noted above, the Board estimates that the proposal could avoid $68,000,000 for treatment of cancers attributable to TCE exposure at the existing TCE PEL. In the Board's analysis, the existing PEL could result in 380 cases of cancer among the 3,582 workers employed by the 367 businesses, at a total cost of $68,700,000. The proposed PEL reduction is likely to result in four cancer cases among these 3,582 workers over ten years, at a total cost of $700,000. By avoiding 376 cancer cases, the proposal avoids $68,000,000 in direct medical costs.

This estimate does not include indirect costs, such as lost wages and benefits, lost productivity and opportunity, private purchases of medical supplies, in–home support services, care provided by family members, insurance co–pays and other costs associated with caring for an individual with a serious illness.

To reach this conclusion, the Board applied the OEHHA cancer risk assessment methodology to derive the proposed 8–hour PEL for TCE of 0.24 ppm (1.3 mg/m^3). Under this methodology, the Division applied OEHHA's most recent 2012 cancer unit risk level (URL) for TCE of 4.0×10^{-3} $(mg/m^3)^{-1}$ using the risk

assessment parameters for occupational exposures prescribed under CCR title 27, section 25721.

Based on this analysis, the Board estimated that occupational exposure to TCE at the existing PEL of 25 ppm would be expected to result in 106 additional cases of cancer for every 1,000 workers who are exposed under the conditions prescribed in section CCR title 27 section 25721. This is more than 100 times over the Board's 1:1000 health risk threshold for PELs. This comes to 380 cancer cases for the 3,582 workers in the 367 businesses affected by the proposal.

Reducing the TCE PEL to 0.24 ppm would be expected to result in one case of cancer for every 1,000 workers who are exposed at 0.24 ppm under the conditions prescribed in section CCR title 27 section 25721. This comes to four cancer cases among the population of 3,582 workers in the 367 affected businesses. The proposal therefore has the potential to avoid 376 cases of cancer among this group of workers.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

The Board has determined that, because the proposal affects only 367 businesses, or 0.02% of businesses operating in the state, it will not have a significant impact on the creation or elimination of jobs, nor will it affect the ability of businesses to create or expand business in California or compete with businesses in other states.

In addition, because safer alternatives to TCE are available for most applications, it will be relatively uncomplicated for small businesses to comply with the proposed TCE PEL reduction by switching to safer chemical alternatives or processes. Those small businesses that must continue using TCE will likely need additional local exhaust ventilation controls to meet the reduced PEL; these can be relatively expensive but are not prohibitive. The Board has therefore determined that the vast majority of businesses in California will not be adversely affected by the proposal. Because these changes are relatively simple and low cost, the Board has determined that this will not in any significant way lead to businesses closing or the elimination of existing businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5(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 either 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 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 proposal described in this Notice.

The Board considered the alternative of reducing the PEL for TCE to a level halfway between 0.24 ppm and 25 ppm, or 12.5 ppm. Assuming a linear association between exposure and disease, this could result in half the number of expected cancers (190 cases) among the 3,582 affected workers, compared to the cancer rate at the existing PEL (380 cases), along with about half of the $68,000,000 in direct medical costs avoided, or $34,000,000.

It is likely, however, that this alternative would still require employers to identify an alternative to TCE (Approach #1, above) or implement engineering controls to protect workers from TCE exposure under a revised PEL of 12.5 ppm (Approach #2, above), so the 367 businesses would still need to invest the estimated cost of $7,156,500 over the 10–year time period. Alternative 1 is therefore equally costly for employers compared to the proposed regulation, but it results in only a 50% reduction in cancer cases and costs. As a result, this alternative does not sufficiently protect workers from a known carcinogen and is inconsistent with Labor Code sections 144.6 and 147.1. For these reasons, the Board rejected this alternative.

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

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from at the following location or from the contact people listed below:

Department of Industrial Relations
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

In addition, the Notice of Purposed Action, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the Board's website at the following address: https://www.dir.ca.gov/oshsb/.

Any substantial changes made to this proposal will be available for at least 15 days prior to the Board's adoption of this proposal.

Questions regarding the regulatory process or clarification on the substance of this regulatory proposal may be directed to:

Darus Wise, Regulatory Analyst
Telephone: (916) 274–5721
Email: oshsbrulemaking@dir.ca.gov

Kevin Goddard, Principal Safety Engineer
Telephone: (916) 759–6481
Email: kgoddard@dir.ca.gov

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

DIVISION 1. DEPARTMENT OF INDUSTRIAL RELATIONS

SNOW AVALANCHE BLASTING

NOTICE IS HEREBY GIVEN that the California Department of Industrial Relations — Occupational Safety and Health Standards Board (Board) proposes to adopt regulations governing snow avalanche control blasting in sections 5349, 5350, 5355.1, 5357, and adding new section 5349.1 of the General Industry Safety Orders (GISO) contained in Title 8 of the California Code of Regulations. The proposed regulations require employers to have written procedures for all avalanche blasting activities, ensure that employees are in a safe location when a handcharge is ignited and deployed to an intended target, and allow for the use of remote avalanche control systems (RACS) that deploy explosive charges.

PUBLIC HEARING

A public hearing has been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. The hearing will continue until all oral comments are received, and will be held as follows:

Date: December 17, 2026
Location: **California State University, Stanislaus**
Mart Stuart Rogers Building, Room MSR 130
One University Circle
Turlock, California 95382

OR

Videoconference: https://tkoworks.zoom.us/j/87501250331
(Conference ID: 875 0125 0331)
Call–in Number: (669) 444–9171
(Conference ID: 875 0125 0331)
Live video stream and audio stream (English and Spanish): https://videobookcase.com/california/oshsb
Time: 10:00 A.M.

Pre–hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have presented their oral comments. The time allowed for each person to present oral comments may be limited if a substantial number of people wish to speak.

Individuals presenting oral comments are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral comments.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or their authorized representative, may submit written comments relevant to this proposed regulatory action. All written comments must be received by the Board no later than 5:00 P.M. on December 17, 2026, in order to be considered. Written comments may be submitted by mail or email as follows:

By mail to: Department of Industrial Relations
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833
Attention: Snow Avalanche Blasting — Darus Wise, Regulatory Analyst

By email to: oshsbrulemaking@dir.ca.gov

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, the Board may adopt the proposals, as described below, or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available for at least 15–days prior to its adoption from the contact person(s) designated in this notice and will be mailed to those persons who have submitted written or oral testimony related to this proposal or who have requested notification of any changes to the proposal. Board will accept written comments on the modified regulations during the 15–day period.

AUTHORITY AND REFERENCE

The authority and reference for this action occur through both implied and express authority as described below:

Authority: Labor Code, section 142.3.

Reference: Labor Code, sections 142.3 and 6710.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAWS AND REGULATIONS

Existing state regulations establish requirements for snow avalanche blasting. The requirements are found in Title 8, California Code of Regulations, sections 5349, 5350, 5355.1, and 5357.

SUMMARY OF THE EFFECT OF PROPOSED REGULATORY ACTION

The Board amends sections 5349, 5350, 5355.1, 5357 and adds definitions in new section 5349.1 to ensure worker safety. The purpose of the proposed regulations is to:

- Require employers to develop and implement written procedures for all avalanche control blasting activities to ensure safety.
- Require employers to allow avalanche blasting crewmembers to participate in developing written procedures for all avalanche blasting activities.
- Clarify that prior to attaching the igniter to a handcharge, the blaster shall determine the location where the handcharge is intended to land, determine pre–selected safe positions and terrain barriers, ensure the blast area and avalanche path are clear of personnel, and orally alert all affected crew members each time a charge is deployed.
- Make sure that only a licensed avalanche blaster, certified by the Division of Occupational Safety and Health (Cal/OSHA) to perform avalanche blasting activities, or a person trained in accordance with this section and who is supervised by a licensed avalanche blaster, shall deploy a handcharge.
- Clarify that prior to a handcharge being ignited, avalanche blasting crewmembers not involved in igniting or deploying the handcharge must stay behind the preselected terrain barrier.
- Require that following the deployment of a handcharge, the avalanche blasting crewmember responsible shall move to a preselected position of safety or terrain barrier with equivalent safety.
- Provide occupational safety requirements for remote avalanche control systems (RACS) that may be used as an alternative method to mitigate the hazards posed by uncontrolled snow avalanches. When RACS are used, the proposed safety requirements include:
    - The RACS is operated by authorized personnel trained in accordance with the manufacturer's instructions and always under the supervision by a licensed avalanche blaster for handling and operating RACS.
    - Explosives and other components used in RACS are inspected by a licensed blaster before transport and loading.
    - Personnel safety is ensured during the deployment.
    - All RACS components are locked and secured at all times. Unless exempted by activities identified in this section are being performed while the initiation and deployment functions of the RACS are deactivated
    - Documentation of minimum safe distances from blasts is made available to all affected employees.
    - There is a designated observer to monitor for accidental ignition of explosive charges with an initiation system attached during activities that include, but are not limited to, the handling and preparation of such charges.
    - A set of written procedures that shall address accidental or suspected initiation of explosive charges with an initiation system attached during activities including but not limited to the handling and loading such charges into a RACS.

Those sections within Title 8, California Code of Regulations affected by this rulemaking (see "Sections Affected," below), and the specific purpose for each adoption in these proposed regulations, are set forth in the Initial Statement of Reasons for this regulatory action.

SECTIONS AFFECTED

Following are the specific Sections of Chapter 4 affected by this proposed action:

Adopt: 5349.1.

Amend: 5349, 5350, 5355.1, 5357.

POLICY STATEMENT OVERVIEW

ANTICIPATED BENEFITS OF THE PROPOSED ACTION

The Board has determined that these proposed regulations will benefit worker safety by making clear and specific the requirements for snow avalanche control blasting using handcharges and RACS. It also benefits worker safety by making clear and specific requirements for employers to have written procedures for all snow avalanche control activities. Employers and Division of Occupational Safety and Health (Cal/OSHA) personnel will have clearer requirements allowing for simpler and more uniform compliance and enforcement of existing regulations.

EVALUATION OF INCONSISTENCY/ INCOMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any related regulations in this area, the Board has found that these are the only regulations concerning snow avalanche blasting. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations..

SMALL BUSINESS IMPACT STATEMENT

The proposed regulations may affect small business. The Board has calculated initial costs for a small business to be $17,808. More detailed information is provided in the Initial Statement of Reasons and the Standard Form 399, Economic and Fiscal Impact Statement.

DISCLOSURES REGARDING THE PROPOSED ACTION

- Mandate on local agencies and school districts: NONE.
- Costs or savings to any state agencies: NONE.
- Costs or savings to local agencies or school districts, which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.
- Other nondiscretionary costs or savings imposed on local agencies: NONE.
- Costs or savings in federal funding to the state: NONE.
- Costs to housing: NONE.

BUSINESS IMPACT

The Board has made an initial determination that the proposed regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states, and will not affect the creation or elimination of jobs in the State of California because the proposed amendments to the regulations clarify existing safety requirements for handcharge deployment, establish requirements for written avalanche control blasting procedures, and provide safety requirements for RACS as an alternative method for snow avalanche blasting that employers are not required to use.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

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

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Board has made an initial determination that the proposed regulatory action will not have a significant impact on the creation or elimination of jobs in the State of California and will not result in the elimination of existing businesses and may have minimal impact on the creation or expansion of businesses in the State of California. The Board has further determined that this regulatory action will benefit the health and welfare of California snow avalanche blasters, ski resorts, railroads, and other entities and will benefit work safety and the State's environment.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from at the following location or from the contact people listed below:

Department of Industrial Relations
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

In addition, the Notice of Proposed Action, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the Board's website at the following address: https://www.dir.ca.gov/oshsb/.

Questions regarding the regulatory process or clarification on the substance of this regulatory proposal may be directed to:

Darus Wise, Regulatory Analyst
Telephone: (916) 274–5721
Email: oshsbrulemaking@dir.ca.gov

Kevin Goddard, Principal Safety Engineer
Telephone: (916) 759–6481
Email: kgoddard@dir.ca.gov

TITLE 10. DEPARTMENT OF REAL ESTATE

NOTICE OF HEARING BY THE REAL ESTATE COMMISSIONER: ANNUAL FEE REVIEW — REQUIRED BY STATUTE

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

PUBLIC HEARING ANNOUNCEMENT

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

Pursuant to Sections 10226(a) and 11011(a), on November 19, 2026, DRE will post on its website a report on the financial status of the department, including the revenues, expenditures, and reserves as of the end of the 2025–26 fiscal year.

DRE will hold a public hearing starting at 10:00 A.M., on Tuesday, December 15, 2026, at the DRE's Sacramento Office, located at 651 Bannon Street, Sacramento, California. The hearing room is wheelchair accessible. As in the report posted to the website in November, DRE will report on the financial status of the department, including the revenues, expenditures, and reserves as of the end of the 2025–26 fiscal year. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

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

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to DRE's fee structure. The written comment period closes on December 15, 2026. All written comments must be received by 5:00 P.M. on that date at DRE's Sacramento Office as follows:

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

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

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

1. Every person who has filed a Request for Notice of Regulatory Action with DRE.
2. The Secretary of the Business and Consumer Services Agency.
3. A substantial number of real estate brokers. They are predominantly small businesses, some of which may be affected by any fee adjustment. DRE has no way of knowing which licensees are small businesses.
4. The California Association of Realtors (a real estate licensee trade organization) and the California Building Industry Association (a home builders trade organization).
5. A substantial number of land developers. Not small businesses by definition, they may, nevertheless, be affected by any fee adjustment.

DATED: October 30, 2026
(Signed)
Daniel E. Kehew
Real Estate Counsel

TITLE 11. DEPARTMENT OF JUSTICE

DIVISION 5. FIREARMS REGULATIONS CHAPTER 4. DOCUMENTATION REQUIREMENTS FOR FIREARMS AND AMMUNITION ELIGIBILITY CHECK AND CHAPTER 10. AMMUNITION

The Department of Justice (Department) proposes to adopt section 4045.2 and amend sections 4282, 4283, and 4285 of title 11, division 5, chapters 4 and 10 of the California Code of Regulations concerning methods for obtaining information from driver's licenses or identification cards (DL/IDs) for purposes of firearm and ammunition eligibility checks.

PUBLIC HEARING

The Department has not scheduled a public hearing on this proposed regulatory action. However, the Department 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 before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any person or their authorized representative may submit written comments relevant to the proposed regulatory action. The written comment period closes on **December 15, 2026** at **5:00 P.M.** Only written comments received by that time will be considered. Please submit written comments to:

R. Ronkowski
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
bofregulations@doj.ca.gov

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

AUTHORITY AND REFERENCE

Authority: Sections 28180, 30352, and 30370, Penal Code.

Reference: Sections 26710, 28180, 30352, and 30370, Penal Code; Section 922, Title 18, United States Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

On September 30, 2025, the Department of Motor Vehicles (DMV) began issuing DL/IDs that replace the magnetic strip with a barcode. As a result, firearm dealers and ammunition vendors are increasingly presented with identification documents that cannot be electronically read in the manner required by Penal Code section 28180. Penal Code section 28180 requires firearm dealers to obtain electronically from the magnetic strip a purchaser's name, date of birth, and DL/ID number for purposes of an eligibility check for a firearm purchase, except as authorized by the Department.

As a result of the DMV's changes, for newly issued DL/IDs without a magnetic strip, firearm dealers and ammunition vendors are manually entering identity information into the Bureau of Firearms' (Bureau) Dealer Record of Sale (DROS) Entry System (DES), which increases the likelihood of data entry errors that could introduce inaccurate information in the DROS database and the Automated Firearms System (AFS).

The DROS process/system helps prevent prohibited persons from acquiring firearms or ammunition. The DES is a web–based application used by firearm dealers to report the sale, loan, transfer, redemption, and acquisition of handguns and long guns to the Bureau. It is also used by ammunition vendors to submit ammunition purchase eligibility checks and ammunition purchase information to the Bureau. The DES is the Bureau's secure, centralized electronic platform used to process firearm dealers' records of sale and main-

tain information on firearm and ammunition transactions. The purpose of the AFS is to maintain a repository of firearm records to aid law enforcement's ability to identify lost or stolen firearms, track ownership, and assist in investigations. It is populated by records of firearm purchases through licensed firearm dealers, ammunition vendors, individual reports of ownership, and information from law enforcement agencies. The system supports law enforcement in investigations, prosecutions, and recovery of lost and stolen property.

Effect of the Proposed Rulemaking:

The proposed rulemaking will require firearm dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180.

Anticipated Benefits of the Proposed Regulations:

The objective of the regulations is to prevent mistakes in the entry of firearm and ammunition purchaser information into the Bureau's databases. Reducing the risk of mistakes will benefit public safety by ensuring that law enforcement has access to accurate information for investigations, prosecutions, and recovery of lost and stolen property. The regulations will also help ensure accurate background checks, reduce delays in purchases and rejected transactions, and reduce additional work as a result of data entry mistakes.

Comparable Federal Regulations:

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

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has determined that the proposed regulations are not inconsistent or incompatible with existing state regulations. After conducting a review for any regulations that would relate to or affect this area, the Department has concluded that these are the only regulations that concern the method of reading DL/IDs for purposes of firearm and ammunition transactions.

Forms Incorporated by Reference:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department's Initial Determinations:

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: The Department estimates $50,000 in additional expenditures for the current fiscal year to install barcode readers and train staff on the updated processes.

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

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

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

Cost impacts on representative person or business: The Department estimates that a representative private person or business will necessarily incur a one–time cost to purchase a barcode scanner to read barcodes on newly issued DL/IDs. A survey of scanners that could be used for this purpose revealed an approximate range of $197 to $404 at the time of assessment.

Significant effect on housing costs: None.

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

Results of the Economic Impact Assessment (EIA):

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

The Department also concludes that:

(1) The proposal will benefit the health and welfare of California residents by establishing an alternative method for firearm dealers and ammunition vendors to electronically capture purchaser information. This will help prevent data inaccuracies in the Bureau's firearm databases, which will benefit public safety by ensuring that law enforcement have access to accurate information for investigations, prosecutions, and recovery of lost and stolen property. Complete and accurate information also helps ensure that firearms and ammunition are not purchased by anyone prohibited by law from owning or possessing a firearm.

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

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

Business report requirement: None.

Small business determination: The Department has determined that this proposed action affects small businesses.

Penal Code section 28180 requires firearm dealers and ammunition vendors to obtain electronically from the magnetic strip a purchaser's name, date of birth,

and driver's license or identification number for purposes of an eligibility check for a firearms purchase. The proposed rulemaking will require firearms dealers and ammunition vendors to obtain purchaser information by using a barcode scanner if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180.

Firearm dealers and ammunition vendors will incur a one–time cost of anywhere between $197 and $404 to purchase a barcode scanner to read barcodes on newly issued DL/IDs.

CONSIDERATION OF ALTERNATIVES

Government Code section 11346.5, subdivision (a)(13), requires that the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action or would be more cost–effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to submit alternatives with respect to the proposed regulations during the written comment period.

The Department has determined that the proposed regulations are the most effective way for firearm dealers and ammunition vendors to accurately obtain purchaser information if the DL/ID does not have the magnetic strip contemplated by Penal Code section 28180. Using a barcode scanner is easier and quicker than manually entering the purchaser's information.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

R. Ronkowski
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(559) 970–0360
bofregulations@doj.ca.gov

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

L. Baladjay–Fretland
Department of Justice
P.O. Box 160487
Sacramento, CA 95816
(916) 210–2621
bofregulations@doj.ca.gov

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

The Department will have the entire rulemaking file available for inspection and copying throughout the rulemaking process upon request to the contact person above. As of the date this Notice of Proposed Rulemaking (Notice) is published in the Notice Register, the rulemaking file consists of this Notice, the Text of Proposed Regulations (the "express terms" of the regulations), the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based. The text of this Notice, the express terms, the Initial Statement of Reasons, and any information upon which the proposed rulemaking is based are available on the Department's website at https://oag.ca.gov/firearms/regs. Please refer to the contact information listed above to obtain copies of these documents.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

BUSINESS INFORMATION UPDATES FOR AUTOMOTIVE REPAIR DEALERS

NOTICE IS HEREBY GIVEN that the Bureau of Automotive Repair (Bureau) 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 Bureau has not scheduled a public hearing on this proposed action. However, the Bureau will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail or email to the addresses listed under "Contact Person" in this Notice, must be ***received*** **by the Bureau at its office no later than December 14, 2026**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by section(s) 9882, 9884.2, 9884.4, and 9884.19 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC section(s) 27, 30, 31, 114.5, 115.4, 135.4, 141, 142, 152.5, 152.6, 480, 490, 9884, 9884.1, 9884.2, 9884.3, 9884.4, 9884.6, 9884.7, 9889.52, and 17505, the Bureau is considering amending section(s) 3351, 3351.2, and 3371.2 of title 16 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Effect of the Proposed Action

Existing law provides that the Bureau is the state agency charged with licensing automotive repair dealers (ARDs), Smog Check stations, Specific Test And Repair (STAR) stations, Vehicle Safety Systems Inspection Stations, and their respective inspectors, repair technicians, and adjusters. Pursuant to Article 1 of Chapter 20.3 of Division 3 of the Business and Professions Code (commencing with section 9880), the Bureau regulates automotive repair and has the authority to adopt, amend, and repeal necessary rules and regulations.

