



# California Regulatory Notice Register

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## PROPOSED ACTION ON REGULATIONS

### TITLE 2. SECRETARY OF STATE

*Uniform Commercial Code (UCC) Administrative Rules — Notice File No. Z2014-0121-05* ..... 149

### TITLE 5. BOARD OF EDUCATION

*California Assessment of Student Performance and Progress — Notice File No. Z2014-0117-03* ..... 152

### TITLE 5. BOARD OF EDUCATION

*Local Control Funding Formula — Notice File No. Z2014-0117-02* ..... 155

### TITLE 5. BOARD OF EDUCATION

*Publisher Fee for English Language Arts — Notice File No. Z2014-0117-01* ..... 157

### TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

*General Industry Safety Orders 4542 & 5155 — Notice File No. Z2014-0121-06* ..... 160

### TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

*Access for Infants and Mothers (AIM) Modified Adjusted Gross Income (MAGI) — Notice File No. Z2014-0121-04* ..... 166

### TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD

*Major Risk Medical Insurance Program (MRMIP) Subscriber Contributions — Notice File No. Z2014-0121-03* ..... 168

### TITLE 14. FISH AND GAME COMMISSION

*Klamath and Trinity Rivers Sport Fishing — Notice File No. Z2014-0121-01* ..... 170

### TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

*Security Threat Groups — Notice File No. Z2014-0121-13* ..... 174

### TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

*Ignition Interlock Devices — Notice File No. Z2014-0121-08* ..... 177

(Continued on next page)

***Time-Dated Material***

TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Proposition 65 Adoption of Labor Code Regulation — Notice File No. Z2014-0121-02</i> .....	180

**GENERAL PUBLIC INTEREST**

DEPARTMENT OF FISH AND WILDLIFE	
<i>Green Diamond Resource Company — Northern Spotted Owl Habitat Conservation Plan — Consistency Determination (2080-2013-010-01)</i> .....	183

**PROPOSITION 65**

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Chemicals Known to the State to Cause Cancer or Reproductive Toxicity: January 31, 2014</i> .....	186

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Chemical Listed Effective January 31, 2014 as Known to Cause Reproductive Toxicity: Trichlorethylene</i> .....	205

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT	
<i>Notice of Intent to List By “Formally Required to be Labeled or Identified” Mechanism; Megestrol Acetate</i> .....	206

**RULEMAKING PETITION DECISIONS**

DEPARTMENT OF CORRECTIONS AND REHABILITATION	
<i>Notice of Decision on Petition from Curtis D. Wright to Amend Regulations Pertaining to CCR, Title 15, Division 3, Section 3054.2, Jewish Kosher Diet</i> .....	208

DEPARTMENT OF FOOD AND AGRICULTURE	
<i>California Cattlemen’s Association Petition — Justin Oldfield Requesting Repeal of Section 820.4, of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations</i> .....	209

**SUMMARY OF REGULATORY ACTIONS**

Regulations filed with the Secretary of State .....	211
Sections Filed, August 21, 2013 to January 22, 2014 .....	213

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

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**PROPOSED ACTION ON  
REGULATIONS**

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**TITLE 2. SECRETARY OF STATE**

**Title 2. Administration  
Division 7. Secretary of State  
Chapter 13. Uniform Commercial Code**

**Amending Sections 22600, 22600.1, 22600.2,  
22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.2,  
22601.3, 22601.4, 22601.7  
Deleting Section 22601.1**

**Title 2 California Code of Regulations  
(Uniform Commercial Code)**

Notice is hereby given that the Secretary of State intends to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

Hearing Date: No hearing date is scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the contact person listed no later than 15 days prior to the close of the written comment period.

Written Public Comment Period: January 31, 2014 to March 17, 2014.

**PROPOSED REGULATORY ACTION**

The Secretary of State proposes the following regulatory action:

Amend provisions of California Code of Regulations sections 22600, 22600.1, 22600.2, 22600.6, 22600.7, 22600.8, 22600.9, 22601, 22601.2, 22601.3, 22601.4, 22601.7, and deleting section 22601.1 to reflect statutory changes effective July 1, 2014, and further implement and interpret the requirements of California Commercial Code sections 9503, 9507, 9515, 9516, 9518, and 9521.