The Bureau regulates approximately 35,000 ARDs in the State of California. The Bureau ensures persons operating as ARDs are registered with the Bureau and comply with laws and regulations established to protect consumers in repair transactions. The mission of both Department of Consumer Affairs (DCA) and the Bureau—and therefore the main purpose of any regulatory proposal—is consumer protection, which includes ensuring "all Californians are informed, empowered, and protected." (DCA, About Us [as of October 12, 2026].)

This regulatory proposal will amend sections 3351, 3351.2, and 3371.2 specific to business information reporting and advertising, as follows:

Section 3351:

Require ARDs, as part of their registration application, to:

- List a "doing business as" (DBA) name, if applicable.
- Provide a telephone number at their business' physical address and a business email address, at which the Responsible Managing Employee (RME) can be reached during normal business hours.

Section 3351.2:

As a condition of ARD registration renewal, the registrant ARD shall ensure that all required application information is current and has been provided to the Bureau.

Section 3371.2:

- Require print, vehicle, and internet–based advertising to clearly display the business or DBA name, as well as the registration number and business telephone number. Also, allow this requirement to be satisfied by the internet–based advertising directing users to another internet–based advertising that has the required Business Name and Registration Number.

- Remove the requirement that advertising shall include a telephone number (the same number the ARD has registered with the Bureau).
- Clarify that internet–based advertising includes social media, email, and websites.

Anticipated Benefits of Proposal

The Bureau has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment: by implementing these regulatory changes, the Bureau will make specific what information is required on the ARD registration application and for registration renewal, ensuring ARD contact information is current and submitted to the Bureau; expand advertising rules to require that print, vehicle, and internet–based ads display the official business/DBA name and telephone number at the business' physical address; and clarify that internet–based advertising includes social media, email, and websites. These changes promote transparency and consumer protection.

The regulations do not have an impact on the health of California residents, worker safety, or the state's environment because they solely update administrative requirements, specifically, business information reporting and advertising.

Evaluation of Consistency and Compatibility with Existing State Regulations

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

Incorporation by Reference

There are no forms or documents incorporated by reference.

DISCLOSURES REGARDING THIS PROPOSED ACTION

Fiscal Impact Estimates

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

There is no fiscal impact to the State in the form of federal funding or any cost or savings to any state agency. This proposal will require ARDs to provide accurate and up–to–date business contact information and that all advertising clearly displays the official business or DBA name and registration details for transparency and consumer protection. The Bureau does not anticipate additional workload or costs resulting from the proposed regulations.

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

Nondiscretionary Costs/Savings to Local Agencies:

None.

Cost to any Local Agency or School District for which Government Code Sections 17500–17630 Require Reimbursement:

None.

Mandate Imposed on Local Agencies or School Districts:

None.

Significant Effect on Housing Costs:

None.

Business Impact Estimates

The Bureau has made the initial determination that 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.

This initial determination is based on the fact that this proposal will require ARDs to provide accurate and up–to–date business information and that all advertising clearly displays the official business or DBA name and registration details for transparency and consumer protection.

Businesses are anticipated to comply with the regulations within normal business operations and without incurring additional costs.

Cost Impact on Representative Private Person or Business

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

The amendments are intended to require ARDs to provide accurate and up–to–date business contact information and that all advertising clearly displays the official business or DBA name and registration details for transparency and consumer protection.

Businesses are anticipated to comply with the regulations within normal business operations and without incurring additional costs.

Results Of Economic Impact Assessment/Analysis

The Bureau has determined this regulatory proposal will have the following benefits to the welfare of California residents: by implementing these regulatory changes, the Bureau will ensure all ARD registrant information is provided to the Bureau and is up–to–date and that all advertising clearly displays the official business or DBA name and registration details for transparency and consumer protection.

Impact on Jobs/Businesses

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

1) the creation or elimination of jobs within the state,

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

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

The Bureau has determined this regulatory proposal will have the following benefits to the welfare of California residents: by implementing these regulatory changes, the Bureau will make specific what information is required to be provided on the ARD registration application and for registration renewal, ensuring ARD contact information is current and submitted to the Bureau; expand advertising rules to require that print, vehicle, and internet–based ads display the official business/DBA name and telephone number at the business' physical address; and clarify that internet–based advertising includes social media, email, and websites. details for transparency and consumer protection. These changes promote transparency and consumer protection.

This regulatory proposal does not affect the health and welfare of California residents, 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 Bureau; however, it does require that as a condition of registration renewal, all information required on the ARD application is provided to the Bureau and up–to–date.

Effect on Small Business

The Bureau has determined that the proposed regulations will not affect small businesses.

The amendments are intended to require ARDs to provide accurate and up–to–date business contact information to the Bureau and that all advertising clearly displays the official business or DBA name and registration details for transparency and consumer protection.

Small businesses are anticipated to comply with the regulations within normal business operations and without incurring additional costs.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Bureau in writing relevant to the above determinations at 10949 North Mather Boulevard, Rancho Cordova, California 95670 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, 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 Bureau, at 10949 North Mather Boulevard, Rancho Cordova, California 95670.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

CONTACT PERSONS

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

Name: Holly Helsing
Address: Bureau of Automotive Repair
10949 North Mather Boulevard, Rancho Cordova, CA 95670
Telephone Number: (916) 403–8600
Email Address: Holly.Helsing@dca.ca.gov

The backup contact person is:

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

TOWING AUTHORIZATION REQUIREMENT

NOTICE IS HEREBY GIVEN that the Bureau of Automotive Repair (Bureau or BAR) 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 Bureau has not scheduled a public hearing on this proposed action. The Bureau will, however, hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days prior to the close of the written comment period. A hearing may be requested by making such request in writing addressed to the individuals listed under "Contact Person" in this notice.

WRITTEN COMMENT PERIOD

Written comments relevant to the action proposed, including those sent by mail, facsimile, or email to the addresses listed under "Contact Person" in this Notice, must be received by the Bureau at its office no later than **December 14, 2026**, or must be received by the Bureau at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Business and Professions Code (BPC) sections 137, 9882, and 9884.9, to implement, interpret, and make specific BPC sections 9884.8, 9884.9, 9889.50, and 9889.52, and Vehicle Code sections 12000, 12001, and 22651.07, the Bureau proposes amending sections 3353 and 3356 of Title 16, Division 33, Chapter 1 of the California Code of Regulations (CCR).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Department of Consumer Affairs (DCA), Bureau of Automotive Repair is the state agency charged with licensing automotive repair dealers (ARDs), Smog Check stations, Specific Test And Repair (STAR) stations, Vehicle Safety Systems Inspection Stations, and their respective inspectors and repair technicians. Pursuant to Article 1 of Chapter 20.3 of Division 3 of the Business and Professions Code (commencing with section 9880), the Bureau regulates automotive repair and has the authority to adopt, amend, and repeal necessary rules and regulations. The mission of both DCA and the Bureau—and therefore the main purpose of any regulatory proposal—is consumer protection, which includes ensuring "all Californians are informed, empowered, and protected." (DCA, About Us [June 25, 2026].)

This proposal will amend sections 3353 and 3356 of Chapter 1 of Division 33 of Title 16 of the CCR as follows:

- If an ARD performs a towing service, or contracts with another party to perform a towing service, the amount of any towing fees the ARD will charge shall be disclosed to and authorized by the customer prior to the towing service being performed.
- An ARD that maintains a motor carrier permit pursuant to Vehicle Code section 34620 shall

obtain any towing fee authorization from a customer on a document separate from any repair authorization.

- Invoices issued by the ARD shall list storage–related and towing–related charges as separate line items.

ANTICIPATED BENEFITS OF THE PROPOSED REGULATION

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

1) Towing fees will be explicitly authorized by the customer prior to the towing service being performed—not merely before payment is received. This will promote transparency by ensuring consumers are fully informed and there is no surprise billing.
2) If the ARD has a motor carrier permit, the towing fee authorization shall be documented on a separate form from the repair authorization. This will prevent hidden or bundled charges inside a repair authorization and ensure the customer understands towing is a distinct service, not automatically included with repairs.
3) Invoices issued by the ARD shall list storage–related and towing–related charges as separate line items. This will promote transparency, as customers can see exactly what they are being charged for and makes it easier to identify overcharges.

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

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

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

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None. The regulations do not result in a fiscal impact to the state in the form of federal funding or any cost or savings to any state agency. The proposal is intended to amend authorization and invoicing requirements for towing services and does not result in additional workload or costs to the Bureau.

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs: None.

Business Impact Estimates:

The Bureau has made the initial determination that this regulatory proposal would have no significant statewide adverse economic impact directly affecting businesses, including small businesses and the ability of California businesses to compete with businesses in other states.

This initial determination is based on the fact that the amendments are intended to provide additional clarity and promote transparency, consistent with current law and existing practice. The Bureau anticipates licensees will be able to comply with the proposed regulations within normal business operations and without incurring additional workload or costs.

Cost Impact on Representative Private Person or Business: None.

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

This regulatory proposal will amend authorization and invoicing requirements for towing services and the Bureau anticipates licensees will be able to comply with the proposed regulations within normal business operations and without incurring additional workload or costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

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

1) Towing fees will be explicitly authorized by the customer prior to the towing service being performed—not merely before payment is received. This will promote transparency by ensuring there is no surprise billing.
2) If the ARD has a motor carrier permit, the towing fee authorization shall be documented on a separate form from the repair authorization. This will prevent hidden or bundled charges inside a repair authorization and ensure the customer un-

derstands towing is a distinct service, not automatically included with repairs.

3) Invoices issued by the ARD shall list storage–related and/or towing–related charges as separate line items. This promotes transparency, as customers can see exactly what they are being charged for and makes it easier to identify overcharges.

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

Impact on Jobs/Businesses:

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

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

The regulatory amendments will require that towing fees be explicitly authorized by the customer prior to a towing service being performed, towing fee and repair authorizations be on separate documents for ARDs that maintain a motor carrier permit, and storage–related and towing–related charges be listed separately on an invoice.

The Bureau anticipates licensees should be able to comply with the proposed regulations within normal business operations and without incurring additional workload or costs.

Benefits of Regulation:

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

1) Towing fees will be explicitly authorized by the customer prior to the towing service being performed—not merely before payment is received. This will promote transparency by ensuring there is no surprise billing.
2) If the ARD has a motor carrier permit, the towing fee authorization shall be documented on a separate form from the repair authorization. This will prevent hidden or bundled charges inside a repair authorization and ensure the customer understands towing is a distinct service, not automatically included with repairs.
3) Invoices issued by the ARD shall list storage–related and/or towing–related charges as separate line items. This promotes transparency, as customers can see exactly what they are being charged for and makes it easier to identify overcharges.

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

Business Reporting Requirements:

None.

EFFECT ON SMALL BUSINESS

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

This regulatory proposal will amend authorization and invoicing requirements for towing services. The Bureau anticipates licensees, including small businesses, will be able to comply with the proposed regulations within normal business operations and without incurring additional workload or costs.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements orally or in writing relevant to the above determinations during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

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

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

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

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

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

CONTACT PERSONS

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

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

The backup contact person is:

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

AVAILABILITY OF DOCUMENTS ON THE INTERNET

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

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS/ VETERINARY MEDICAL BOARD

HANDLING ANIMAL REMAINS

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

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or 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 Persons" 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 Persons" in this Notice, must be ***received*** **by the Board at its office no later than December 14, 2026** or must be received by the Board at the hearing, should one be scheduled.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by sections 4808 and 4854 of the Business and Professions Code (BPC), and to implement, interpret, or make specific sections 4854 and 4883 of said code, the Board is considering amending section 2030.1 of article 4 of division 20 of title 16 of the California Code of Regulations (CCR[1]).

[1] All CCR references are to title 16 unless otherwise noted.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 4800.1 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount.

BPC section 4808 authorizes the Board, in accordance with the Administrative Procedure Act (Government Code section 11400, et seq.), to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinary Medicine Practice Act (Practice Act) (BPC section 4800, et seq.).

BPC section 4854 states that all veterinary premises where veterinary medicine, veterinary dentistry, or veterinary surgery is being practiced, and all instruments, apparatus and apparel used in connection with those practices, shall be kept clean and sanitary at all times, and shall conform to those minimum standards established by the Board.

BPC section 4883 authorizes the Board to take disciplinary action — including denying, suspending, revoking, or placing conditions on a license, or imposing fines — for a wide range of violations related to professional conduct, criminal activity, and regulatory compliance. These grounds include crimes related to veterinary practice, unprofessional conduct involving controlled substances or dangerous drugs, fraud, negligence, aiding unlicensed practice, unsanitary conditions, animal cruelty, misleading advertising, and misrepresentation of specialist credentials.

The statute also allows discipline based on out–of–state actions, violations involving cannabis–related conflicts of interest, interference with another licensee's professional judgment, and performing prohibited feline declawing procedures. Overall, BPC section 4883 provides comprehensive authority for the Board to protect the public and animals by ensuring veterinarians meet ethical, legal, and professional standards.

CCR section 2030.1 defines a "small animal fixed veterinary premises" as a facility treating common domestic household pets and adds specific requirements beyond those in CCR section 2030. Notably, if a client has not authorized disposal of their deceased animal, the veterinary premises must store the body in a freezer for at least 14 days before proceeding with disposal. This ensures clients have adequate time and consideration before final disposition.

The regulatory proposal to amend CCR section 2030.1 would do the following:

Amend Subsection (a):

The proposed change would make minor amendments to improve clarity and assign responsibility more appropriately. It shifts the duty to retain a deceased animal from the individual veterinarian to the veterinary premises, recognizing that veterinarians working within a facility may not control the facility's protocols. Terminology is also updated from "body" to the more humane "deceased animal." The proposed change also clarifies when the required 14–day holding period begins, specifying that it starts on the date the veterinary premises makes a documented attempt to contact the client, rather than the date of the animal's death, since those events may occur on different days.

Add Subsection (b):

The proposed addition would clarify that during the required holding period, a deceased animal may not be cremated or used for any unauthorized purpose, such as research or staff training, without the client's explicit consent. This provision ties directly to the holding period established in subsection (a) and is intended to address situations in which veterinary premises have prematurely cremated animals or used their remains for training procedures, such as dental extractions, without proper authorization from the client.

Add Subsections (c), (e), and (f):

The proposed additions would establish standardized requirements for identifying and tracking deceased animals to prevent mislabeling, loss of remains, or incorrect cremation handling. Subsection (c) requires every deceased animal to be labeled with essential information, including the animal's name or ID number, the client's name if known, the freezer intake date, and any disposition service requested. Subsection (e) creates a mandatory transfer–of–custody log that documents detailed information whenever remains are transferred to a cremation service or other entity, including identifiers for the animal and client, the disposition requested, dates of transfer and return, and the names and signatures of both the releasing and receiving personnel. Subsection (f) requires the veterinary premises to retain this transfer log for three years.

Collectively, these provisions ensure consistent protocols for labeling, tracking, and record–keeping, helping safeguard the correct handling of remains and ensuring that clients receive the proper cremains associated with their specific pet.

Add Subsection (d):

The proposed addition would require veterinary premises to inform clients that alternative disposition services may be available and, if the client requests, to release the deceased animal to the service of their choice. This provision ensures that clients retain the

right to choose the cremation or disposition provider they prefer, even if the veterinary premises has an existing contract with a specific company. Modeled after similar consumer–choice protections in state law regarding prescription services, this amendment reinforces client autonomy and prevents veterinary premises from limiting options for handling their pet's remains.

Add Subsection (g):

The proposed addition would require veterinary premises to keep a client's pet cremains for at least six months after attempting to contact the client for pick-up. If the client does not retrieve the cremains within those six months, the veterinary premises may dispose of them. This establishes a clear retention period that balances giving clients sufficient time to collect cremains with the practical storage limitations of the premises.

ANTICIPATED BENEFITS OF PROPOSAL

The proposed regulations will enhance clarity, accountability, and consumer protections while promoting ethical and efficient handling of deceased animals at veterinary premises. By shifting responsibility to the facility and defining the start of the holding period, the changes reduce ambiguity and ensure consistent procedures. Mandating explicit client consent prevents premature or unauthorized use of remains. Standardized labeling, tracking, and custody logs improve accuracy and reduce instances of misidentification, loss, or mishandling. Allowing clients to choose their preferred disposition provider reinforces autonomy and prevents restrictive business practices. Finally, the six–month requirement for retaining cremains provides a fair window for retrieval, balancing client needs with practical storage limits. Together, these changes will reinforce transparency, trust, and professionalism in the veterinary industry. The proposed regulations are not expected to benefit worker safety or the state's environment.

Evaluation of Consistency and Compatibility with Existing State Regulations

After conducting a review for any related regulations, the Board has found that these are the only regulations relating to the handling of animal remains. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

INCORPORATION BY REFERENCE

N/A.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

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

The proposed regulations do not result in a fiscal impact to the state. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs None.

BUSINESS IMPACT ESTIMATES

The 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.

This initial determination is based on the following facts:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California.

The regulatory proposal would improve clarity, strengthen client protections, and ensure consistent, accurate, and respectful handling of deceased animals and cremains across veterinary premises. It also enhances transparency and consumer choice while reducing errors through standardized tracking and record–keeping requirements.

Any workload and costs to comply with the regulations are anticipated to be completed and incurred within normal business operations.

Cost Impact on Representative Private Person or Business

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

The proposal would require veterinary premises to adopt clearer procedures for storing, labeling, track-

ing, and documenting the handling of deceased animals and cremains, as well as to honor client preferences for disposition services. While this may add some administrative and storage responsibilities, it also reduces errors, improves transparency, and helps protect premises from liability.

Any workload and costs to comply with the regulations are anticipated to be completed and incurred within normal business operations.

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 within the state.

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

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

The proposed regulations will benefit the health and welfare of California residents and their animals and strengthen clarity, accountability, and consumer protection by standardizing custody and handling of remains, ensuring informed client consent, preserving client choice, and establishing fair retrieval timelines, thereby enhancing transparency, trust, and professionalism in veterinary practice. The proposed regulations are not expected to benefit worker safety or the state's environment.

Business Reporting Requirements:

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

Effect on Small Business:

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

Any workload and costs to comply with the regulations are anticipated to be completed and incurred within normal business operations.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Boulevard, Suite 230, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of ISOR, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Boulevard, Suite 230, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

CONTACT PERSONS

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

Name: Justin Sotelo
Address: California Veterinary Medical Board
1747 North Market Boulevard, Suite 230
Sacramento, CA 95834
Telephone Number (916) 905–5511
Fax Number: (916) 928–6849
Email Address: Justin.Sotelo@dca.ca.gov

The backup contact person is:

Name: Matt McKinney
Address: California Veterinary Medical Board
1747 North Market Boulevard, Suite 230
Sacramento, CA 95834
Telephone Number: (916) 282–3529
Fax Number: (916) 928–6849
Email Address: Matthew.McKinney@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Regulatory Action, ISOR, Proposed Regulatory Language 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.vmb.ca.gov/laws_regs/proposed_regs.shtml.

TITLE 16. PROFESSIONAL AND VOCATIONAL REGULATIONS/ VETERINARY MEDICAL BOARD

RECORD KEEPING; RECORDS; CONTENTS; TRANSFER

NOTICE IS HEREBY GIVEN that the California Veterinary Medical Board (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 Persons" 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 Persons" in this Notice, must be **received by the Board at its office no later than December 14, 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 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific BPC sections 4855 and 4856 of said code, the Board is considering amending section 2032.3 of article 4 of division 20 of title 16 of the California Code of Regulations (CCR[1]).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 4800.1 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. BPC section 4808 authorizes the Board, in accordance with the Administrative Procedure Act (Government Code section 11400 et seq.), to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinary Medicine Practice Act (Practice Act) (BPC section 4800, et seq.).

Legislative amendments that correspond with this regulatory proposal amended BPC sections 4826.6 and 4855 and were included in the Board's Sunset Bill, Assembly Bill (AB) 1502. [Berman, Chapter 195, Stat-

[1] All CCR references are to title 16 unless otherwise noted

utes of 2025], which was approved by Governor Gavin Newsom on October 1, 2025. These amendments became effective January 1, 2026.

The amendment to BPC section 4826.6 added the requirement that veterinarians providing telehealth services must keep, maintain, and make available a copy or summary of the animal patient's record, consistent with BPC section 4855. Previously, telehealth obligations focused on being familiar with local medical resources and providing clients with nearby in–person veterinary options. The added language clarifies that telehealth practitioners must also be prepared to furnish not just a summary but an actual copy of the patient record upon request, strengthening record access requirements and aligning telehealth duties with the broader veterinary record keeping standards.

BPC section 4855, as amended, currently requires veterinarians to maintain written records for every animal treated and to provide copies to a client or authorized agent within five days of any verbal or written request. When an animal is in critical condition or being directly transferred for further care, the veterinarian must, upon releasing the animal, either provide the record or a summary, or, if the written record is not yet available, relay essential medical information to the receiving veterinarian or to the client to ensure continuity of care. The Board is responsible for setting the minimum required contents of these records and determining how long veterinary premises must retain them.

BPC section 4856 requires veterinarians to make all legally mandated records — including treatment, diagnosis, and drug-related records — available for inspection by the Board during routine inspections or complaint–driven investigations, and to provide copies immediately upon request. It also authorizes the Board to inspect equipment and drugs at any location where veterinary practice occurs or where such items are kept for professional use. Additionally, the licensee manager of a registered veterinary premises must ensure that any veterinarian can access the records related to the services they personally provided.

The existing regulation — CCR section 2032.3 — requires veterinarians to create and maintain a legible written or electronic medical record for every animal they treat, including detailed identifying information, medical history, examination findings, diagnoses, treatments, medications, surgical details, progress notes, and disposition. These records must be kept for at least three years, and a summary must be provided to the client within five days — or sooner in critical cases. The regulation also governs the handling of radiographs and laboratory data, which belong to the facility that ordered them but must be released when properly requested, with required identifiers and documentation of transfers. Additionally, when a patient is released from emergency care, the client must receive a copy of essential medical information, including examination findings, medications administered, diagnostic results, radiographs, surgical summaries, diagnoses, prognosis, and follow–up instructions.

This regulatory proposal addresses stakeholder concerns regarding record keeping requirements and would amend CCR section 2032.3 to:

- Clearly define two sets of requirements for records — single animal patient records and group of animal patient records;
- Change the logical order of the required information that makes up an animal patient record to follow a Subjective, Objective, Assessment, and Plan (SOAP) format for recording patient medical encounters and medical record documentation, which is taught in the majority of veterinary schools; and,
- Make record keeping requirements less prescriptive and allow veterinarians, in their professional judgment and in accordance with generally accepted standards for practice in the community, the flexibility to add other types of information besides the Board–mandated content.

ANTICIPATED BENEFITS OF PROPOSAL

The Board, along with its Multidisciplinary Advisory Committee and Equine Practice Subcommittee, worked with industry stakeholders, such as the California Veterinary Medical Association, the California Horse Racing Board, and the University of California, Davis, School of Veterinary Medicine to address concerns raised regarding record keeping requirements.

Stakeholders indicated that CCR section 2032.3 was geared more towards small animal medicine, where cases involved individual patients. In equine and production animal medicine, the medical approach is often treating multiple animals (herd health medicine) at the same time, at the same location, and with the same diagnosis and treatment. It was also determined that the regulation was too prescriptive. Lastly, it was also recommended that animal patient records should follow a SOAP format, as noted above.

This proposal addresses stakeholder concerns and, as such, the Board anticipates that veterinarians will benefit from record keeping requirements that are more clear, more logical (and align with what is taught in veterinary schools), and less prescriptive. Additionally, the Board anticipates that California consumers/clients and their animals will benefit from improvements to record keeping requirements for veterinarians.

EVALUATION OF CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS

After conducting a review for any related regulations, the Board has found that these are the only regulations relating to records. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The proposed regulations do not result in a fiscal impact to the state. The Board does not anticipate additional workload or costs resulting from the proposed regulations.

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

Nondiscretionary Costs/Savings to Local Agencies: None.

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

Mandate Imposed on Local Agencies or School Districts: None.

Significant Effect on Housing Costs None.

BUSINESS IMPACT ESTIMATES

The 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.

This initial determination is based on the following facts:

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses, the elimination of jobs or existing businesses, or the expansion of businesses in the State of California. The regulatory proposal would update, clarify, and improve record keeping requirements for veterinarians.

Any workload and costs to comply with the regulations are anticipated to be completed and incurred within normal business operations.

Cost Impact on Representative Private Person or Business

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

Any workload and costs to comply with the regulations are anticipated to be completed and incurred within normal business operations.

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 within the state.

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

Benefits of Regulation:

The proposed regulations will benefit veterinarians and California consumers/clients and their pets.

More specifically, the proposed regulations will:

- Address record keeping concerns shared by stakeholders;
- Improve compliance for veterinarians, as two sets of requirements will be clearly defined (one for single animal patient records and one for group animal patient records);
- Change the logical order of required information that makes up an animal patient record to follow a SOAP format for recording patient medical encounters and medical record documentation, which aligns with what is taught in the majority of veterinary schools;
- Provide less prescriptive record keeping requirements, allowing veterinarians the flexibility to add other types of information to the record besides the Board-mandated content; and,
- Improve record keeping compliance, which will be a benefit to California consumers/clients and their animals.

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

Business Reporting Requirements:

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

Effect on Small Business:

The Board has determined that the proposed regulations are not expected to result in additional workload or costs to existing and small businesses. Although small businesses owned by licensees of the Board may be impacted, the Board does not maintain data relating to the number or percentage of licensees who own

a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted.

However, any workload and costs to comply with the regulations are anticipated to be completed and incurred within normal business operations.

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 regulatory proposal or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposal described in this Notice, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Boulevard, Suite 230, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Boulevard, Suite 230, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments, the Board, upon its own motion or at the request of any interested party, may thereafter adopt the proposals substantially as described in this Notice, 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 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 of 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 Persons named below or by accessing the website listed below.

CONTACT PERSONS

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

Name: Justin Sotelo
Address: California Veterinary Medical Board
1747 North Market Boulevard, Suite 230
Sacramento, CA 95834
Telephone Number (916) 905–5511
Fax Number: (916) 928–6849
Email Address: Justin.Sotelo@dca.ca.gov

The backup contact person is:

Name: Matt McKinney
Address: California Veterinary Medical Board
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Sacramento, CA 95834
Telephone Number: (916) 282–3529
Fax Number: (916) 928–6849
Email Address: Matthew.McKinney@dca.ca.gov

AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Regulatory Action, Initial Statement of Reasons, 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.vmb.ca.gov/laws_regs/proposed_regs.shtml.

TITLE 16. DEPARTMENT OF CONSUMER AFFAIRS/VETERINARY MEDICAL BOARD

RVT PATHWAYS

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

PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or 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 Persons" 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 Persons" in this Notice, must be ***received*** **by the Board at its office no later than December 14, 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 4808 of the Business and Professions Code (BPC), and to implement, interpret, or make specific section 4841.5 of said code, the Board is considering amending section 2068.5 and repealing section 2068.6 of article 6 of division 20 of title 16 of the California Code of Regulations (CCR[1]).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

BPC section 4800.1 mandates that the protection of the public shall be the highest priority of the Board in exercising its licensing, regulatory, and disciplinary functions. Whenever the protection of the public is inconsistent with other interests sought to be promoted, the protection of the public shall be paramount. BPC section 4808 authorizes the Board, in accordance with the Administrative Procedure Act (Government Code section 11400, et seq.), to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable it to carry into effect the provisions of the Veterinary Medicine Practice Act (Practice Act) (BPC section 4800, et seq.).

BPC section 4841.5 outlines the requirements for obtaining registration as a Registered Veterinary Technician (RVT). It mandates submitting a Board–issued application and applicable fees, a criminal background check via fingerprints, and proof of qualifying education or experience — through accredited programs, recognized veterinary colleges, or equivalency certifications from the American Association of Veterinary State Boards (AAVSB) Program for the Assessment of Veterinary Education Equivalence or the Educational Commission for Foreign Veterinary Graduates — with verifiable documentation directly from primary sources. Applicants must also pass the national RVT licensing examination; if the examination was passed more than five years prior, they must either retake it, show at least two years and 2,500 hours of recent clinical practice elsewhere, or complete recent continuing education. Additionally, applicants must disclose and verify any veterinary licenses held in other jurisdictions, and applications may be denied under specified regulatory provisions.

CCR section 2068.5 establishes an alternate pathway for becoming an RVT by defining what qualifies as the "equivalent" of a two–year animal health technology program. It requires applicants to complete a specified amount of formal education — at least 20 semester units, 30 quarter units, or 300 instructional hours — in core veterinary subjects, delivered either by a postsecondary institution or an instructor meeting defined qualification standards. It also requires coursework in foundational sciences; allows interactive distance learning if assessment standards are met; and mandates submission of syllabi and proof of course attendance. In addition, applicants must complete at least 4,416 hours of directed clinical practice under the supervision of a California–licensed veterinarian, who must attest to the applicant's completion of hours and proficiency in a wide range of clinical skills, documented through a checklist covering areas such as client communication, examinations, emergency care, anesthesia, surgery, radiography, nursing, dentistry, behavior, and pharmacology.

This regulatory proposal to amend CCR section 2068.5 would do the following:

- It would remove the "qualified instructor" option, and the related subsections (e)(1) and (e)(2), because it has been misused and no longer reflects current conditions. With many accredited and online veterinary technician programs now available statewide, all required education would instead need to come from formal postsecond-

[1] All CCR references are to title 16 unless otherwise noted.

ary institutions to ensure consistent educational quality.

- The required clinical practice experience would be reduced from 4,416 hours to 2,500 hours. This change aligns the alternate RVT pathway with similar updates for veterinarians and addresses concerns that the current hour requirement is excessive and disproportionately burdens applicants with family or work constraints.
- It would remove the requirement that all clinical practice hours be completed under a California–licensed veterinarian. Proposed changes would allow hours to occur in any U.S. state/territory or Canadian province under the direct supervision of a veterinarian(s) licensed in any U.S. state/territory or Canadian province, making the pathway more accessible for out–of–state applicants and reducing unnecessary repetition of experience.
- Supervising veterinarians would no longer be required to attest to clinical hours at the time of application, allowing them to sign off as hours are completed. They would also be allowed to attest only to the categories they directly supervised, addressing practical barriers for applicants who work under multiple veterinarians.
- It would replace the outdated and overly detailed Board–created checklist with competency categories aligned with the American Veterinary Medical Association Center for Veterinary Technician Education Accreditation (CVTEA) standards. This ensures clarity, modernizes expectations, and relies on the supervising veterinarian's professional judgment without imposing unnecessary or outdated task requirements.
- To ensure document integrity, the proposal would require proof of completed education to be sent directly to the Board by the postsecondary institution or the AAVSB, rather than by the applicant. This change mirrors standards already applied to other education–based pathways.

CCR section 2068.6 was intended to create a pathway for applicants already registered as veterinary technicians in another U.S. state/territory or Canadian province to obtain California RVT registration. It requires that the applicant be in good standing and have passed the national or an equivalent licensing examination, and that they have completed at least 4,416 hours of supervised clinical practice over a minimum of 24 months under a veterinarian licensed in the U.S. or Canada. The clinical experience must provide competency across key veterinary skill areas, documented through a supervisor–completed checklist. The Board must also confirm that the applicant has no disciplinary history or civil/criminal findings indicating negligence or incompetence before granting registration.

This proposal would repeal CCR section 2068.6 for the following reasons:

- The Board voted to repeal the regulation because the out–of–state registration equivalency pathway has allowed applicants to qualify as RVTs without education, creating an inconsistency with California's education–based pathways and sometimes allowing in–state residents to bypass schooling.
- Feedback from stakeholder meetings showed broad agreement that formal education is essential for patient safety, professional competence, and maintaining consistent standards, even among those who acknowledged access and cost barriers.
- Professional organizations also supported eliminating the pathway to standardize RVT qualifications.

The Board concluded that retaining the regulation undermined fairness and diluted the expected standard of an RVT, and therefore voted to repeal it.

ANTICIPATED BENEFITS OF PROPOSAL

The proposed regulations will benefit RVT applicants, veterinarians, and consumers.

Regarding the proposed amendments to CCR section 2068.5, the Board's goal is to strengthen the RVT education–and–experience pathway by requiring formal, verifiable education; reducing clinical practice hours from 4,416 to 2,500; removing the "qualified instructor" option; allowing supervision by veterinarians licensed in any U.S. state/territory or Canadian province; updating attestation rules so supervisors certify only the areas they oversaw; replacing the outdated task checklist with a streamlined, CVTEA–aligned skills framework; and requiring proof of education to come directly from primary sources, all to improve consumer protection, expand workforce access, and ensure applicant competency.

Regarding the proposed repeal of CCR section 2068.6, the Board's goal is to ensure consistent, education–based standards for all RVT applicants so that every pathway to registration upholds the same level of competency and protects patient and client safety. To achieve this, the Board's objective is to eliminate the out–of–state registration equivalency pathway in CCR section 2068.6 because it allows applicants to qualify without any formal education, creating an inconsistency with California's established education and education–plus–experience pathways, lowering professional standards, and allowing a pathway used by in–state residents to bypass education.

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

Evaluation of Consistency and Compatibility with Existing State Regulations

After conducting a review for any related regulations, the Board has found that these are the only regulations relating to RVT pathways. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

INCORPORATION BY REFERENCE

N/A.

DISCLOSURES REGARDING THIS PROPOSED ACTION

FISCAL IMPACT ESTIMATES

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

The Board estimates this proposal could impact up to 38 out–of–state individuals applying for RVT registration per year. Assuming all 38 applicants fulfill the education requirements and are granted RVT registration, the proposed regulations will not have a fiscal impact to the Board.

However, in the event an out–of–state individual opts not to relocate to California and seek RVT registration, there would be a decrease in RVT registration workload and revenues, as well as a reduction in fingerprint background checks. Because the number of individuals opting not to relocate to California and seek RVT registration is unknown, the Board does not have a total cost (savings) or revenue (loss) estimate at this time but estimates the impact per individual as follows:

- Initial Application Fee: $225.
- Initial RVT Registration Fee: $225.
- Biennial RVT Renewal Registration Fee: $225.
- Fingerprints: $32 to the Department of Justice (DOJ) and $17 to the Federal Bureau of Investigations (FBI).

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.

This initial determination is based on the following facts:

- The regulatory proposal is intended to strengthen the RVT education–and–experience pathway and ensure consistent, education–based standards for all RVT applicants.
- Any individual registered as a veterinary technician in another state based on an experience only pathway could be impacted. In the event these individuals opt to relocate and complete their education to attain RVT registration, they would be required to fulfill educational requirements.

The Board estimates this proposal could impact up to 38 out–of–state individuals applying for RVT registration per year with estimated costs and savings as follows:

There are currently three educational options for RVT registration with costs as follows:

1. Associate Degree (traditional 2–Yr): $4,000 to $6,000.
2. Alternate Pathway: $3,500 to $5,000.
3. Accelerated Associate Degree: $8,000 to $45,000.

The Board anticipates most out–of–state individuals to opt for the Associate Degree (#1) or Alternate Pathway (#2), in lieu of the accelerated Associate Degree (#3) due to the higher costs but is nonetheless reporting all three options for awareness.

Assuming all 38 individuals enroll in an Associate Degree (#1) or Alternate Pathway (#2) educational program the Board estimates costs to these individuals and tuition fee revenues to educational programs ranging from $133,000 to $228,000 per year and up to $1,330,000 to 2,280,000 over a ten–year period.

The Board notes, out–of–state individuals may decide not to relocate to California and seek RVT registration because they do not want to fulfill the educational requirements. The Board does not have a total cost (savings) estimate because the number of individuals that may forgo moving to California and seeking RVT registration is unknown.

Any out–of–state individual opting to not seek RVT registration in California would realize cost (savings) as follows:

- Fingerprint Background Check: $75.
  - DOJ ($32), FBI ($17); Vendor ($26).
- Initial Application Fee: $225.
- Initial RVT Registration Fee: $225.

- Biennial RVT Renewal Registration Fee: $225.
    - Continuing Education (20 hours) upon renewal: $300–$500.

Additionally, any individual residing in a state that does not require an RVT to take and pass the Veterinary Technician National Exam would save $365 (current exam cost).

Cost Impact on Representative Private Person or Business

Any individual registered as a veterinary technician in another state based on an experience only pathway could be impacted. In the event these individuals opt to relocate and complete their education to attain RVT registration, they would be required to fulfill educational requirements.

The Board estimates this proposal could impact up to 38 out–of–state individuals applying for RVT registration per year with estimated costs and savings as follows:

There are currently three educational options for RVT registration with costs as follows:

1. Associate Degree (traditional 2–Yr): $4,000 to $6,000.
2. Alternate Pathway: $3,500 to $5,000.
3. Accelerated Associate Degree: $8,000 to $45,000.

The Board anticipates most out–of–state individuals to opt for the Associate Degree (#1) or Alternate Pathway (#2), in lieu of the accelerated Associate Degree (#3) due to the higher costs but is nonetheless reporting all three options for awareness.

The Board notes, out–of–state individuals may decide not to relocate to California and seek RVT registration because they do not want to fulfill the educational requirements. The Board does not have a total cost (savings) estimate because the number of individuals that may forgo moving to California and seeking RVT registration is unknown.

Any out–of–state individual opting to not seek RVT registration in California would realize cost (savings) as follows:

- Fingerprint Background Check: $75.
    - DOJ ($32), FBI ($17); Vendor ($26).
- Initial Application Fee: $225.
- Initial RVT Registration Fee: $225.
- Biennial RVT Renewal Registration Fee: $225.
    - Continuing Education (20 hours) upon renewal: $300–$500.

Additionally, any individual residing in a state that does not require an RVT to take and pass the Veterinary Technician National Exam would save $365 (current exam cost).

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal may have any impact on the following:

- The creation or elimination of jobs within the state.

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

- The creation of new businesses or the elimination of existing businesses within the state.
- The expansion of businesses currently doing business within the state.

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

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

The proposed regulations will benefit RVT applicants, veterinarians, and consumers.

More specifically, the proposed regulations will:

- Ensure all applicants receive formal, verifiable education;
- Reduce required clinical hours to improve pathway accessibility;
- Remove non–veterinarian training supervisors to strengthen oversight;
- Expand supervision options to veterinarians licensed across the U.S. and Canada;
- Clarify attestation by limiting certification to tasks directly observed;
- Modernize competency assessment by adopting a CVTEA–aligned skills framework;
- Require primary–source verification of education to enhance consumer protection;
- Eliminate an equivalency pathway that allowed qualification without formal education;
- Uphold uniform, education–based standards across all RVT pathways; and,
- Protect patient and client safety by ensuring consistent competency requirements.

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

Business Reporting Requirements:

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

Effect on Small Business:

The Board has determined that the proposed regulations may affect small businesses. Although small businesses owned by licensees of the Board would likely not be impacted significantly and education-

al providers would likely not be classified as a small business.

However, in the event an out–of–state applicant decides not to relocate to California and seek RVT registration, small businesses providing fingerprint background checks could have a reduction in fingerprint revenues estimated at $26 per check. The Board does not have a total revenue loss estimate at this time.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may submit comments to the Board in writing relevant to the above determinations at 1747 North Market Boulevard, Suite 230, Sacramento, California 95834 during the written comment period, or at the hearing if one is scheduled or requested.

AVAILABILITY OF STATEMENT OF REASONS AND RULEMAKING FILE

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

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and any document incorporated by reference, and of ISOR, and all of the information upon which the proposal is based, may be obtained upon request from the Board at 1747 North Market Boulevard, Suite 230, Sacramento, California 95834.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

CONTACT PERSONS

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

Name: Justin Sotelo
Address: California Veterinary Medical Board
1747 North Market Boulevard, Suite 230
Sacramento, CA 95834
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AVAILABILITY OF DOCUMENTS ON THE INTERNET

Copies of the Notice of Proposed Regulatory Action, ISOR, Proposed Regulatory Language 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.vmb.ca.gov/laws_regs/proposed_regs.shtml.

TITLE 17. AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER PROPOSED CALIFORNIA CARBON CAPTURE, REMOVAL, UTILIZATION, AND STORAGE PROGRAM REGULATIONS AND ASSOCIATED REGULATORY AMENDMENTS

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 Regulation for the California Carbon Capture, Removal, Utilization and Storage Program and related proposed amendments to the Regulation for the California Cap on Greenhouse Gas Emissions and Market–Based Compliance Mechanisms (Cap–and–Invest), the Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (MRR), and the Low Carbon Fuel Standard (LCFS).

Date: January 28, 2027
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 January 29, 2027. Please consult the public agenda, which will be posted ten days before the January 28, 2027, 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 October 30, 2026. Written comments not submitted during the hearing must be submitted on or after October 30, 2026, and received **no later than Thursday, December 14, 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 7921.000 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 38501, 38510, 38530, 38560, 38560.5, 38562, 38562.2, 38565, 38570, 38571, 38580, 39600, 39601, 39607, 39607.4, 39741.1, 39741.4, 39741.5, 41510, 41511, 41513, 42402, 42402.1, 42402.2, 42402.3, 42402.4, 42402.6, and 43018; and California Public Resources Code sections 71463 and 71464. This action is proposed to implement, interpret, and make specific California Health and Safety Code sections 38501, 38510, 38530, 38560, 38560.5, 38562.2, 38564, 38565, 38570, 38571, 38580, 39000, 39001, 39002, 39003, 39515, 39516, 39600, 39601, 39741.1, 39741.4, 39741.5, 41510, 41511, 43000; and sections 25000.5, 71463, and 71464 of the California Public Resource Code; 42 U.S.C. section 7545; and Western Oil and Gas Ass'n v. Orange County Air Pollution Control District, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

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

Sections Affected:

Proposed amendment to California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 2, sections 95100, 95101, 95102, 95103, 95123, 95125, 95131.

Proposed amendment to California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 4, sections 95481, 95486, 95489, 95490.

Proposed adoption in California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 4.5, of sections 95700, 95701, 95702, 95703, 95704, 95704.1, 95704.2, 95704.3, 95704.4, 95704.5, 95704.6, 95704.7, 95705, 95706.

Proposed amendment to California Code of Regulations, title 17, division 3, chapter 1, subchapter 10, article 5, sections 95802, 95814, 95831, 95852.3, 95970, 95973, 95975, 95975.1, 95976, 95977, 95977.1, 95977.2, 95979, 95981, 95985, 95986, 95987, 95988, 95989, and proposed adoption of section 95983.1

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

The following documents, test methods, and model would be incorporated in the regulation by reference as specified by section:

- California Air Resources Board, "Greenhouse Gas Quantification Methodology for Carbon Capture and Sequestration under the Low Carbon Fuel Standard," October 2026. Incorporated by reference in section 95490.
- California Air Resources Board, "Geologic Carbon Storage Protocol," October 2026. Incorporated by reference in sections 95490, 95705, 95851, 95846 and 95852.3.
- 40 C.F.R. § 146.85. (December 10, 2010). Code of Federal Regulations, 8–1 2026 Edition. *2010–29954.pdf*. Incorporated by reference in section 95704.5.
- 40 C.F.R. § 146.93. (December 10, 2010). Code of Federal Regulations, 8–1 2026 Edition. *2010–29954.pdf*. Incorporated by reference in section 95704.1.
- 40 C.F.R. § 146.94. (December 10, 2010). Code of Federal Regulations, 8–1 2026 Edition. *2010–29954.pdf*. Incorporated by reference in section 95704.1.