**AUTHORITY AND REFERENCE**

Authority cited: California Commercial Code section 9526.

Reference cited: California Commercial Code sections 9515, 9516, 9519, 9520, 9521, 9523, 9525, 9526, and 9528 and California Government Code section 12194.

**INFORMATIVE DIGEST / POLICY STATEMENT  
OVERVIEW**

The Secretary of State proposes to amend sections 22600 through 22601.7 of Title 2 of the California Code of Regulations, which implement, interpret or make specific sections 9503, 9507, 9515, 9516, 9518, 9521 and 9526 of the California Commercial Code. These sections concern the requirements surrounding the filing requirements of financing statements. The proposed amendments are intended to reflect the changes in the California Commercial Code effective July 1, 2014 and to update the regulations to be more consistent with the Model Administrative Rules, 2013 Edition promulgated by the International Association of Commercial Administrators (hereinafter the "IACA Model Rules").

Pursuant to section 9526 of the California Commercial Code, the Secretary of State must adopt and publish rules to implement the filing requirements set forth in Division 9, Chapter 5, commencing with section 9501. The current UCC Administrative Rules were adopted in May of 2004.

Individuals and businesses filing secured transaction documents with the Secretary of State will benefit from the proposed amendments to the regulations. The specific benefits include regulations that will be consistent with statutory changes resulting from Chapter 531, Statutes of 2013 thus reducing public confusion as to any differences between the regulations and California law. Furthermore, by revising the regulations to reflect more language from the IACA Model Rules the regulations will be more consistent with filing offices in other jurisdictions.

The Secretary of State has considered other related regulations and statutes on this matter and has determined that this proposed amendment is not inconsistent or incompatible with existing regulations and statutes. The Secretary of State is the only state office responsible for administering the California Commercial Code.

Specifically, through this proposed rulemaking, the Secretary of State proposes to amend Title 2, Division 7, Chapter 13 of the California Code of Regulations in the following respects:

- 1) Section 22600(a) is being revised to adopt the definition for "address" as set forth in the IACA Model Rules.

- 2) Section 22600(d) is deleted. This is a non-substantive change to remove the term “Business Programs Automation on-line system” and replace it with the term “UCC information management system” in Section 22600(k).
- 3) Section 22600(e) (renumbered to Subsection 22600(d)) is changing the term “Correction Statement” to “Information Statement.”
- 4) Section 22600(f) (renumbered to Subsection 22600(e)) is a non-substantive change made to reflect the terminology change from “Business Programs Automation on-line system” to “UCC information management system.”
- 5) Section 22600(g) is deleted.
- 6) Section 22600(h) is renumbered to Section 22600(f). This is a non-substantive change.
- 7) Section 22600(i) (renumbered to Section 22600(g)) is being revised to replace the term “Remitter” with “Submitter” for consistency and clarity.
- 8) Section 22600(j) is renumbered to Section 22600(h). This is a non-substantive change.
- 9) Section 22600(k) (renumbered to 22600(i)) is a non-substantive change made to reflect the terminology change from “Correction Statement” to “Information Statement.”
- 10) Section 22600(j) will add the term “UCC information management system” to describe the California web-based electronic filing services provided by the Secretary of State, previously referred to as the “Business Programs Automation on-line system.”
- 11) The first sentence of Section 22600.1 is now identified as (a). This is a non-substantive change.
- 12) Section 22600.1(a) is renumbered to Section 22600.1(a)(1). This is a non-substantive change.
- 13) Section 22600.1(b) (renumbered to Section 22600.1(a)(2)) is being revised to be consistent with the practices of other jurisdictions and language in IACA Model Rules regarding file time for a UCC record delivered by a courier service such as FedEx or UPS.
- 14) Section 22600.1(c) is renumbered to Section 22600.1(a)(3). This is a non-substantive change.
- 15) Section 22600.1(d) is being deleted from the regulations.
- 16) Section 22600.1(e) (renumbered to Section 22600.1(a)(4)) includes two non-substantive changes made to reflect the terminology change from “Correction Statement” to “Information Statement” and from “Business Programs Automation on-line system” to “UCC information management system.”
- 17) The paragraph following Section 22600.1(e) (renumbered to Section 22600.1(a)(4)) is now identified as Section 22600.1(b). The term “currency” is being replaced with the term “dollars” and “electronic funds transfer” is being deleted from the regulations.
- 18) Section 22600.2 is being revised to remove the second sentence pertaining to a search request on an initial financing statement to be consistent with revisions to the UCC Financing Statement (Form UCC1) as set forth in Section 9521 of the California Commercial Code.
- 19) Section 22600.5 includes a non-substantive change to reflect the terminology change from “remitter” to “submitter” and a clarifying grammatical change.
- 20) The title in Article 3 is being revised to reflect the terminology change from “Business Programs Automation on-line system” to “UCC information management system.”
- 21) Section 22600.6 is a non-substantive change to clarify that California utilizes the XML format for electronic transmission of UCC records as adopted by the International Association of Commercial Administrators. This section also includes a statement that the XML format is published on the Secretary of State’s website.
- 22) Section 22600.7(a) is a non-substantive change to remove the term “Business Programs Automation on-line system” and replace it with the term “UCC information management system.”
- 23) Section 22600.7(b) is a non-substantive change to remove the term “Business Programs Automation on-line system” and replace it with the term “UCC information management system.”
- 24) Section 22600.7(d) is a non-substantive change to correct the subdivision reference to Section 22600.1(a)(1)–(4).
- 25) Section 22600.8 is a non-substantive change to remove the term “Business Programs Automation on-line system” and replace it with the term “UCC information management system.”
- 26) Section 22600.9 is a non-substantive change to remove the terms “Business Programs Automation on-line system” and replace each with the term “UCC information management system.”
- 27) Section 22601(a) is a non-substantive change to remove the term “Business Programs Automation on-line system” and replace it with the term “UCC information management system.”