Background and Effect of the Proposed Regulatory Action:

Background on the California Carbon Capture, Removal, Utilization, and Storage Program Regulation

California is experiencing increasing and widespread impacts from climate change, with extreme events occurring more frequently and with greater severity. Climate–driven disasters that once appeared decades away are now happening on a regular basis. In January 2025, destructive wildfires in Los Angeles driven by climate–intensified drought resulted in hundreds of fatalities,[1] the loss of more than 16,000 structures,[2] and economic damages exceeding $95 billion.[3] Wildfires, extreme heat, and drought events contribute to substantial public health harms and economic disruption.[4] These impacts reinforce the urgent need for substantial greenhouse gas (GHG) emission reductions and long–term carbon–management solutions to protect communities and reduce future harm.

California's statutory climate framework reflects this urgency. In 2022, the CARB Board adopted the 2022 Scoping Plan for Achieving Carbon Neutrality (CARB, 2022) (2022 Scoping Plan), which outlines a cost–effective and technologically feasible path to achieve carbon neutrality by 2045 and reduce statewide GHG emissions to at least 85% below 1990 levels by 2045 per statutory requirements in Assembly Bill (AB) 1279 (Muratsuchi, Chapter 337, Statutes of 2022). California achieved its 2020 target, returning to 1990 emissions levels six years early in 2014, demonstrating the State's track record of climate–policy leadership. Still, even with aggressive decarbonization across all AB 32 (Nuñez, Chapter 488, Statutes of 2006) sectors, some residual emissions will remain in 2045 from sources that are difficult or infeasible to fully eliminate. Achieving the State's statutory climate goals requires prioritizing deep emissions reductions alongside carbon capture, utilization, and storage (CCUS) and carbon dioxide (CO_2) removal (CDR), including nature–based strategies (NBS) and other approaches such as direct air capture (DAC) and bioenergy with carbon capture and storage (BECCS).

As climate impacts have accelerated, science–based advice has laid out on what the path forward should be. In early September 2026, the United Nations Environment Programme (UNEP) released a new report called "Limiting Overshoot" (UNEP, 2026). The report provides a frank discussion that globally, we will not limit temperature increase to 1.5 degrees Celsius. However, missing that goal must not mean abandoning our efforts. The report clearly outlines that Carbon Capture and Storage (CCS). CCS and CDR have an important role in bringing warming below 1.5 degrees Celsius by the end of the century. Consistent with the 2022 Scoping Plan, however, the report does not view carbon management as a silver bullet—it is needed in addition to, not instead of sustained reduction in GHG emissions.

[1] McKoy, Jillian. (2025, August 7). "*Death Count for 2025 LA County Wildfires Likely Hundreds Higher than Official Records Show*" Boston University School of Public Health.

[2] California Department of Forestry and Fire Protection (CAL FIRE). 2025. "*2025 Incident Archive*."

[3] Next 10, Center for Law, Energy & Environment, University of California, Berkeley. (2025, September 25). "*Costs of Climate Change: Financial and Economic Impacts on California and U.S. Households*."

[4] Hewitt, Alison. 2024. "*The Death Toll from Wildfire Smoke.*" University of California Los Angeles.

Senate Bill (SB) 905 (Caballero, Chapter 359, Statutes of 2022) directs CARB to establish the Carbon Capture, Utilization, Removal, and Storage Program (CCUS Program) to ensure effective oversight of carbon management projects. The statute requires CARB to ensure that all CCUS projects and CDR projects include strategies to minimize certain potential environmental impacts, including co–pollutant emissions from CCUS and CDR technologies and construction and transportation related air and water pollution impacts. SB 905 also directs CARB to establish robust, long term financial responsibility, seismic monitoring, and leak detection requirements for GCS sites that remain active through injection operations and extend for at least 100 years after CO_2 injection ceases. In addition, the legislation requires operators of GCS sites to demonstrate effective prohibitions on drilling or other subsurface extractive activities that could penetrate the storage reservoir, thereby protecting containment integrity throughout injection activities and long–term monitoring. These statutory obligations are intended to ensure long–term containment integrity and make certain that operators remain accountable for preventing seismic activity and CO_2 leakage from posing any risk to public health, safety, or the environment throughout the full life of a GCS site. Except for injecting concentrated CO_2 fluid produced by CCS for enhanced–oil recovery in California, which was explicitly prohibited by SB 1314 (Limón, Chapter 336, Statutes of 2022), SB 905 also authorizes CARB to support additional methods of utilization or storage of captured CO_2, including carbon capture for use in products.

Under direction of SB 905, this Proposed Regulation is part of a comprehensive statewide regulatory framework that ensures the safety, efficacy, and viability of CCUS and CDR in California. This Proposed Regulation is focused on ensuring that CCUS and CDR are deployed in alignment with California's long–term climate goals and in a manner that protects public health and safety, minimizes environmental impacts, and establishes foundational standards necessary for long–term CO_2 storage in California as identified by the Legislature. The Proposed Regulation aims to reinforce California's leadership in climate action by filling targeted regulatory gaps, improving oversight, and enabling responsible deployment of carbon management projects with policy support. The Proposed Regulation would establish the CCUS Program and set requirements for all CCUS project operators, including public disclosure of monitoring plans, permit conditions, compliance status, and environmental summaries of mitigation activities. For geologic carbon storage (GCS) sites, the proposed regulations would require long–term monitoring, including air pollutant monitoring and mitigation, surface CO_2 monitoring, an extended period of subsurface CO_2 plume and pressure front monitoring, and seismic monitoring. The Proposed Regulations would also require GCS operators to incorporate seismic and leakage risks into their emergency and remedial response planning, maintain financial responsibility sufficient to cover 100–year post–injection obligations, information sharing with public stakeholders including members of adjacent communities about project development and operations, and establish binding legal agreements that prohibit drilling or extraction within the storage reservoir. These proposed actions complement, rather than duplicate or replace, the existing federal, state, and local regulatory authorities described below, while closing regulatory gaps to ensure CCUS and CDR technologies are deployed safely and in alignment with the State's climate and public health objectives.

The Proposed Regulation would also establish an administrative mechanism for certifying carbon management projects to support innovation and deployment of new methods as research and science advance. Additionally, the proposed regulatory action would amend the LCFS Carbon Capture and Sequestration Protocol and CARB's existing programs—such as Cap–and–Invest, MRR, and LCFS— to support carbon capture and the State's climate and public health objectives. The amendments related to the LCFS are procedural and do not substantively change existing 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.

While SB 905 has directions for several state agencies, this Proposed Regulation is focused on a narrower scope identified for CARB. These projects are already occurring under the existing structure prior to SB 905. Other components of SB 905 are being implemented by other State agencies or are outside the scope of this Proposed Regulation. The following agencies perform these responsibilities related to the implementation of SB 905 and related statutes (see Table 1 in section I of the Initial Statement of Reason (ISOR) for more detail):

California Natural Resources Agency:

- Framework for Geologic Storage Governing Agreements: Establishing Framework and recommendations on how to set agreements when two or more pieces of land sit above the same reservoir.

Office of the State Fire Marshal:

- Intrastate Carbon Dioxide Pipeline Safety Standards: Establishing minimum safety standards for carbon dioxide pipelines in the state, including requirements for design, construction, oper-

ation, testing, and emergency preparedness for CO_2 pipelines.

- Public Safety Oversight for Pipelines: Overseeing emergency response planning and pipeline integrity management to reduce risks from high–pressure CO_2 releases.

California Geological Survey:

- Seismic & Subsurface Monitoring: Providing geological consultation to agencies to support safe, permanent CO_2 storage, including regulatory requirements for seismic monitoring. Evaluating seismic risks and monitoring and reporting seismic activity and potential subsurface leakage to regulators.
- Suitability Assessment: Evaluating the suitability of geologic reservoirs for carbon storage to support regulators, pore space management considerations, and provide publicly available data.

Ultimately, SB 905 functions to build on, but does not replace, the robust pre–existing landscape of rules established by federal, state, and local authorities that remain fully in effect based on project scope and location. Carbon management activities are already underway in the state, and these requirements will help ensure a robust regulatory framework that advances climate action while safeguarding Californians (CARB, 2026a).

Objectives and Benefits of the Proposed Regulatory Action:

Following direction from AB 1279, the 2022 Scoping Plan identifies carbon management technologies as essential tools to reduce GHG emissions and achieve carbon neutrality. SB 905 directs CARB to develop a new CCUS Program that establishes regulatory requirements for carbon management projects operating in the State.

The primary objectives of the Proposed Regulation are to:

- Support overall deployment of CCUS and CDR projects to meet statutory climate targets as demonstrated in the 2022 Scoping Plan;
- Implement the California CCUS Program to reflect Health and Safety Code section 39741.1, subdivision (c);
- Adopt enforceable regulations requiring project operators to maintain financial responsibility for GCS projects as required by Health and Safety Code section 39741.5;
- Develop enforceable implementation, monitoring, reporting, and emergency response requirements to support the efficacy, safety, and viability of CCUS and CDR projects in alignment with authority provided by SB 905;
- Complement existing federal, state, and local permitting requirements associated with these project types and avoid creating duplicative regulatory requirements;
- Increase public transparency of CCUS and CDR project information; and,
- Support alignment and integration with existing CARB programs.

The Proposed Regulation does not directly produce immediate benefits to public health, worker safety, or environmental conditions; however, it is expected to strengthen regulatory oversight of GCS sites and support achievement of the State's statutory climate targets. SB 905 directs CARB to develop a comprehensive regulatory program to support the safe, effective, and viable deployment of carbon management technologies, including CCUS and CDR. The Proposed Regulation advances this statutory direction by establishing requirements that improve long–term storage assurance, monitoring rigor, public awareness, and community engagement.

CARB staff anticipate the following benefits from the proposed regulatory action:

- Ensuring operational safety through strengthened monitoring, financial responsibility, and public disclosure requirements, which support safer CCUS and CDR activities;
- Supporting State climate goals by advancing carbon management project pathways that guarantee emissions reductions and removals are real, additional, quantifiable, and verifiable; and,
- Improving long–term storage through binding agreements that prohibit activities that could cause leakage, along with extended and expanded financial responsibility provisions to ensure long–term monitoring and remedial actions.

Taken together, these anticipated benefits support the core intent of SB 905: to ensure safe, effective, and accountable deployment of CCUS technologies in California.

Summary of Proposed Regulations and Amendments

Consistent with the requirements of SB 905 and the rulemaking objectives, and to provide California with the one of the most comprehensive regulatory frameworks for CCUS and CDR deployment in the world, CARB staff are proposing regulatory requirements that build on a regulatory baseline where carbon management projects are already moving forward under existing requirements while leveraging incentives, as applicable. The Proposed Regulation adds additional requirements specified in SB 905 with a focus on filling regulatory gaps with additional monitoring and mitigation, an extended Post–Injection Site Care (PISC) monitoring timeframe, legal binding agree-

ments, community communications, and expanded financial responsibility requirements for GCS sites, administrative requirements for carbon capture, and public transparency requirements for those who voluntarily choose to implement these projects. The CCUS Program would regulate entities voluntarily pursuing the following carbon management activities:

1. Carbon capture projects (capturing CO_2 from a concentrated stream such as a power plant);
2. Direct air capture projects (open air carbon capture); and,
3. GCS sites (geologic carbon storage and injection).

The Proposed Regulation includes the following components:

- *Public Disclosure*. To support the safe, effective, and viable deployment of carbon management technologies, the Proposed Regulation includes several public disclosure requirements that would apply to operators of carbon capture projects, CDR projects, and GCS sites. Operators would need to maintain a public–facing webpage that provides key project information, including monitoring plans and periodic reports, permitting and regulatory information, existing air monitoring and mitigation activities, and emergency and remedial response plans, as applicable. This webpage would be accessible from the CARB website as well.
- *Geologic Storage Requirements*. The Proposed Regulation includes several requirements specific to GCS sites to further ensure the long–term storage of CO_2 and increased public access to project information. GCS operators must:
    - Monitor surface and subsurface CO_2 leakage from the storage complex;
    - Monitor ambient concentrations of criteria air pollutants and toxic air contaminants;
    - Implement strategies that minimize air quality impacts;
    - Perform risk–based seismic monitoring to reduce seismic impacts and the probability of an undetected leak;
    - Address seismic and leakage risks in emergency remedial response plans;
    - Demonstrate long–term financial responsibility to support ongoing monitoring and mitigation costs even after injection is no longer happening;
    - Provide proof of binding agreement to ensure no drilling or extraction activities penetrate the storage reservoir; and,
    - Engage with nearby communities to ensure transparent communication about project activities and impacts.
- *Alignment with Existing Programs.* The Proposed Regulation includes regulatory proposals and amendments to several of CARB's existing programs to support alignment and integration for carbon capture projects, CDR projects, and GCS sites with CARB's existing programs.
    - *Cap–and–Invest:* Proposed amendments to the Cap–and–Invest Program would clarify how CCS can be used as a method to reduce GHG emissions from covered entities.
    - *Carbon Management Projects and Quantification Methodologies*: The Proposed Regulation would establish criteria and procedures for the Executive Officer to review innovative and new carbon management projects.
    - MRR: Proposed amendments to the MRR would require monitoring, reporting, and verification provisions for all GCS sites operating in the state and claims of sequestered carbon.
    - *LCFS and Protocol:* Proposed procedural amendments to the LCFS would reflect updates to the GCS Protocol described below. The CCS Protocol under the LCFS would separate the accounting provisions and permanence provisions. The LCFS–specific accounting provisions would move from that protocol into a separate quantification methodology document, while the permanence provisions would become a standalone protocol called GCS Protocol. The GCS Protocol will continue to operate as a voluntary permanence certification program for CCS and DAC developers for all projects inside California and those outside of California seeking voluntary recognition under CARB's existing regulations.

Public Process

CARB Staff have engaged with the public since 2023 to support development of the CCUS Program. Between August 2023 through June 2026, CARB conducted three public workshops, released two written pre–rulemaking documents for stakeholder review and comment, and held 4 community listening sessions along with discussion with the Environmental Justice Advisory Committee (EJC). Staff also solicited written public feedback on several request for information and concept documents and met with interested parties throughout the development of the Proposed Regulation. A summary of the workshops, solicitation, and concept document summaries—including a consolidated table of outreach activities—can be found in Chapter XI of the Initial Statement of Reasons (ISOR).

Throughout 2026, CARB continued SB 905 engagement by convening statewide in–person and virtual community listening sessions on August 27, September 1, September 2, and September 8 to share updates, review draft materials, and invite public input both prior to the formal rulemaking period. CARB staff also presented during the EJC meeting on August 31, 2026 to ensure the most recently appointed members had the context and scope of the requirements for the SB 905 direction as it relates to the regulatory proposal. CARB staff also held two public non–voting meetings with the Board on SB 905, including a study session on April 23, 2026, and an Informational Hearing on September 24, 2026. The EJC also agendized SB 905 as a public comment item for their September 30, 2026, meeting. These engagement efforts strengthened transparency, supported public participation, and helped staff understand the scope of community and environmental justice advocates SB 905 priorities.

Comparable Federal Regulations

The U.S. Environmental Protection Agency (U.S. EPA) established the Class VI program under the federal Underground Injection Control (UIC) Program in December 2010, creating a regulatory structure dedicated to wells that store CO_2 underground. The Class VI program was designed to address the unique characteristics and long–term risks associated with large–volumes of injected CO_2. At its core, the Class VI program is designed to protect underground sources of drinking water (USDW). Class VI requirements reflect that regulatory prerogative by requiring characterization of the storage zone, ensuring well mechanical integrity, establishing monitoring requirements, and maintaining adequate financial responsibility to prevent endangerment of USDWs. Although these requirements may provide additional public and environmental safety benefits, their primary purpose is to protect USDWs.

SB 905 directs CARB to develop the CCUS program to ensure the safety, efficacy, and viability of projects operating in California, addressing risks beyond the federal Class VI program. More specifically, SB 905 authorizes CARB to adopt monitoring, reporting, seismic, environmental protection, and financial responsibility requirements necessary to ensure safe and effective deployment of CCS technologies. As required by this statutory direction, the Proposed Regulations address key regulatory gaps, long–term surface and subsurface leakage risk, seismic risk, long–term financial responsibility, and long–term legal protections from drilling and extraction activities that could compromise containment of CO_2.

CARB incorporated federal provisions where appropriate and added State–specific elements where federal standards are incomplete or insufficient to meet California's statutory mandate under SB 905. For example, while Class VI already includes subsurface CO_2 plume monitoring requirements that are sufficient to meet SB 905, those obligations end after the U.S. EPA–approved site closure. This occurs well before SB 905's mandate for monitoring to continue until 100 years after injection ceases, since the federal requirement ends 50 years after injection stops or at an alternative timeframe approved by the U.S. EPA Director. To address this regulatory gap, the Proposed Regulations would require leakage–related obligations for GCS operators to continue after U.S. EPA–approved site closure and extend through 100 years after injection ends.

The Proposed Regulation also expands on federal regulations by adding requirements for air pollutant monitoring and mitigation, surface CO_2 monitoring, extending financial responsibility coverage to 100 year after injection ends, broadening emergency and remedial response coverage to include seismic risk and long–term leakage risk, and legal agreements to prohibit drilling into the storage reservoir that may endanger containment of injected CO_2. These extensions are intentional, do not conflict with Class VI requirements, and are necessary to implement statutory direction provided by SB 905.

An Evaluation of Inconsistency or Incompatibility with Existing State Regulations (Government 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.

DISCLOSURE REGARDING THE PROPOSED REGULATION

Fiscal Impact/Local Mandate Determination Regarding the Proposed Action (Government 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 not create costs or savings to any State agency, would not create costs or savings in federal funding to the State, would not 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.

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

The Executive Officer has 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 (Government 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 (Government Code, § 11346.5, subdivision (a)(10)):

The economic analysis reflects only the new requirements placed on voluntary carbon management projects, not full project costs. Because carbon management projects already face high capital and operating expenses, and the Proposed Regulation could add further operational costs, it is uncertain whether new projects would be developed in response. Public analyses show substantial capital costs: industrial carbon capture in California ranges from about $156 million to $542 million, with additional transport and storage costs of roughly $12–$65 million and $77–$98 million. DAC capital costs vary widely, from about $130,000 to $420 million. These ranges illustrate significant financial barriers and the need for incentives to support deployment. A detailed assessment of the economic impacts of the proposed regulatory action can be found in Chapter VIII of the ISOR.

NON–MAJOR REGULATION: STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA): (IF APPLICABLE)

The creation or elimination of jobs within the State of California.

Staff does not anticipate that the Proposed Regulation will directly result in job creation or elimination in California. While carbon capture, CDR, and GCS activity may expand over time, project development depends on external factors such as capital investment, federal funding stability, and the availability of the federal 45Q tax credit.

The Proposed Regulation introduces additional monitoring, reporting, and equipment requirements, but these activities are similar to those already performed at carbon capture, CDR, and GCS sites. As a result, most new workload can be handled by existing staff or contractors, minimizing potential job impacts. Although the Proposed Regulation may indirectly increase demand for services such as monitoring technology, well installation, insurance or financial services, and environmental or legal consulting, staff expect these needs to be absorbed by current project teams and contractors.

Therefore, no direct job creation or elimination associated with carbon capture, CDR, or GCS activities is quantified.

The creation of new businesses or the elimination of existing businesses within the State of California.

Staff does not anticipate that the Proposed Regulation will directly create or eliminate carbon capture, CDR, or GCS businesses. Although new companies are emerging in California's carbon management sector, project development depends on many external and uncertain factors outside the scope of the Proposed Regulation. Carbon capture, CDR, and GCS sites require substantial capital investment, and the Proposed Regulation alone is unlikely to provide sufficient incentive for new business formation. Recent fluctuations in federal funding have also added uncertainty.

Additionally, projects must begin construction by 2033 to qualify for the federal 45Q tax credit, a key incentive mechanism for the emerging carbon management industry in the United States. Because permitting and California Environmental Quality Act (CEQA) review in California can take several years, projects not already in planning may be unable to secure approvals in time. As a result, the Proposed Regulation is not expected to directly spur development of new carbon capture, CDR, or GCS projects, though increased carbon capture use may raise demand for GCS capacity.

The Proposed Regulation provides regulatory clarity through expanded projects and minimum monitoring requirements, helping developers make informed investment decisions. It also imposes additional but relatively modest monitoring, reporting, and equipment costs. Since regulated entities already conduct similar activities, most new requirements can be met by existing staff or contractors, making major business restructuring unlikely.

While the mandatory elements of the Proposed Regulation are not expected to directly affect business creation or elimination, they may indirectly increase demand for services such as monitoring technology, well installation, insurance and financial services, and environmental or legal consulting. Staff expect these needs to be met by existing project teams and contractors. Therefore, any business creation or elimination associated with carbon capture, CDR, or GCS is not quantified.

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

As described above, the expansion of businesses in the regulated sector is not anticipated. However, the Proposed Regulation could drive a demand in the ancillary sectors providing technology and services for monitoring, well installation, insurance or financial services, environmental and legal consulting, and other similar services.

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

The Proposed Regulation is not expected to result in directly quantifiable benefits to the health and welfare of California residents, worker safety, and the state's environment. However, the proposed requirements would strengthen safety and effectiveness of Class VI geologic storage projects operating in California, ensuring the long–term storage of injected CO_2. The CCUS Program will also contribute to diversifying the State's methods for reducing GHG emissions, which will support California's climate goals. The success of the program is essential for California to achieve its net zero goals.

The benefits that are anticipated from the Proposed Regulation include:

- Ensuring operational safety through strengthened monitoring and public disclosure requirements, which support safer carbon management activities;
- Supporting State climate goals by advancing CDR projects that guarantee emissions reductions and removals are real, additional, quantifiable, and verifiable; and,
- Improving long–term storage through binding agreements that prohibit activities that could cause leakage, along with extended and expanded financial responsibility provisions to ensure long–term monitoring and remedial actions.

Effects on Jobs/Businesses

The Executive Officer has determined that the Proposed Regulation would not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the Economic Impact Analysis in the ISOR.

Benefits of the Proposed Regulation

- Support overall deployment of CCUS and CDR projects to meet statutory climate targets as demonstrated in the 2022 Scoping Plan;
- Implement the CCUS Program to reflect Health and Safety Code section 39741.1, subdivision (c);
- Adopt enforceable regulations requiring project operators to maintain financial responsibility for GCS projects as required by Health and Safety Code section 39741.5;
- Develop enforceable implementation, monitoring, reporting, and emergency response requirements to support the efficacy, safety, and viability of CCUS and CDR projects in alignment with authority provided by SB 905;
- Complement existing federal, state, and local permitting requirements associated with these project types and avoid creating duplicative regulatory requirements;
- Increase public transparency of CCUS and CDR project information; and,
- Support alignment and integration with existing CARB programs.

A summary of these benefits is provided under the "Objectives and Benefits," section in the Informative Digest of Proposed Action and Policy Statement Overview Pursuant to Government Code section 11346.5, subdivision (a)(3) discussion on page 5.

Business Report (Government 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 that applies 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 (Government Code, § 11346.5, subdivision (a)(9)):

In developing this regulatory proposal, CARB staff evaluated the potential economic impacts on representative private persons or businesses. The total direct costs of the Proposed Regulation to private businesses are estimated to be $10.4 million in 2029—when the majority of projects are anticipated to be operational—and $11.7 million annually thereafter for total costs of $58.3 million over six years (the timeframe used for the economic analysis). The total direct costs to regulated entities in the private and government sectors are shown in the ISOR Chapter VIII and detailed cost calculations are provided in ISOR Appendix C. The Proposed Regulation would not result in any direct costs to individuals.

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

The Executive Officer has determined under California Code of Regulations, title 1, section 4, that the proposed regulatory action would not affect small

businesses. Staff found no small businesses affected by the regulation and amendments because current carbon–capture and GCS sites are operated by large oil and gas firms, require substantial capital investment, and staff lacked available industry data to determine small–business status.

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

Before taking final action on the Proposed Regulation, 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. Staff considered two alternatives to the proposed amendments as described in Chapter IX of the ISOR and determined that no alternative proposed was found to be less burdensome and equally effective in achieving the purposes of the regulation in a manner that ensures full compliance with the authorizing law.

ENVIRONMENTAL ANALYSIS

CARB, as the lead agency for the Proposed Regulation, 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 (Public Resources Code section 21080.5). The Draft EIA concluded that implementation of the Proposed Regulation could result in: less–than–significant impacts, or no impacts to energy (short–term construction–related), GHG emissions, population and housing, public services, recreation and wildfire; and potentially significant adverse impacts to aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy (long–term operational–related), geology and soils, hazards and hazardous materials, hydrology and water quality, land use, mineral resources, noise and vibration, transportation, tribal cultural resources and utilities and service systems. The Draft EIA, included as Appendix D to the ISOR, is entitled Draft Environmental Impact Analysis for the Proposed California Carbon Capture, Removal, Utilization, and Storage Program Regulations and Associated Regulatory Amendments. Written comments on the Draft EIA will be accepted during a 45–day public review period starting on October 30, 2026, and ending on December 14, 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 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 Adam Moreno, Air Resources Supervisor II, Carbon Management Branch, (279) 208–7130 or (designated back–up contact) Nora Kennedy, Air Resources Supervisor, Strategies Assessment Section, (279) 208–7196.

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: *Proposed California Carbon Capture, Removal, Utilization and Storage Program Regulations and Associated Regulatory Amendments.*

Copies of the ISOR and the full text of the proposed regulatory language for the Proposed California Carbon Capture, Removal, Utilization and Storage Pro-

gram, along with full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with existing regulations, for the Low Carbon Fuel Standard, Mandatory Greenhouse Gas Reporting, and Cap–and–Invest Programs, may be accessed on CARB's website listed below, on October 27, 2026. Please contact Roberta Ruch, Regulations Coordinator, at *Roberta.ruch@arb.ca.gov* or (279) 208–7881 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 nonsubstantive inquiries concerning the proposed administrative action may be directed is Roberta Ruch, Regulations Coordinator, at *Roberta.ruch@arb.ca.gov* or (279) 208–7881. 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, California 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/california-carbon-capture-removal-utilization-and-storage-program-regulation-sb-905.

California Air Resources Board

/s/

Steven S. Cliff, Ph.D.,

Executive Officer

Date: October 20, 2026

TITLE 19. OFFICE OF ENERGY INFRASTRUCTURE SAFETY/ UNDERGROUND FACILITIES SAFE EXCAVATION BOARD

EXPENSE CAP

AMENDMENT OF SECTION 4010

The Office of Energy Infrastructure Safety's Underground Facilities Safe Excavation Board (Underground Safety Board) proposes to adopt and amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

A public hearing on this proposed regulatory action has not been scheduled. However, a hearing will be held if a written request for a public hearing from any interested person, or their authorized representative, is received no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or their authorized representative, may submit written comments relevant to the proposed rulemaking action. **The written comment period begins October 30, 2026, and closes December 15, 2026. To ensure your comment will be considered, it must be received by December 15, 2026 at 5:00 P.M.** Comments received during the written comment period will be considered and responded to as part of the rulemaking file and are subject to disclo-

sure under the Public Records Act (Government Code Section 7920.000, et seq.).

Written comments should be directed to:

Email: digboard@energysafety.ca.gov
Please reference "Expense Cap" in the subject line.

US Mail postmarked no later than December 15, 2026, to:

Underground Safety Board
Attention: Jaime Hastings
715 P St, 15th Floor
Sacramento, CA 95814

AUTHORITY AND REFERENCE

Authority: Section 4216.22, Government Code.
Reference: Sections 4216, 4216.5, Government Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations and Effect of the Proposed Action:

811 is a national call–before–you–dig phone number in the United States that connects users to local utility location services. In California, those calls are directed to one of two regional notification centers (RNCs). All operators (one who owns, operates, or maintains a subsurface installation), except for the California Department of Transportation, must be a member of an RNC. California Government Code section 4216 through 4216.24 covers the California regional notification system.

This law also established the California Underground Facilities Safe Excavation Board (Board). The Board must coordinate education and outreach activities, develop standards, investigate possible violations, and enforce the Dig Safe Law. The Board's budget is supported by a fee charged to operators. Upon its creation, the Board was given a start–up loan by the legislature.

In 2020, the Board's regulations included a $7,000,000 cap on its annual fee amount. Since the imposition of the expense cap, the Legislature has increased the Board's appropriations to provide for increased costs. A fixed–dollar cap is no longer a reasonable inclusion in the Board's regulations governing apportionment of its necessary revenue. Without sufficient revenue, the Board will be in a structural budget imbalance. This requires corrective action; the Board must remove its self–imposed expense cap.

Further, there is not currently a deadline by which the fee must be paid by operators nor is there a late fee imposed if payment is late. This amendment would remedy that.

Anticipated Benefits of the Proposed Regulations

The proposed regulations are designed to allow the Board to collect sufficient fees to cover its budget. Creation of a due date and late fees will encourage operators to pay the required fees in a timely manner.

Evaluation of Inconsistency/Incompatibility with Existing State Regulations

The only existing state regulations concerning the regional notification system are in division 4, title 19 of the California Code of Regulations. After careful evaluation, the Board has determined that the proposed changes are not inconsistent or incompatible with existing regulations — other than those being amended in this action.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

1. Mandate on local agencies or school districts: None.
2. Cost or savings to any state agency: None.
3. Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
4. Other nondiscretionary cost or savings imposed on local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: This proposal will not have a significant adverse economic impact on business, including the ability of California businesses to compete with businesses in other states.
7. Significant effect on housing costs: None.
8. Cost impacts on a representative private person or business: This rulemaking would allow the Board to impose higher fees to cover the costs appropriated to the Board by the Legislature.

Results of the Economic Impact Analysis/Assessment

The Board concludes that it is unlikely that the proposal will (1) eliminate any jobs, (2) create any jobs, (3) create any new businesses, (4) eliminate any existing businesses, or (5) result in the expansion of businesses currently doing business within the state. The proposed regulations will likely benefit the welfare of California residents by incorporating accountability for payment of fees by operators and by allowing the Board to balance its budget. These actions will sup-

port the Board in enforcing the Dig Safe Law which would ultimately help protect the health and welfare of California residents and this will likely help increase worker safety. The proposed regulations are not anticipated to result in direct benefits to the state's environment.

Small Business Determination

The proposed regulations will affect a small business if a small business is an operator of underground facilities. The Board's fee is only charged to operators who receive more than 500 locate request transmissions in a year. The impact on all businesses, including small ones, will be commensurate with their volume of locate request transmissions. The RNCs are non–profit entities (one is a public benefit corporation and the other is a mutual benefit corporation) and thus are not considered "small businesses" under Government code section 11342.610, subdivision (b)(6).

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Inquiries concerning the proposed rulemaking action may be directed to:

David Peffer
Office of Energy Infrastructure Safety
715 P Street, 15th Floor
Sacramento, CA 95814
Phone: (279) 599–1504
Email: david.peffer@energysafety.ca.gov

OR

Carolyn Frank
Office of Energy Infrastructure Safety
715 P Street, 15th Floor
Sacramento, CA 95814
Phone: (279) 336–1751
Email: Carolyn.Frank@energysafety.ca.gov

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

The Board will make the entire rulemaking file, including all information upon which this rulemaking action is based, available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of the Notice of Proposed Action, the proposed text of the regulations, the Initial Statement of Reasons, and the Standard (STD) 399. Please direct requests to inspect or copy the rulemaking file to the contact person listed above.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes substantive modifications that 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 adopting the regulations as revised. Please direct requests for copies of any modified text to the contact person listed above or check the website listed below and download a copy directly. If substantive modifications are made, the Board will accept written comments on the modified regulations for 15 days after the date on which the modifications are made available.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, the Board will make copies of the Final Statement of Reasons available. Please direct requests for a copy of the Final Statement of Reasons to the contact person listed above or check the website listed below and download a copy directly.

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 illustrated, as well as the Final Statement of Reasons, when completed, and modified text, if any, may be accessed via the internet at: https://energysafety.ca.gov/what–we–do/underground–safety–board/rulemaking/.

TITLE 22. DEPARTMENT OF PUBLIC HEALTH

HOSPICE AGENCIES (DPH–18–002)

Notice is hereby given that the California Department of Public Health (Department) is proposing the regulation described below. This notice of proposed rulemaking commences a rulemaking to make the regulations permanent after considering all comments, objections, and recommendations regarding the regulation.

PUBLIC PROCEEDINGS

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

To request copies of the regulatory proposal in an alternate format, please write or call: Veronica Rollin, Office of Regulations, 1415 L Street Suite 500, Sacramento, CA 95814, at (279) 217–0836, email to veronica.rollin@CDPH.ca.gov or use the California Relay Service by dialing 711.

PUBLIC HEARING

The Department has scheduled a public hearing on December 15, 2026, 10:00 A.M. to 12:00 P.M. Pacific Standard Time (PST), to accept comments on the proposed rulemaking. Any person may present statements or arguments described in the Notice of Proposed Rulemaking. The Department requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing.

Microsoft Teams meeting

Join: https://teams.microsoft.com/meet/240540168396733?p=dlm18iHLzTx5K0J9iz

Meeting ID: 240 540 168 396 733

Passcode: hr32Pd2o

Dial in by phone

+1 (916) 306–8051,171586556# United States, Sacramento

Find a local number

Phone conference ID: 171 586 556#

Assistive Services:

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

WRITTEN COMMENT PERIOD

Written comments pertaining to this proposal, regardless of the method of transmittal, must be received by Office of Regulations by December 14, 2026, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely.

Written Comments must be submitted as follows:

1. By email to: regulations@cdph.ca.gov. It is requested that email transmission of comments, particularly those with attachments, contain the regulation package identifier "DPH–18–002" in the subject line to facilitate timely identification and review of the comment;
2. By fax transmission to: (916) 636–6220;
3. By postal service or hand delivered to: California Department of Public Health, Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814.

All comments, including email or fax transmissions, should include the regulation package identifier, DPH–18–002 "Hospice Agencies," along with your name and your mailing address or email address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

AUTHORITY AND REFERENCE

The Department proposes to adopt the regulation sections identified under the authority provided in sections 1753 and 1753.1 of the Health and Safety Code. This proposal implements, interprets, or makes specific, sections: 1753.1 of the Health and Safety Code (HSC).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Hospices provide palliative care to patients who are in the final stage of life, a time when patients are at their most vulnerable. Hospice fraud preys on these people, not just wasting public dollars but also robbing families of dignity, peace, and security. Protecting patients and safeguarding the integrity of the hospice industry is a top Department priority; and these regulations are intended to both ensure that bad actors do not enter the hospice industry and to hold existing providers accountable. The regulations increase the Department's ongoing fraud and oversight protection efforts by establishing clear licensing standards for hospice patient care and business practices.

Patient Care Standards

Lack of patient care standards makes it difficult to ensure patients are receiving the level of care that they need. Measures such as adopting nurse–to–patient staffing ratios and limiting hospices to provide care only in specified Geographical Service Areas (GSAs) will ensure patients regularly receive timely care from qualified staff.

Business Practice Standards

The current requirements are not comprehensive enough to address all aspects of hospice operations including expected business practice requirements. The new standards will help to ensure that hospice agency operators are reachable at their listed business phone numbers, email addresses, and mailing addresses for patients and families. Additionally, requiring detailed background information for prospective owners and administrators allows the Department to evaluate whether these individuals have a history of conduct that could jeopardize patient safety or undermine the quality of care.

Summary of Proposal:

The Department proposes to permanently adopt the requirements in the emergency regulations in Title 22 of the California Code of Regulations (CCR) Division 5, Chapter 6.5 concerning hospice agencies as required by Health and Safety Code (HSC) section 1753.1. These proposed regulations will implement HSC section 1753.1 to interpret and make specific industry standards and to put processes in place to improve patient care, and combat Medicare and Medi–Cal fraud including the influx of fraudulent hospice agencies in California.

Background:

HSC sections 1753 and 1753.1 grant the Department the authority to promulgate regulations for hospice agencies. Until the recent promulgation of the emergency regulations, there had not been any in place for the hospice industry to follow. The only licensing requirements governing hospice agencies before the implementation of the Department's emergency regulations were the California Hospice Licensure Act of 1990 found in HSC Division 2 Chapter 8.5, and the California Hospice and Palliative Care Association (CHAPCA) Standards for Quality Hospice Care of 2003, as incorporated by reference in HSC section 1749(e). Those requirements were not sufficiently comprehensive to address all aspects of regulatory oversight as robustly as possible, especially in the current climate of increasing sophisticated fraud schemes and, as noted in the California State Auditor Report 2021–123 on California Hospice Licensure and Oversight (Audit Report), given the prevalence and number of fraud indicators in Los Angeles County. The Department therefore proposes to permanently adopt the hospice emergency regulations before they are scheduled to sunset on January 1, 2027. The adoption of these regulations as standard rulemaking will help to maintain clear industry standards and continue ongoing efforts to protect the health and safety of patients.

The Audit Report identified several indicators of fraudulent practices, six of which the Legislature has expressly mandated that the Department address under emergency regulatory authority pursuant to HSC section 1753.1. These six practices are:

- Some hospices agencies employ management personnel responsible for more hospices than they can realistically oversee. One administrator managed 27 agencies. Others used names and personal information of individuals who were not actually employed.
- Multiple hospice agencies shared the same business address or operated in adjacent buildings without signage or capacity for operations.
- Agencies moved or sold their businesses without notifying the Department. Some obtained licensure and then immediately advertised their agencies for sale as "brand new, never billed" hospices solely for profit.
- Agencies seemingly hired management personnel with no experience or training in hospice care.
- Geographical Service Areas (GSAs) were often too large to reasonably provide timely and high–quality care.
- Agencies lacked patient care standards that encourage accountability and ensure sufficient nursing staff.

The Department held several online Stakeholder Engagement meetings during the development of the regulations, as follows:

- **July 27, 2022** — The Department held a meeting requesting input on issues such as how to define a hospice's service area, recommendations for a nurse–to–patient ratio, recommended limits for

management personnel, training and experience requirements, and office space requirements.

Stakeholders commented that an agency's service area should be within a one to two–hour drive time. Stakeholders suggested following the Medicare model simply requiring a care team that includes an assigned registered nurse (RN) /and/or only focusing on patient care outcomes instead of a fixed nurse–to–patient ratio; these recommendations however, did not address the statutory requirement under HSC section 1753.1(b). Stakeholders suggested looking at other facility types for the hospice management limitations such as home health agency (HHA) regulations; however, those were determined to be too vague to adequately address HSC section 1753.1(c). Stakeholders provided proposed training modules for the Department to use, and recommended certification for management personnel. The Department adopted these suggestions into the regulations but allowed multiple qualification options to be less burdensome.

- **March 14, 2023** — The Department held a meeting requesting input on how to determine parameters for hospice care, including but not limited to whether there is an unmet need for services in a given GSA, clarification on the daily average number of patients, and recommendations for how to determine patient acuity.

Stakeholders commented that providers should individually research community needs to be able to tailor their programs accordingly. The Department was told that the average daily census (ADC) for hospice agencies is 41. Stakeholders repeatedly commented that hospice care is not amenable to a "one size fits all" approach for determining staffing or acuity level of patients.

- **November 8, 2023** — The Department held a meeting proposing specific requirements, including but not limited to a 60–day change of location notice, a 120–day Change of Owner or GSA notice, minimum training requirements for management personnel, a patient cap of 75 for all management personnel, a two–hour service area limit, and a 1:15 nurse to patient ratio.

Stakeholders were overall supportive of a 60–day change of location, and mixed between 60–120 days for Change of Owner or GSA notice. Recommendations for management experience ranged from 1–5 years. Many suggestions received stated that management personnel should all be required to become hospice certified within two years from promulgation of the regulations. Stakeholders repeatedly advised the Department to mirror existing federal regulations for training hours and topics, but there is no specificity to borrow from in The Code of Federal Regulations (CFR) when it comes to training topics or minimum hour requirements; they were generally supportive of our proposals otherwise. Stakeholders were overwhelmingly not supportive of a 75–patient cap for management personnel, so that proposal was eliminated from the draft regulations. Many comments were received stating that a one–hour response time is industry standard (in relation to a service area limit), but two hours was the suggested maximum response time. Stakeholder comments regarding the proposed 1:15 nurse to patient limit were greatly mixed. Many requested for it to be an "average" of 1:15. There was also a noticeably large amount of support to reduce the maximum patient count to 1:12. A lot of commentors discussed basing staffing levels on acuity; however, in our previous meeting stakeholders were not able to provide us with any helpful information on how to determine acuity levels for hospice patients.

- **November 17, 2025** — The Department held a meeting to provide a high–level summary of the proposed hospice emergency regulations. Stakeholders provided comments and feedback on all aspects of the regulations. This included comments including, but not limited to: the GSA/Unmet need calculation is too complicated, grandfathering should be allowed for current GSAs and management personnel, the nurse to patient ratio should only be a range from 13–18 patients or increased to 1:15 (and it should only include RNs), hospice Administrators should not be required to hold a health–related degree, and Medical Directors should not be required to have full–time experience and should be allowed to manage three hospices.
- **July 15, 2026** — The Department held a meeting to discuss specific areas of concern received from the public related to the newly promulgated hospice agency emergency regulations. The main concerns received and discussed were regarding the full–time experience requirement and limit to employment at only one hospice agency for Medical Directors and their Designees, as well as the requirement for hospice Administrators and their Designees to have a health–related degree to qualify for the position. Stakeholders instead suggested that both full–time and part–time experience should be accepted for Medical Directors, that Medical Directors should be allowed to manage up to 3 hospice agencies, and business–related degrees are more appropriate for the Administrator to qualify since the position does not provide direct patient care.

Problem Statement:

The current hospice emergency regulations promulgated by the Department are scheduled to sunset on January 1, 2027. Even with two 90–day readoptions of

the emergency regulations they will end by June 24, 2027. The Department therefore proposes to permanently adopt these regulations as standard rulemaking to continue to protect patient health and safety.

Objectives (Goals) of the Regulation:

The broad objectives of this regulatory proposal are:

- Promulgate regulations to clarify standards for licensed hospices under HSC section 1753.1.
- Adopt application requirements that empower the Department to more comprehensively and effectively screen hospice licensure applicants.
- Prevent identity theft by requiring verification of hospice management staff employment.
- Ensure hospice services are needed in the proposed geographic areas to avoid oversaturation.
- Require qualified personnel to provide patient care.
- Continue combatting and preventing Medicare and Medi–Cal fraud in California.
- Protect hospice patient health and safety.
- Codify existing Department practices and industry standards for hospice agencies.
- Align requirements with newer federal rules and industry standards.

Anticipated Benefits:

Anticipated benefits from adopting hospice agency regulations as proposed are:

- Improve patient care and safety.
- Establish clear standards of care.
- Provide clarity and consistency to the regulated community.
- Enhance the Department's surveying process.

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

The Department evaluated whether the regulations are inconsistent or incompatible with existing state regulations. This evaluation included a review of the Department's existing state regulations and those regulations specific to Licensing & Certification regulations. An internet search of other state agency regulations was also performed and it was determined that no other state agency regulation addressed the same subject matter and that this proposal is not inconsistent or incompatible with other state regulations. Therefore, the Department has determined that the regulations are not inconsistent or incompatible with existing state regulations.

The Department has drafted extensive new state hospice regulations in response to the legislative mandate under HSC section 1753.1. These state regulations address new topics and issues that exist beyond the scope of current federal regulations. The Department, however, has confirmed that the new state regulations were drafted in alignment with the existing federal regulations that are available and are therefore not inconsistent or incompatible.

FORMS INCORPORATED BY REFERENCE

- "Hospice Request for Certification in the Medicare Program," CMS–417 (02/26), published by the Centers for Medicaid and Medicare Services.
- "Hospice Survey and Deficiencies Report," CMS–643 (06/08), published by the Centers for Medicaid and Medicare Services.
- "Health Insurance Benefit Agreement," CMS–1561 (07/01), published by the Centers for Medicaid and Medicare Services.
- "Medicare Enrollment Application," CMS–855A (09/23), published by the Centers for Medicaid and Medicare Services.
- "Notice Effective Date of Provider Agreement," HS–328 (9/17), published by the California Health and Human Services Agency.
- "Medi–Cal Provider Agreement," DHCS 9098 (07/25), published by the California Department of Health Care Services.
- "Medi–Cal Disclosure Statement," DHCS 6207 (02/17), published by the California Department of Health Care Services.
- "Statement of Deficiencies and Plan of Correction," CDPH 2567 (06/26), published by the California Department of Public Health.

LOCAL MANDATE DETERMINATION

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

MANDATED BY FEDERAL LAW OR REGULATIONS

The Department has decided that this hospice proposal is not mandated by federal law or regulations. The Department has made a determination that these regulations are not inconsistent or incompatible with existing federal regulations and statutes concerning hospices.

It is true that the California Department of Public Health's (CDPH) hospice proposal is not mandated by federal laws or regulations. CDPH's new hospice regulations are mandated by California state law, not federal law. The proposed California hospice rules must be consistent with federal regulations. If any

California hospices choose to participate in the Centers for Medicare & Medicaid Services (CMS) Medicare/Medicaid programs, they are required to follow CMS's guidelines for quality, utilization review, and reimbursement. California's hospice regulations can be more restrictive than the federal statutes. California's emergency hospice regulations, Title 22, CCR, §§ 74800–74908 are not inconsistent or incompatible with federal conditions of participation (CoPs) set by CMS. CDPH's proposed hospice regulations were written to complement and strengthen federal hospice rules and regulations. The federal regulations for hospices are outlined in 42 CFR Part 418 –– Hospice Care. CDPH's and the federal government's hospice requirements overlap by combating corruption like waste, and abuse currently found in the hospice industry and placing safeguards, which ensure quality patient care and patient safety

OTHER STATUTORY REQUIREMENTS

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

FISCAL IMPACT ESTIMATES

Cost to any local agencies or school districts that must be reimbursed pursuant to Section 17561 of Government Code: None.

The cost or savings to any state agency: Approximate additional expenditures in the current state fiscal year are $10,196. It is anticipated that state agencies will absorb these additional costs within their existing budgets and resources.

Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

HOUSING COSTS

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS, INCLUDING ABILITY TO COMPETE

The proposed regulations will have some statewide economic impact directly affecting business, but not the ability of California businesses to compete with businesses in other states. The Department estimates that the regulatory cost per hospice is small compared to net patient revenues.

STATEMENT OF THE RESULTS OF THE ECONOMIC IMPACT ASSESSMENT (EIA)

The Department has determined that the proposed regulations would not significantly affect the following:

A. The creation or elimination of jobs within the state. The proposed regulations do not create new positions for hospice agencies. The regulations simply set definitive requirements for credentials and experience for hospice agency management personnel, while also imposing restrictions on concurrent employment.

B. The creation of new businesses or the elimination of existing businesses within the state. The proposed regulations do not affect the number of licensed hospice agencies in California. The proposed regulations are intended to implement HSC section 1753.1 by clarifying industry standards and establishing procedures designed to enhance patient care and prevent Medicare and Medi–Cal fraud.

C. The expansion of businesses currently doing business within the state. The proposed regulations do not affect the number of licensed hospice agencies in California that could expand. The GSA and unmet need requirements are designed to prevent the oversaturation and clustering of hospice agencies, which is consistent with the objectives of the authorizing statutes.

D. The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment. The proposed regulations benefit the health and welfare of California residents, worker safety, and the State's environment by improving patient care and safety, establishing clear standards of care, providing clarity and consistency to the regulated community, and enhancing the Department's surveying process.

We believe the proposed regulations will affect worker safety. By limiting the number of hospice agencies management personnel can work for at a given time, we expect that the management personnel will be more involved in the specific day–to–day operations of the hospice agency. In theory, this should significantly increase not only patient care but also working conductions and therefore worker safety. Additionally, the regulations lay out specific training requirements for hospice personnel. These trainings should also improve worker safety.

The proposed regulations do not affect the state's environment.

COST IMPACTS ON REPRESENTATIVE PERSON OR BUSINESS

a. Cost impacts on representative person with a/or **small business**.

Initial Cost: $5,337,381
Ongoing Cost: $876,987

b. Cost impacts on representative person with a/or **typical business**.

Initial Cost: $ 6,530,262
Ongoing Cost: $876,987

BUSINESS REPORTING REQUIREMENTS

No. Hospice agencies are not required to create and file a report with the California Department of Public Health as a result of these regulations.

EFFECT ON SMALL BUSINESS

Some of the effects on small businesses are:

a. Development and maintenance of policies and procedures.
b. The position and orientation requirements outlined are needed for small hospices Director of Patient Care Services (DPCS) and the DPCS Designee, the Medical Director (MD) and the MD Designee, and the Administrator and the Administrator Designee

SPECIFIC TECHNOLOGIES OR EQUIPMENT

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

CONSIDERATION OF ALTERNATIVES

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

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulatory action.

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

TECHNICAL, THERETICAL, AND/OR EMPIRICAL STUDIES, REPORTS OR DOCUMENTS RELIED UPON

1. "*California Hospice Licensure and Oversight." Auditor of the State of California Report 2021–123*, https://information.auditor.ca.gov/pdfs/reports/2021–123.pdf.
2. "*State Operations Manual, Appendix M — Guidance to Surveyors: Hospice, (Rev. 222; Issued: 06–07–24). Types of Hospice Surveys." Centers for Medicare and Medicaid Services*, www.cms.gov/Regulations–and–Guidance/Guidance/Manuals/downloads/som107ap_m_hospice.pdf. Accessed 13 July 2026.
3. *Jones, Sarah. "An Introduction: The Difference between Credentialing and Privileging." MedTrainer, 9 Dec. 2024*, https://medtrainer.com/blog/an–introduction–the–difference–between–credentialing–and–privileging/. Accessed 13 July 2026.
4. "*Proof of Identity." Covered CaliforniaTM*, www.coveredca.com/documents–to–confirm–eligibility/identity/. Accessed 13 July 2026.
5. *Department, Employment Development. Identity Verification for Unemployment, 25 Feb. 2025*, https://edd.ca.gov/en/unemployment/identity–verification/. Accessed 13 July 2026.
6. *Insurance Clarification for Medi–Cal Provider Enrollment ...*, www.dhcs.ca.gov/provgovpart/Documents/PAVE_Project_for_Provider_Enrollme nt_Division/INSURANCEREQUIREMENTCLARIFICATIONW-FORM.pdf. Accessed 13 July 2026.
7. "*N.Y. Comp. Codes R. & Regs. Title 10 § 790.16 — Determinations of Public Need for Hospice." Legal Information Institute, Legal Information Institute*, www.law.cornell.edu/regulations/new–york/10–NYCRR–790.16#:~:text=10%20%C2%A7%20790.16%20%2D%20Determinations%20of%20public%20need%20for%20hospice,–State%20Regulations&text=(a)%20The%20following%20methodology%20will,-for%20hospice%20care%20and%20services. Accessed 13 July 2026.
8. "*Florida Administrative Code, Chapter 59C–1, Section 59C–1.0355 — Hospice Programs: Florida Administrative Code: Justia." Justia Law*, https://regulations.justia.com/states/florida/59/59c/chapter–59c–1/section–59c–1–0355/. Accessed 13 July 2026.
9. *Welcome — California Health and Human Services Open Data Portal*, https://data.chhs.ca.gov/. Accessed 13 July 2026.

10. *Death Profiles by County — Dataset — California Health and Human Services Open Data Portal*, https://data.chhs.ca.gov/dataset/death–profiles–by–county. Accessed 13 July 2026.
11. *NHPCO Facts and Figures — 2020 Edition*, https://allianceforcareathome.org/wp–content/uploads/NHPCO–Facts–Figures–2020–edition.pdf. Accessed 13 July 2026.
12. *Cagle, John G, et al. Hospice Utilization in the United States: A Prospective Cohort Study Comparing Cancer and Noncancer Deaths, Geriatric Healthcare Professionals, 27 Dec. 2019*, https://agsjournals.onlinelibrary.wiley.com/doi/10.1111/jgs.16294
13. *Health, Department of Public. "Search Result." Search Result*, www.cdph.ca.gov/Programs/CHCQ/LCP/CalHealthFind/Pages/SearchResult.aspx. Accessed 13 July 2026.
14. "IS–111.A: Livestock in Disasters. Emergency Management in United States." *Federal Emergency Management Agency, Emergency Management Institute*. Retrieved on 02/25/2025.
15. *California, State of. "Choose a Business Structure and Register Your Business." California Office of the Small Business Advocate CalOSBA*, https://calosba.ca.gov/business–learning–center/start–up/choose–a–business–structure–and–register–your–business/. Accessed 13 July 2026.
16. *CA Secretary of State, "Business Search,"* https://bizfileonline.sos.ca.gov/search/business. Accessed 15 July 2026.
17. "*Standards of Quality Hospice Care, 2005." California Hospice and Palliative Care Association*, https://www.calhospice.org/assets/docs/Standards_of_Quality.pdf. Accessed 13 July 2026.
18. Doak, Lindsay. "Preparing for the Evolving Healthcare Environment, Insights from the Healthcare at Home National Best Practices and Future Insights Study," *BerryDunn*.
19. "Staffing Guidelines for Hospice Home Care Teams." *National Hospice and Palliative Care Organization*, published 2016. Accessed 04 November 2024.
20. "Measures of Excellence National Report 2021–2022." *National Hospice and Palliative Care Organization*, published 2023.
21. "Hospice Case Manager Workloads Correlate with Longer Stays, Profitability." *Hospice News* published 23 September 2022.
22. "*Mississippi Code 1972 (2024):: Title 41 — Public Health (§§ 41–1–1 — 41–149–11):: Chapter 85 — Mississippi Hospice Law of 1995 (§§ 41–85–1 — 41–85–25):: Section 41–85–7 — Administration of Chapter; Powers and Duties of Administrator; Collection and Use of Fees; Suspension of Processing or Issuing Certain New Applications for Hospice Licensure." Justia Law*, https://law.justia.com/codes/mississippi/title–41/chapter–85/section–41–85–7/. Accessed 13 July 2026.
23. "*Living wills and advance directives for medical decisions." Mayo Clinic, Mayo Foundation for Medical Education and Research, 25 Mar. 2025*, www.mayoclinic.org/healthy–lifestyle/consumer–health/in–depth/living–wills/art–20046303. Accessed 13 July 2026.
24. *National Board for Home Care and Hospice Certification (NBHHC)*, https://nbhhc.org. Accessed 13 July 2026.
25. "*Certified Hospice Administrator Examination Blueprint," NBHHC Certification Candidate Handbook, Page 21*, Accessed 15 July 2026, https://cdn.ymaws.com/nbhhc.org/resource/resmgr/blueprints/chablueprint.pdf
26. "*Content Blueprint." HMDCB*, https://hmdcb.org/about–the–exam/default/content–blueprint.html. Accessed 13 July 2026.
27. *Certification | HPCC*, www.advancingexpertcare.org/hpcc/. Accessed 13 July 2026.
28. "*Bill Text." Bill Text — SB–807 Enforcement of Civil Rights: Department of Fair Employment and Housing*, https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202120220SB807. Accessed 13 July 2026.

CONTACT PERSON

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Chelsea Driscoll of the Center for Health Care Quality at Chelsea.driscoll@cdph.ca.gov.

All other inquiries concerning the action described in this notice may be directed to Veronica Rollin, Office of Regulations, at (279) 217–0836, or to the designated backup contact person, Anita Schumaker, at (279) 217–0867.

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH–18–002.

AVAILABILITY STATEMENTS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations, 1415 L Street, Suite 500, Sacramento, CA 95814, will be the custodian of public records, including reports, docu-

mentation, and other material related to the proposed regulations (rulemaking file).

In order to request that a copy of this public notice, the regulation text, and the initial statement of reasons or alternate formats for these documents be mailed to you, please call (279) 217–0836 (or the California Relay Service at 711), send an email to regulations@cdph.ca.gov, or write to the Office of Regulations at the address previously noted. Upon specific request, these documents will be made available in Braille, large print, audio format, or computer disk.

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

FINAL STATEMENT OF REASONS

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

INTERNET ACCESS

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

TITLE 22. DEPARTMENT OF SOCIAL SERVICES

NOTICE OF INTENTION TO AMEND THE CONFLICT–OF–INTEREST CODE OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

NOTICE IS HEREBY GIVEN that the ***(California Department of Social Services)***, pursuant to the authority vested in it by section 87306 of the Government Code, proposes amendment to its conflict–of–interest code. A comment period has been established commencing on **(October 30, 2026**) and closing on (**December 14, 2026**). All inquiries should be directed to the contact listed below.

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

Changes to the conflict–of–interest code include: (*Changes to the Conflict of Interest Code include the addition of new designated positions across multiple divisions, the transfer of one position to Executive, clarification of designated positions through the removal of general group classifications, updates to disclosure categories for Community Care Licensing Division (CCLD) Branch and Bureau Chiefs, and other minor revisions to the Code's language. The proposed amendment also includes technical updates, revisions to classifications affected by the generalist consolidation and updates to attorney titles.*

Agencies please choose one option:

Information on the code amendment is available attached to this email.

Any interested person may submit written comments relating to the proposed amendment by submitting them no later than ***(December 14, 2026)***, or at the conclusion of the public hearing, if requested, whichever comes later. At this time, no public hearing is scheduled. A person may request a hearing no later than ***(November 29, 2026)***.

The (**California Department of Social Services**) has determined that the proposed amendments:

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

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to: (Elena Polanco, Analyst I, (916) 917–7476 elena.polanco@dss.ca.gov; Maria Galvez, Supervisor I, 916–708–6502 maria.galvez@dss.ca.gov).

GENERAL PUBLIC INTEREST

DEPARTMENT OF PESTICIDE REGULATION

PESTICIDE DECONTAMINATION SITES DPR REGULATION NUMBER 26–005

NOTICE OF PUBLIC HEARING AND EXTENSION OF WRITTEN COMMENT PERIOD REGARDING PROPOSED REGULATIONS

The Department of Pesticide Regulation (DPR) published a Notice of Proposed Regulatory Action concerning Pesticide Decontamination Sites in the *California Regulatory Notice Register* on September 18, 2026, Register 2026, Number 38–Z, p. 1228–1233.

PUBLIC HEARING

No public hearing was scheduled at the time of the publication of the Notice of Proposed Regulatory Action. However, DPR has since received a request for one. A public hearing has been scheduled at the time and place stated below to receive oral or written comments relevant to the proposed action.[1]

DATE: Thursday, November 5, 2026
TIME: 1:30 P.M.
PLACE: Zoom (Virtual)
Webinar ID: 816 2027 0140
Direct link to join the meeting from a web browser or Zoom client:
<https://us02web.zoom.us/j/81620270140>
One tap to join from a mobile phone:
+16699009128,,81620270140#
Or call from a landline: +1 669 900 9128 — and enter the Webinar ID (above) when prompted

A DPR representative will preside over the virtual hearing. Persons joining the hearing through the web browser or Zoom client who wish to make comments orally during the hearing may raise their hand using the Zoom functions and make oral comments when called upon. Persons calling into the Zoom meeting who wish to make a comment orally during the hearing may raise their hand by dialing *9 on their phone's dial pad. This will indicate to DPR representatives that the person on the phone has raised their hand. Generally, persons will be heard in the order in which they raised their hand. Participants will also be given instructions on how to provide oral comments once they have accessed the hearing. If persons experience technical difficulties during the hearing, persons may electronically submit written comments through SmartComment online comment portal at <https://cdpr.commentinput.com/?id=kft3RANb5> or via email at <dpr26005@cdpr.ca.gov>. DPR will also accept written comments that are submitted via U.S. mail and postmarked on the day of the hearing. The hearing officer may limit the time for each oral comment in order to allow everyone wishing to speak the opportunity to be heard. The format of submitting a public comment — orally or in writing — does not impact DPR's consideration of, or weight given to, the comment.

The virtual hearing will also be accessible via public webcast for persons who would like to watch this hearing without participating. The public webcast can be accessed by visiting the following web address: <https://video.calepa.ca.gov/#/>.

LANGUAGE ACCESS

Spanish language interpretation will be provided at the hearing. To request interpretation in another language or sign language services, please email your request to languageaccess@cdpr.ca.gov or call (916) 322–4553 by October 22, 2026. For requests received after October 22, 2026, DPR will make a best effort to accommodate the request.

EXTENSION OF WRITTEN COMMENT PERIOD

DPR is hereby giving notice that it is extending the written comment period on this matter from November 2, 2026 to November 5, 2026.

Any interested person may present comments in writing about the proposed action to the agency contact person named below. DPR will accept written comments that are submitted via U.S. mail and postmarked no later than November 5, 2026. Comments regarding this proposed action may also be transmitted via SmartComment online comment portal <https://cdpr.commentinput.com/?id=kft3RANb5> or via email at <dpr26005@cdpr.ca.gov> and must be received no later than November 5, 2026.

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

[1] If you have special accommodation or language needs, please provide notice at least 10 business days before the public meeting by contacting the person named below. TTY/TDD speech–to–speech users may dial 7–1–1 for the California Relay Service.

You do not have to provide contact information when submitting a comment using the SmartComment portal.

AGENCY CONTACT

Written comments about the proposed regulatory action; requests for a copy of the Initial Statement of Reasons, and the proposed text of the regulations; and inquiries regarding the rulemaking file may be directed to:

Lauren Otani, Regulations Coordinator
Department of Pesticide Regulation
1001 I Street, P.O. Box 4015
Sacramento, California 95812–4015
(916) 445–5781

Note: In the event the contact person is unavailable, questions on the substance of the proposed regulatory action may be directed to the following back–up person at the same address as noted below:

Michel Oriel, Environmental Program Manager I
Worker Health and Safety Branch
(916) 324–8845

The Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and the proposed text of the regulations are also available on DPR's Internet Home Page <http://www.cdpr.ca.gov>. Upon request, the documents can be made available in another language, or an alternate form as a disability–related accommodation.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS OF CANDIDACY
MOUNT PINOS SOOTY GROUSE
(DENDRAGAPUS
FULIGINOSUS HOWARDI)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the California Fish and Game Code (Fish and Game Code), the California Fish and Game Commission (Commission), at its October 13–16, 2026 meeting, accepted for consideration the petition submitted to list Mount Pinos sooty grouse (*Dendragapus fuliginosus howardi*) as a threatened or endangered species under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife (Department) written evaluation reports, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listings could occur.

Based on its determination and acceptance of the petition, the Commission is also providing notice that Mount Pinos sooty grouse is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned actions are warranted. Copies of the petition and minutes of the October 13–16, 2026 Commission meeting are on file and available for public review on the Commission's website at fgc.ca.gov. If you would prefer to view the documents at the Commission's office, please make an appointment by phone at (916) 653–4899 or by sending an email to fgc@fgc.ca.gov.

Written comments or data related to the petitioned actions should be directed to the California Department of Fish and Wildlife, Wildlife Diversity Program, Attention: California Endangered Species Act (CESA) and Scientific Collecting Permit Supervisor, Neil Clipperton, via email at wildlifemgt@wildlife.ca.gov with "Mount Pinos Sooty Grouse" in the subject line. Alternatively, comments or data may be submitted by mail to P.O. Box 944209, Sacramento, CA 94244–2090. Submitting information via email is preferred.

FISH AND GAME COMMISSION

NOTICE OF FINDINGS OF CANDIDACY
VEINY MONARDELLA
(MONARDELLA VENOSA)

NOTICE IS HEREBY GIVEN that, pursuant to the provisions of Section 2074.2 of the California Fish and Game Code (Fish and Game Code), the California Fish and Game Commission (Commission), at its October 13–16, 2026 meeting, accepted for consideration the petition submitted to list veiny monardella (*Monardella venosa*) as a threatened or endangered species under the California Endangered Species Act.

Pursuant to subdivision (e)(2) of Section 2074.2 of the Fish and Game Code, the Commission determined that the amount of information contained in the petition, when considered in light of the California Department of Fish and Wildlife (Department) written evaluation reports, the comments received, and the remainder of the administrative record, would lead a reasonable person to conclude there is a substantial possibility the requested listings could occur.

Based on its determination and acceptance of the petition, the Commission is also providing notice that

veiny monardella is a candidate species as defined by Section 2068 of the Fish and Game Code.

Within one year of the date of publication of this notice of findings, the Department shall submit a written report, pursuant to Section 2074.6 of the Fish and Game Code, indicating whether the petitioned actions are warranted. Copies of the petition and minutes of the October 13–16, 2026 Commission meeting are on file and available for public review on the Commission's website at fgc.ca.gov. If you would prefer to view the documents at the Commission's office, please make an appointment by phone at (916) 653–4899 or by sending an email to fgc@fgc.ca.gov.

Written comments or data related to the petitioned actions should be directed to the California Department of Fish and Wildlife, Native Plant Program, Attention: Senior Environmental Scientist, Kristi Lazar, via email at nativeplants@wildlife.ca.gov with "Veiny Monardella" in the subject line. Alternatively, comments or data may be submitted by mail to P.O. Box 944209, Sacramento, CA 94244–2090. Submitting information via email is preferred.

PROPOSITION 65

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF INTENT TO LIST BY THE AUTHORITATIVE BODIES MECHANISM: PERFLUOROBUTANOIC ACID (PFBA) AND RELATED SALTS

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list *perfluorobutanoic acid (PFBA) and related salts* as known to the state to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified in Health & Safety Code section 25249.5 *et seq*., otherwise known as Proposition 65.

As stated in US Environmental Protection Act (EPA) (2022), *related salts* include "salts (including alkali metal salts) of PFBA that would be expected to fully dissociate in aqueous solutions of pH ranging from 4–9 (e.g., in the human body) … it does apply to PFBA salts including ammonium perfluorobutanoate (CASRN 10495–86–0), sodium perfluorobutanoate (CASRN 2218–54–4), potassium heptafluorobutanoate [2966–54–3], and other non–metal or alkali metal salts of PFBA." (Executive Summary, Page xi)

This action is being proposed under the "Authoritative Bodies" listing mechanism (Health & Safety Code section 25249.8(b)) described below. OEHHA has determined that *PFBA and related salts* meet the criteria for listing for reproductive toxicity, based on the developmental, male reproductive, and female reproductive endpoints, by this mechanism. *PFBA and related salts* are members of a large group of chemicals known as per– and polyfluoroalkyl substances (PFAS), which have widespread use in consumer products and industrial applications due to their heat–, oil–, stain–, and water–resistant properties (US EPA, 2022). PFBA and related salts have been used in consumer products and PFBA is a breakdown product of other PFAS.

Background on listing via the Authoritative Bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

1) An authoritative body formally identifies the chemical as causing reproductive toxicity pursuant to Cal. Code of Regs., title 27, section 25306(d).
2) The evidence considered by the authoritative body meets the sufficiency criteria contained in Cal. Code of Regs., title 27, section 25306(g).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Cal. Code Regs., title 27, section 25306(h)).

The US Environmental Protection Agency (US EPA) is one of several institutions designated as authoritative for the identification of chemicals as causing reproductive toxicity (Cal. Code of Regs., title 27, section 25306(l)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in Cal. Code Regs., title 27, section 25306.

OEHHA's determination: *PFBA and related salts* meet the criteria for listing as known to the state to cause reproductive toxicity under Proposition 65, based on findings by the US EPA (2022), as outlined below.

Formal identification and sufficiency of evidence:

OEHHA is relying on:

- The statement in the US EPA's Toxicological Review of Perfluorobutanoic Acid [PFBA, CASRN 375–22–4] and Related Salts (US EPA, 2022) that "This assessment applies to PFBA as well as salts (including alkali metal salts) of PFBA that would be expected to fully dissociate in aqueous solutions of pH ranging from 4–9 (e.g., in the human body) … it does apply to PFBA salts in-

cluding ammonium perfluorobutanoate (CASRN 10495–86–0), sodium perfluorobutanoate (CASRN 2218–54–4), potassium heptafluorobutanoate [2966–54–3], and other non–metal or alkali metal salts of PFBA." (Executive Summary, Page xi).

- US EPA's conclusion that "PFBA exposure is likely to cause developmental effects in humans".
- US EPA's conclusion that PFBA causes male and female reproductive toxicity, i.e., "evidence for delayed development of the reproductive system (i.e., delayed vaginal opening and preputial separation) following gestational PFBA exposure (Das et al., 2008)."
- US EPA's establishment of a subchronic oral reference dose (RfD) for PFBA based on developmental toxicity (delayed time to vaginal opening, i.e., delayed development of the female reproductive system).

The findings and actions in this document satisfy the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations for listing.

Pertinent statements and information in US EPA (2022) documenting the Agency's conclusions about reproductive toxicity (developmental, male reproductive, and female reproductive endpoints) include the following:

Developmental endpoint:

- "The hazard identification judgment that the ***evidence indicates*** PFBA exposure is likely to cause developmental effects in humans (given relevant exposure circumstances), including increased prenatal effects (full–litter resorptions) and delays in developmental milestones (days to eye opening, vaginal opening, and preputial separation) without effects on fetal (pup) growth is based on a single study in mice exposed gestationally to PFBA." [emphasis in original] (Page 4–2).
- "There is evidence for delayed development of the reproductive system (i.e., delayed vaginal opening and preputial separation) following gestational PFBA exposure (Das et al., 2008). These latter results are synthesized and integrated in the developmental effects section (see Section 3.2.3) where the human relevance of delayed development of the reproductive system observed in mice are outlined and not discussed further in this section." (Page 3–57).
- "From these subchronic osRfDs, an ***overall subchronic RfD of 6 × 10^{-3} mg/kg–day PFBA based on developmental delays*** is selected (the corresponding overall subchronic RfD is 7 × 10^{-3} mg/kg–day for the ammonium salt)." [emphasis in original] (Page 5–26).

Male and female reproductive endpoints:

- "The hazard identification judgment that the ***evidence indicates*** PFBA exposure is likely to cause developmental effects in humans (given relevant exposure circumstances), including….delays in developmental milestones (….vaginal opening, and preputial separation)….is based on a single study in mice exposed gestationally to PFBA." [emphasis in original] (Page 4–2).
- "The male and female reproductive developmental landmarks (preputial separation and vaginal opening, respectively) were delayed. Preputial separation was delayed by 2.3 days at 350 mg/kg–day although vaginal opening was delayed 3.3 and 3.6 days (175 and 350 mg/kg–day, respectively)." (Page 3–51).
- "Given the sparsity of evidence on potential reproductive effects, the relative insensitivity of the outcome measures (organ weights) in animals, and the largely null findings, there is ***inadequate evidence*** to determine whether PFBA exposure has the potential to cause reproductive effects in humans (other than the developmental delays discussed in Section 3.2.3; see Table 3[–]11)." [emphasis in original] (Page 3–57).
- "There was ***inadequate evidence*** to determine whether PFBA exposure has the potential to cause reproductive toxicity (in adults)." [emphasis in original] (Page 4–2).
- "As the EPA's Reproductive Guidelines (U.S. EPA, 1996) state that both accelerations and delays in the timing of puberty should be considered adverse, it is reasonable to extend this conclusion to developmental milestones that are more broadly indicative of sexual and/or reproductive developmental *[sic],* Further, the absence of effects on body weight in PFBA–exposed offspring or maternal toxicity strengthens the confidence that the observed developmental delays are biologically significant, adverse effects. Taken together, the available animal studies provided *moderate* evidence of potential developmental effects." [emphasis in original] (Page 3–53 & 3–54).

OEHHA has reviewed the studies or study descriptions cited in US EPA (2022) as providing the basis for the Agency's conclusions regarding reproductive toxicity (developmental, male reproductive, and female reproductive endpoints) relative to the criteria in Cal. Code Regs., title 27, section 25306(g). The criteria for listing *PFBA and related salts* through the authoritative bodies mechanism as causing reproductive toxicity (developmental, male reproductive, and female reproductive endpoints) have been met.

Opportunity for Comment: OEHHA is providing this opportunity to comment as to whether this chem-

ical meets the criteria set forth in the Proposition 65 regulations for authoritative bodies listings.

SUBMISSION OF COMMENTS

All written comments must be submitted to OEHHA by electronic submission, mail, or hand–delivery, by **Monday, November 30, 2026**. OEHHA strongly recommends that comments be submitted electronically through our website at https://oehha.ca.gov/comments, rather than in paper form. Alternatively, comments can be submitted in paper form, either by mail or delivered in person.

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Sacramento, California 95812–4010

In–person delivery submission:

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OEHHA encourages all commenters to submit their comments in a format compliant with Section 508 of the federal Rehabilitation Act, Web Content Accessibility Guidelines 2.1 (https://www.w3.org/WAI/standards–guidelines/wcag) and California Government Code sections 7405 and 11135, so that they can be read using screen reader technology.

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OEHHA is subject to the California Public Records Act and other laws that require the release of certain information upon request. If you provide comments, please be aware that your name, address, and email may be available to third parties.

If you have any questions, please contact Kiana Vaghefi at Kiana.Vaghefi@oehha.ca.gov or at 916–322–1268.

REFERENCE

US EPA (US Environmental Protection Agency). 2022. IRIS Toxicological Review of Perfluorobutanoic Acid [PFBA, CASRN 375–22–4] and Related Salts (EPA/635/R–22/277Fa) Washington, DC. https://cfpub.epa.gov/si/si_public_record_report.cfm?Lab=CPHEA&dirEntryId=356425.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF INTENT TO LIST BY THE AUTHORITATIVE BODIES MECHANISM: PERFLUORODECANOIC ACID (PFDA) AND RELATED SALTS

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list *perfluorodecanoic acid (PFDA) and related salts* as known to the state to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified in Health & Safety Code section 25249.5 *et seq*., otherwise known as Proposition 65.

As stated in US EPA (2024), *related salts* includes "salts (including nonmetal or alkali metal salts) of PFDA that would be expected to fully dissociate in aqueous solutions of pH ranging from 4 to 9 (e.g., in the human body). Thus, while this Toxicological Review would not necessarily apply to nonalkali metal salts of PFDA because of the possibility of PFDA–independent contributions of toxicity, it does apply to PFDA salts including ammonium perfluorodecanoate (PFDA NH4, CASRN 3108–42–7) and sodium perfluorodecanoate (PFDA–Na, CASRN 3830–45–3), and other nonmetal or alkali metal salts of PFDA." (Executive Summary, Page xvi)

This action is being proposed under the "Authoritative Bodies" listing mechanism (Health & Safety Code section 25249.8(b)) described below. OEHHA has determined that *PFDA and related salts* meet the criteria for listing for reproductive toxicity, based on the developmental, male reproductive, and female reproductive endpoints, by this mechanism. *PFDA and related salts* are members of a large group of chemicals known as per– and polyfluoroalkyl substances (PFAS), which have widespread use in consumer products and industrial applications due to their heat–, oil–, stain–, and water–resistant properties (US EPA, 2024). PFDA has been detected in consumer products including cosmetics (Whitehead et al., 2021), outdoor textiles, carpet, ski wax, and leather (US EPA, 2024).

Background on listing via the Authoritative Bodies mechanism: A chemical must be listed under the Proposition 65 regulations when two conditions are met:

1) An authoritative body formally identifies the chemical as causing reproductive toxicity pursuant to Cal. Code Regs., title 27, section 25306(d).
2) The evidence considered by the authoritative body meets the sufficiency criteria contained in Cal. Code Regs., title 27, section 25306(g).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Cal. Code Regs., title 27, section 25306(h)).

The US Environmental Protection Agency (US EPA) is one of several institutions designated as authoritative for the identification of chemicals as causing reproductive toxicity (Cal. Code Regs., title 27, section 25306(l)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in Cal. Code Regs., title 27, section 25306.

OEHHA's determination: *PFDA and related salts* meet the criteria for listing as known to the state to cause reproductive toxicity under Proposition 65, based on findings by the US EPA (2024), as outlined below:

Formal identification and sufficiency of evidence:

OEHHA is relying on:

- The statement in the US EPA's Toxicological Review of Perfluorodecanoic Acid [PFDA, CASRN 335–76–2] and Related Salts (US EPA, 2024) that "This Toxicological Review applies to PFDA as well as salts (including nonmetal or alkali metal salts) of PFDA that would be expected to fully dissociate in aqueous solutions of pH ranging from 4 to 9 (e.g., in the human body). Thus, while this Toxicological Review would not necessarily apply to nonalkali metal salts of PFDA because of the possibility of PFDA–independent contributions of toxicity, it does apply to PFDA salts including ammonium perfluorodecanoate (PFDA NH4, CASRN 3108–42–7) and sodium perfluorodecanoate (PFDA–Na, CASRN 3830–45–3), and other nonmetal or alkali metal salts of PFDA." (Executive Summary, Page xvi).
- US EPA's conclusion that "perfluorodecanoic acid (PFDA) is likely to cause adverse hepatic, immune, developmental, and male and female reproductive effects in humans".
- US EPA's establishment of lifetime and subchronic oral reference doses (RfDs) for PFDA based on developmental toxicity (decreased birth weight in male and female children).

The findings and actions in this document satisfy the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations for listing.

Pertinent statements and information in US EPA (2024) documenting the Agency's conclusions about reproductive toxicity (developmental, male reproductive, and female reproductive endpoints) include the following.

Developmental endpoint:

- "The hazard identification judgment that the ***evidence indicates*** PFDA exposure is likely to cause developmental toxicity, given sufficient exposure conditions, is based primarily on consistent findings of dose–dependent decreases in fetal weight in mice gestationally exposed to PFDA doses ≥0.5 mg/kg–day, supported by evidence of decreased birth and childhood weight from studies of exposed humans in which PFDA was measured during pregnancy. The conclusion is further supported by coherent epidemiological evidence for biologically related effects (e.g., decreased birth length)." [emphasis in original] (Page 4–2).
- "Both of the identified hazards with quantitative information to support the derivation of candidate lifetime values (i.e., immune, and developmental) were selected as the basis for the RfD of 2×10^{-9} mg/kg–day." (Page xx).

Male reproductive endpoint:

- "The hazard identification judgment that the ***evidence indicates*** PFDA exposure is likely to cause potential adverse effects to the male reproductive system in humans, given sufficient exposure conditions, is based on a coherent pattern of effects on sperm counts, testosterone levels, and male reproductive histopathology and organ weights at doses ≥0.625 mg/kg–day in adult rats exposed for 28 days (*high* confidence for most endpoints evaluated). Although the MOA for PFDA–induced male reproductive effects is unknown, a few acute i.p. and in vitro rodent studies suggest a possible mechanism via disruption of Leydig cell function and impaired steroidogenesis." [emphasis in original] (Page 4–2).

Female reproductive endpoint:

- "The hazard identification judgment that the ***evidence indicates*** PFDA exposure is likely to cause female reproductive toxicity in humans given sufficient exposure conditions is based primarily on the results of a *high* confidence study in rats showing biologically coherent effects on uterus weight and the estrous cycle after oral exposure to PFDA at ≥1.25 mg/kg–day for 28 days. Although human studies are available for examining associations between PFDA and female reproductive toxicity (e.g., fecundity), the results were mostly null, possibly due to their low sensitivity for observing effects." [emphasis in original] (Page 4–3).

OEHHA has reviewed the studies or study descriptions cited in US EPA (2024) as providing the basis for the Agency's conclusions regarding the reproductive toxicity (developmental, male reproductive, and fe-

male reproductive endpoints) relative to the criteria in Cal Code Regs., title 27, section 25306(g). The criteria for listing *PFDA and related salts* through the authoritative bodies mechanism as causing reproductive toxicity (developmental, male reproductive, and female reproductive endpoints) have been met.

Opportunity for Comment: OEHHA is providing this opportunity to comment as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for authoritative bodies listings.

SUBMISSION OF COMMENTS

All written comments must be submitted to OEHHA by electronic submission, mail, or hand–delivery, by **Monday, November 30, 2026**. OEHHA strongly recommends that comments be submitted electronically through our website at https://oehha.ca.gov/comments, rather than in paper form. Alternatively, comments can be submitted in paper form, either by mail or delivered in person.

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REFERENCE

US EPA (U.S. Environmental Protection Agency). 2024. IRIS Toxicological Review of Perfluorodecanoic Acid [PFDA, CASRN 335–76–2] and Related Salts (EPA/635/R–24/172Fa) Washington, DC. https://iris.epa.gov/document/&deid=361797.

Whitehead HD, Venier M, Wu Y, Eastman E, Urbanik S, Diamond ML, et al 2021. Fluorinated Compounds in North American Cosmetics. Environ Sci Tech Letters. 8, 538–544.

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

NOTICE OF INTENT TO LIST BY THE AUTHORITATIVE BODIES MECHANISM: PERFLUOROHEXANOIC ACID (PFHXA) AND RELATED SALTS

The California Environmental Protection Agency's Office of Environmental Health Hazard Assessment (OEHHA) intends to list *perfluorohexanoic acid (PFHxA) and related salts* as known to the state to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified in Health & Safety Code section 25249.5 *et seq*., otherwise known as Proposition 65.

As stated in US EPA (2023), *related salts* includes "salts of PFHxA, including ammonium perfluorohexanoate (PFHxA–NH_4, CASRN 21615–47–4), and sodium perfluorohexanoate (PFHxA–NA, CASRN 2923–26–4), and other nonmetal and alkali metal salts of PFHxA that would be expected to fully dissociate in aqueous solutions of pH ranging from 4–9 (e.g., in the human body) and not release other moieties that would cause toxicity independent of PFHxA." (Executive Summary, Page xiii)

This action is being proposed under the "Authoritative Bodies" listing mechanism (Health & Safety Code section 25249.8(b)) described below. OEHHA has determined that *PFHxA and related salts* meet the criteria for listing for reproductive toxicity, based on the developmental endpoint, by this mechanism. *PFHxA and related salts* are members of a large group of chemicals known as per– and polyfluoroalkyl substances (PFAS), which have widespread use in consumer products and industrial applications due to their heat–, oil–, stain–, and water–resistant properties (US EPA, 2023). PFHxA is a metabolite and degradation product of fluorotelomer–based chemicals, including 6:2 fluorotelomer alcohol (FTOH).

Background on listing via the Authoritative Bodies mechanism: A chemical must be listed under the

Proposition 65 regulations when two conditions are met:

1) An authoritative body formally identifies the chemical as causing reproductive toxicity pursuant to Cal. Code Regs., title 27, section 25306(d).
2) The evidence considered by the authoritative body meets the sufficiency criteria contained in Cal. Code Regs., title 27, section 25306(g).

However, the chemical is not listed if scientifically valid data which were not considered by the authoritative body clearly establish that the sufficiency of evidence criteria were not met (Cal. Code Regs., title 27, section 25306(h)).

The US Environmental Protection Agency (US EPA) is one of several institutions designated as authoritative for the identification of chemicals as causing reproductive toxicity (Cal. Code Regs., title 27, section 25306(l)).

OEHHA is the lead agency for Proposition 65 implementation. After an authoritative body has made a determination about a chemical, OEHHA evaluates whether listing under Proposition 65 is required using the criteria contained in Cal. Code Regs., title 27, section 25306.

OEHHA's determination: *PFHxA and related salts* meet the criteria for listing as known to the state to cause reproductive toxicity under Proposition 65, based on findings of the US EPA (2023), as outlined below.

Formal identification and sufficiency of evidence:

OEHHA is relying on:

- The statement in the US EPA's Toxicological Review of Perfluorohexanoic Acid [PFHxA, CASRN 307–24–4] and Related Salts (US EPA, 2023) that "This assessment applies to PFHxA as well as salts of PFHxA, including ammonium perfluorohexanoate (PFHxA–NH_4, CASRN 21615–47–4), and sodium perfluorohexanoate (PFHxA–NA, CASRN 2923–26–4), and other nonmetal and alkali metal salts of PFHxA that would be expected to fully dissociate in aqueous solutions of pH ranging from 4–9 (e.g., in the human body) and not release other moieties that would cause toxicity independent of PFHxA." (Executive Summary, Page xiii).
- US EPA's conclusion that "PFHxA likely causes developmental effects in humans".
- US EPA's establishment of chronic and subchronic oral reference doses (RfDs) for PFHxA based on developmental toxicity (decreased offspring body weight on postnatal day [PND] 0).

The findings and actions in this document satisfy the formal identification and sufficiency of evidence criteria in the Proposition 65 regulations for listing.

Pertinent statements and information in US EPA (2023) documenting the Agency's conclusions about developmental toxicity include the following:

- "Overall, the currently available ***evidence indicates*** that PFHxA likely causes developmental effects in humans given sufficient exposure conditions (see Table 3–16) … This judgment is based primarily on several *high* confidence, gestational exposure experiments in mice (and supportive findings in rats), with effects occurring after oral PFHxA exposure at ≥100 mg/kg–day. These findings are interpreted as relevant to humans in the absence of evidence to the contrary. This assumption is based on Guidelines for Developmental Toxicity Risk Assessment (US EPA, 1991)." [emphasis in original] (Page 3–51)
- "The data from the animal toxicological studies that support identifying developmental effects as a potential human hazard included effects from three studies that reported consistent, dose–responsive, and concerning effects of PFHxA exposure on offspring body weights and mortality. Delayed eye opening was also reported. The observed developmental effects following PFHxA exposure are similar to other PFAS, including PFBS (U.S. EPA, 2021b) and PFBA (U.S. EPA, 2022b), providing additional support for these specific findings. Effects on offspring body weight were observed in two species (rats and mice) exposed to different PFHxA salts (sodium and ammonium) using different exposure scenarios, although effects on mortality were observed only in the mouse study. Low birth weight is associated with lasting adverse effects on health, with increased risk for disease and reductions in lifespan in humans (Thompson and Regnault, 2011; Kajantie et al., 2005; Barker, 2004) and delays in eye opening can impact normal development of the visual system (Espinosa and Stryker, 2012; Wiesel, 1982)." (Page 4–2)
- In deriving the chronic oral RfD for PFHxA, the US EPA stated: "From the identified hazards of potential concern (i.e., endocrine, hepatic, hematopoietic, and developmental toxicity), decreased offspring body weight in neonatal rats (Loveless et al., 2009) was selected as the basis for the RfD of 5×10^{-4} mg/kg–day." (See Table ES–1, Page xv, which indicates the basis for the RfD is "Decreased F_1 body weight at PND 0 in rats"; and Executive Summary, Page xvi.)
- In deriving the subchronic oral RfD for PFHxA, the US EPA stated: "In addition to providing RfDs for chronic oral exposures in multiple systems, a less–than–lifetime subchronic RfD was derived for PFHxA. The same study and endpoint

(Loveless et al., 2009) and decreased F1 body weight and value was selected as the basis for the subchronic RfD of 5×10^{-4} mg/kg–day (see Table ES–1)." (See Table ES–1, Pg xv, which indicates the basis for the subchronic RfD is "Decreased F1 body weight at PND 0 in rats"; and Executive Summary, Page xvi.)

OEHHA has reviewed the studies or study descriptions cited in US EPA (2023) as providing the basis for the Agency's conclusions regarding the reproductive toxicity (developmental endpoint) relative to the criteria in Cal Code Regs., title 27, section 25306(g). The criteria for listing *PFHxA and related salts* through the authoritative bodies mechanism as causing reproductive toxicity (developmental endpoint) have been met.

Opportunity for Comment: OEHHA is providing this opportunity to comment as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for authoritative bodies listings.

SUBMISSION OF COMMENTS

All written comments must be submitted to OEHHA by electronic submission, mail, or hand–delivery, by **Monday, November 30, 2026**. OEHHA strongly recommends that comments be submitted electronically through our website at https://oehha.ca.gov/comments, rather than in paper form. Alternatively, comments can be submitted in paper form, either by mail or delivered in person.

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REFERENCE

US EPA (US Environmental Protection Agency). 2023. IRIS Toxicological Review of Perfluorohexanoic Acid [PFHxA, CASRN 307–24–4] and Related Salts (EPA/635/R–23/027Fa) Washington, DC. https://iris.epa.gov/static/pdfs/0704tr.pdf.

RULEMAKING PETITION DECISIONS

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON RECONSIDERATION OF PETITION TO AMEND REGULATIONS PURSUANT TO GOVERNMENT CODE 11340.6, 11340.7

Petitioner

Everett Joseph Jewett; CDCR# CC9946.

Department Contact Person

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

Availability of Petition

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

Authority

Penal Code Sections: 5054 and 5058.

Provisions of California Code of Regulations Affected:

Title 15, Crime Prevention and Corrections.

Division 3, Rules and Regulations of Adult Institutions, Programs and Parole.

Chapter 1, Subchapter 4, Article 10, Classification, Administrative Determinants and Classification Score Sheet.

Chapter 1, Article 1, Behavior.

Summary of Petition and Department Decision:

Section 3375.2

Petitioner's Request: Amendment to the California Code of Regulations (CCR), Title 15, subsection 3375.2.

Reason for Request: The petitioner requested that the California Department of Corrections and Rehabilitation (CDCR) amend CCR, Title 15, subsection 3375.2 to allow incarcerated persons who did not use force during an escape or attempted escape to have the Escape (ESC) Administrative Determinant (AD) classified as temporary rather than permanent. This change could enable such individuals to be housed in a minimum support facility after 10 years.

Department's Response: Petitioner Everett Joseph Jewett's request to amend CCR, Title 15, Division 3, Chapter 1, subsection 3375.2 is denied.

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

CDCR has implemented a classification system, authorized by California Penal Code 5068, which offers a standardized method for evaluating the placement of incarcerated individuals in the least restrictive environment that aligns with their custody needs, rehabilitative requirements, and public safety. The classification score system assigns an initial numerical score based on an evaluation of various case factors, including but not limited to; age at first arrest, age upon entry to CDCR, length of prison sentence, and past behavior while incarcerated. Additionally, mandatory minimum scores determine the lowest security level at which an individual can be housed based on their specific case factors including escape. Furthermore, administrative determinants are applied based on unique circumstances that may not align with the individual's placement score, highlighting safety and security considerations that may restrict their eligibility for certain placements.

In review, it has been determined that the permanent application of the ESC AD and the mandatory minimum score factor for housing, related to incarcerated persons with a history of escape, allows for placement in facilities no lower than Level II is appropriate. This aims to maximize safety and security of the institution, staff and public safety. Incarcerated persons with a history of escape or attempted escape, which is defined in section 3000 within a secure perimeter, regardless of whether force was used, are permanently ineligible for minimum custody placement, as supported by CCR, Title 15, subsections 3375.2 (b)(9), 3375.3(d)(1), 3375.4(i)(1) and 3375.5(h)(1).

The Division of Rehabilitative Programs (DRP) offers in–prison rehabilitative programs and services to the incarcerated population across all CDCR institutions. These include traditional education as well as post–secondary and continuing education. The Department encourages the incarcerated population to contact the DRP to inquire about the rehabilitative programs available at their current institution or at other institutions for which they are interested and qualify. In accordance with CCR 3376 (d) (2) (A), an incarcerated person's case factors are reviewed annually to consider the incarcerated person's classification score, custody designation, program, work and privilege group and facility placement, including transfer recommendations.

The language in subsection 3000, 3375.2 (b)(9), 3375.3(d)(1), 3375.4(i)(1), and 3375.5(h)(1), and 3376(d)(2)(A) of Title 15, Division 3 of the CCR complies with the Administrative Procedure Act as it was approved and certified by the Office of Administrative Law. It was adopted through the required regulatory process in accordance with Government Code section 11340 et seq. As part of this process, the proposed regulations were publicly noticed, allowing the public to review and comment before their adoption and final certification.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON PETITION TO AMEND REGULATIONS PURSUANT TO GOVERNMENT CODE 11340.6, 11340.7

Petitioner

Ramon J. Rogers.

Department Contact Person

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

Availability of Petition

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

Authority

Penal Code (PC) Sections: 5054 and 5058.

Provisions of California Code of Regulations Affected:

Title 15, Crime Prevention and Corrections.

Division 3, Rules and Regulations of Adult Institutions, Programs and Parole.

Chapter 1, Subchapter 4, Article 10, Classification, Administrative Determinants.

Summary of Petition and Department Decision:

Subsection 3375.2(a)(12)

Petitioner's Request: Repeal the California Code of Regulations (CCR), Title 15, subsection 3375.2(a)(12).

Reason for Request: The petitioner requested that the California Department of Corrections and Rehabilitation (CDCR) repeal CCR, Title 15, subsection 3375.2(a)(12), which states condemned persons whose death sentence is commuted or modified shall be transferred to a reception center for processing after which an Institutional Classification Committee (ICC) action and subsequent endorsement by a Classification Staff Representative (CSR) shall determine the incarcerated person's initial facility placement. The petitioner contends that this process was created under the prior model in which all condemned persons were exclusively housed and received at San Quentin Rehabilitation Center. The petitioner argues that since the inception of the Condemned Inmate Transfer Pilot Program (CITPP) in 2020 and subsequent condemned incarcerated person regulatory change, condemned individuals have already undergone full reception center processing, ICC classification, and CSR endorsement prior to statewide transfer from San Quentin Rehabilitation Center to designated institutions. Therefore, the regulation is no longer appropriate or necessary.

Petitioner references statutory compliance with 2016 California (CA) Proposition 66 and PC sections 3600, 5050, 5054, 5055, 5058, and 5058.3(a).

Department's Response: Petitioner Ramon J. Rogers' request to repeal CCR, Title 15, Division 3, Chapter 1, Subchapter 4, Article 10, subsection 3375.2 (a)(12) is denied.

CDCR notes that on November 8, 2016, California voters approved Proposition 66, the Death Penalty Reform and Savings Act of 2016, which amended several PC sections governing CDCR's condemned population. PC section 3600 was revised to authorize CDCR to house condemned male incarcerated persons outside San Quentin Rehabilitation Center, as long as security requirements were met. PC section 2700.1 was added, requiring all condemned individuals to participate in work assignments. On January 29, 2020, CDCR received approval from the Office of Administrative Law (OAL) to implement the CITPP to comply with Proposition 66, allowing voluntary transfer of eligible condemned male incarcerated persons to designated institutions and transfer of eligible condemned female incarcerated persons to alternative housing units at the Central California Women's Facility. This expanded work opportunities, improved programming access, and aligned departmental practice with statutory labor requirements.

In 2023, CDCR filed the rulemaking action with OAL to make the CITPP regulations permanent. Regulations expanded CITPP and made transfer mandatory and permanent for condemned incarcerated persons to other institutions and allowed CDCR to phase–out the practice of housing incarcerated persons solely on their sentence. This allowed the department to house condemned individuals centered on other factors, in line with CDCR's behavior–based system where incarcerated people are housed according to their individual case factors.

CCR, Title 15, subsection 3375.2(b)(12) requires that individuals receive reception center processing and an ICC review. These requirements continue to be fully met. When an incarcerated person's condemned sentence is modified such that reception center processing is required, the processing and ICC are completed at the institution where the individual is currently housed. This ensures that the required classification and endorsement functions occur without unnecessary disruption to programming, employment required under PC section 2700.1, access to family or attorneys, continuity of care, or resource utilization.

CDCR continues to monitor population trends and realign housing programs to meet operational needs and maintain safe, secure, and appropriate placement decisions. CDCR appreciates the petitioner's detailed submission.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF DECISION ON RECONSIDERATION OF PETITION TO AMEND REGULATIONS PURSUANT TO GOVERNMENT CODE 11340.6, 11340.7

Petitioner

Benjamin Shumate; CDCR# CB0420.

Department Contact Person

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

Availability of Petition

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

Authority

Penal Code Sections: 5054 and 5058.

Provisions of California Code of Regulations Affected:

Title 15, Crime Prevention and Corrections.

Division 3, Adult Institutions, Programs and Parole.

Summary of Reconsideration of Petition and Department Decision:

Subsections 3078.3, 3079.1, 3177, 3375.2, 3377.1, 3504, 3504.1, 3505, and 3561

Petitioner's Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Reason for Reconsideration Request: Replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class. The petitioner requested that the California Department of Corrections and Rehabilitation (CDCR) amend CCR, Title 15 to remove any restrictions on sex offenders as a class.

On July 29, 2026, CDCR issued a denial to the petitioner, indicating that several of the points raised in the petition do not align with the existing CDCR policies regarding the classification and housing of incarcerated persons who have been convicted of sex crimes.

On September 17, 2026, the petitioner submitted a request for reconsideration of the petition to CDCR expressing disagreement with CDCR's denial of the petition and indicated that CDCR failed to address specific issues raised in the petition. Specifically, petitioner challenges CDCR's current policy of housing for incarcerated persons serving a sentence for sex crimes. The petitioner contends that sex offenders have a lower rate of recidivism than that of other incarcerated persons, and there is no more of a threat to the public and the safety and security of institutions than that from other incarcerated persons. The petitioner requests that CDCR reconsider the previously denied petition to amend a policy regarding the housing for incarcerated persons serving a sentence for sex crimes, to allow for lower security level housing placement. Petitioner requests CDCR replace any subsections or sentences in the section which exclude, deny or prohibit, or add extra restrictions on sex offenders as a class.

Department's Reconsideration Response: Petitioner's reconsideration of the petition requesting that CDCR amend CCR, Title 15 to remove any restrictions on sex offenders as a class is denied.

CDCR has established a classification system, authorized by Penal Code (PC) 5068, that provides a standard evaluation for the placement of incarcerated persons at the least restrictive institution, commensurate with their custodial requirements and consistent with their rehabilitative needs and public safety. The petitioner cites numerous articles and publications dated from 1996 through 2025 to support his claims that sex offenders pose no additional threat and therefore should not receive any "extra restrictions" to housing and programing. While CDCR can recognize the existence of these documents, their conclusions and findings do not dictate CDCR policy. The CDCR 2011 *Expert Panel Study of the Inmate Classification Score System* reviewed the recommendations from reports and studies and had determined that the use of a mandatory minimum scoring system for sex offenders was appropriate in keeping sex offenders housed in facilities no lower than Level II while maximizing safety for both the incarcerated population and the public.

The language in CCR, Title 15, Division 3, and its relative sections concerning sex offenders complies with the Administrative Procedure Act as it was approved and certified by the Office of Administrative Law. It was adopted through the required regulatory process in accordance with Government Code section 11340 et seq. As part of this process, the proposed regulations were publicly noticed, allowing the public to review and comment before their adoption and final certification.

As it relates to parole conditions and parole supervision, the Department's requirements to abide by residency restrictions, global positioning device utilization, and sex offender treatment are all required pursuant to various penal codes, which is where the relevant CCRs are rooted. As such, the Department does not have the latitude to divert from the PC. Relevant PC would be PC 3010.10, PC 3003(g), and PC 3008.

SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH THE SECRETARY OF STATE

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

Department of Food and Agriculture

File # 2026–0910–01

Section 3280 Japanese Beetle Exterior Quarantine

In this certificate of compliance pursuant to Government Code section 11346.1(e), the Department of Food and Agriculture proposes to amend the Japanese beetle exterior quarantine area to remove Oregon.

Title 03
Amend: 3280
Filed 10/21/2026
Effective 10/21/2026
Agency Contact: Rachel Avila (916) 698–2947

State Water Resources Control Board
File # 2026–1006–01
Emergency Regulation Amending ELAP Fee Regulations

This emergency file and print action pursuant to Health and Safety Code § 100829 by the State Water Resources Control Board (SWRCB) amends the fee schedule for the Environmental Laboratory Accreditation Program by adding a non–refundable accreditation fee for environmental laboratories applying for voluntary full TNI. Pursuant to Health and Safety Code § 100829(f)(3), this action is a deemed emergency, exempt from OAL review, and remains in effect until revised by the SWRCB.

Title 22
Amend: 64802.25
Filed 10/15/2026
Effective 10/15/2026
Agency Contact: Justin Davis (916) 449–5670

State Water Resources Control Board
File # 2026–1006–02
FY 2026–27 Waste Discharge Requirement Fees

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

Title 23
Amend: 2000, 2200.7
Filed 10/15/2026
Effective 10/15/2026
Agency Contact: Sarah Fong (916) 341–5129

State Water Resources Control Board
File # 2026–1012–04
Emergency Regulation Amending Drinking Water Fee Schedule

This State Water Resources Control Board emergency file and print action pursuant to Government Code 11346.1, which is a deemed emergency pursuant to Health and Safety Code section 116565(e)(1), amends drinking water fees to conform to the revenue levels set forth in the Budget Act for fiscal year 2026–2027 as applied to group quarters, wholesalers, non–transient non–community and transient non–community water systems, and all community water systems fee tiers, excluding the minimum fee for a disadvantaged community water system. The regulations also adopt a process to appeal a Board determination whether a public water system serves a disadvantaged community, which impacts the applicable fee amount. The regulations are exempt from OAL review and will remain in effect until revised by the Board pursuant to Health and Safety Code section 116565(e)(2)(B).

Title 22
Amend: 64300, 64305, 64310, 64315
Filed 10/20/2026
Effective 10/20/2026
Agency Contact: Justin Davis (916) 449–5670

California School Finance Authority

File # 2026–1009–01

Charter School Revolving Loan Fun Program

This emergency readoption action pursuant to Government Code § 11346.1(h) by the California School Finance Authority readopts amendments regarding the Charter School Revolving Loan Fund Program as originally amended in emergency rulemaking action 2026–0407–01E. This action is deemed an emergency pursuant to Education Code § 41365(h).

Title 04
Amend: 10170.19, 10170.20, 10170.21
Filed 10/15/2026
Effective 10/15/2026
Agency Contact: Will Jarrell (916) 651–7711

California Correctional Training and Rehabilitation Authority

File # 2026–0915–01

Conflict-of-Interest Code

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

Title 15
Amend: 8299
Filed 10/19/2026
Effective 11/18/2026
Agency Contact:
Kelly Mortenson (916) 413–1140

Department of Insurance
File # 2026–0909–02
Comprehensiveness Review; Complete Rate Application

This File and Print action submitted by the Department of Insurance to implement Proposition 103 (approved Nov. 8, 1988) adopts a comprehensiveness review process and amends complete rate application requirements for insurers to require that data be reconciled. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 11340.9, subdivision (g), and was submitted to the Office of Administrative Law (OAL) only for filing with the Secretary of State and printing in the California Code of Regulations (CCR).

Title 10
Adopt: 2644.29, 2648.2.2
Amend: 2648.2, 2648.4
Filed 10/15/2026
Effective 10/15/2026
Agency Contact: Randi Bovard (916) 610–0964

Department of Insurance
File # 2026–0911–02
Removal of Marital Status in Automobile Insurance Rating

This file and print action submitted by the Department of Insurance to implement Proposition 103 (approved Nov. 8, 1988) deletes marital status from the list of optional rating factors upon which automobile insurance rates may be determined. This action is exempt from the Administrative Procedure Act pursuant to Government Code section 11340.9, subdivision (g), and was submitted to the Office of Administrative Law (OAL) only for filing with the Secretary of State and printing in the California Code of Regulations (CCR).

Title 10
Amend: 2632.5., 2632.9., 2632.11
Filed 10/15/2026
Effective 10/26/2026
Agency Contact: Randi Bovard (916) 610–0964

Air Resources Board
File # 2026–0914–01
Advanced Payment Regulation

This section 100 action pursuant to California Code of Regulations, title 1, section 100, by the California Air Resources Board repeals provisions restricting grantees from providing advance payments received to other entities. This change is based on statutory changes made through Assembly Bill 3017 (Chapter 664, Statutes of 2024).

Title 17
Amend: 91043
Filed 10/21/2026
Agency Contact:
Roberta “Bobbi” Ruch (279) 208–7881

Department of Pesticide Regulation
File # 2026–0914–03
School Site and Child Day Care Facility Pesticide Use Reporting Form

In this action pursuant to California Code of Regulations, title 1, section 100, the Department of Pesticide Regulation amends its School Site and Child Day Care Facility Pesticide Use Reporting form, which is incorporated by reference in section 6625 of Title 3 of the California Code of Regulations, to update font size, punctuation, and underlining.

Title 03
Amend: 6625
Filed 10/21/2026
Agency Contact: Lauren Otani (916) 445–5781

Department of Social Services
File # 2026–0909–04
RCFE Rate Increase

In this section 100 action pursuant to California Code of Regulations, title 1, section 100, the Department of Social Services changes the pronouns used in the regulations, removes subsections to cross–referenced sections, and updates its Handbook. It also updates its requirement for Residential Care Facilities for the Elderly (RCFE)that increase the rates of fees or rate structures for services to provide no less than 90 days prior written notice to the resident or the resident’s representatives, pursuant to Health and Safety Code section 1569.655(a).

Title 22
Amend: 87507
Filed 10/21/2026
Agency Contact: R. Lee McNish (916) 584–0566

Public Employment Relations Board
File # 2026–0911–01
Change Without Regulatory Effect for Sections 32781 and 93020

In this section 100 action pursuant to California Code of Regulations, title 1, section 100, the Public Employment Relations Board amends its regulations to add lettering to identify subsections.

Title 08
Amend: 32781, 93020
Filed 10/20/2026
Agency Contact: James Coffey (916) 584–5676

State Allocation Board

File # 2026–0902–01

Leroy F. Greene Sch. Facs. Act of 1998; TK in the Form SAB 50–01

This rulemaking action by the State Allocation Board amends regulations implementing the School Facilities Program, as established by the Leroy F. Greene School Facilities Act of 1998. The regulations implement a methodology for reporting Transitional Kindergarten enrollment as its own grade level category for purposes of the enrollment projections upon which new construction funding is based. The regulations also make conforming and other nonsubstantive changes to reflect Transitional Kindergarten terminology and capitalize defined terms in the regulations and forms that are incorporated by reference.

Title 02
Amend: 1859.2, 1859.33, 1859.35, 1859.42, 1859.42.1, 1859.51, 1859.60, 1859.61, 1859.73.2, 185977.2, 1859.77.3, 1859.78.7.1, 1859.81, 1859.82.1, 1859.82.2, 1859.124.1, 1859.163.5, 1859.164, 1859.167.1, 1859.182, 1859.183
Filed 10/15/2026
Effective 10/15/2026
Agency Contact: Lisa Jones (279) 946–8459

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.