- 28) Section 22601(b) includes a non-substantive change to remove the term “Business Programs Automation on-line system” and replace it with the term “UCC information management system.” This section is also being revised to set forth the new field designations, “first personal name,” “additional name(s)/initial(s),” and “individual’s surnames” to be consistent with revisions to the UCC Financing Statement (UCC1) and the UCC Financing Statement Amendment (UCC3) as set forth in Section 9521 of the California Commercial Code.
- 29) Section 22601.1(a) and (b) are deleted from the regulations.
- 30) Section 22601.3(c) is being revised to replace the term “currency” with the term “dollars.” The term “electronic funds transfer” is deleted from the regulations.
- 31) Section 22601.3(d) is amended to describe how a search request with a UCC filing will be handled following changes to the UCC Financing Statement (Form UCC1) that removed the box allowing the submitter to request search reports on debtors identified in the form.
- 32) Section 22601.4(g) is being revised to be consistent with the terminology set forth in the name fields contained in the UCC forms as those forms appear in California Commercial Code section 9521.
- 33) Section 22601.7 is amended to add the title “Treatment of Other Liens” and to make a clarifying grammatical change. These are non-substantive changes.

Susan Lapsley, Deputy Secretary of State  
and Counsel  
Secretary of State  
1500 11th Street, Third Floor  
Sacramento, CA 95814  
Telephone: 916-651-7837

All inquiries regarding this proposed rulemaking, including requests for obtaining the Final Statement of Reasons, should be directed to Carleen Wood at the address listed above.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

The Secretary of State has made the following initial determinations:

- 1. **Mandate on local agencies and school districts:** None.
- 2. **Costs or savings to any state agency:** The amendments to the regulations have no fiscal effect on other state agencies, however \$240,000 has been appropriated to the Secretary of State from the Secretary of State’s Business Fees Fund for expenditures in the 2013–2014 fiscal year associated with the implementation of Chapter 531, Statutes of 2013.
- 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 costs or savings imposed on local agencies:** None.
- 5. **Costs 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:** None.
- 7. **Cost impacts on a representative private person or business:** The Secretary of State is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- 8. **Adoption of these amendments will not:**  
(A) create or eliminate jobs within California;  
(B) create new businesses or eliminate existing businesses within California; or  
(C) affect the expansion of businesses currently doing business within California.
- 9. **Significant effect on housing costs:** None.

**WRITTEN COMMENT PERIOD**

Any interested person, or the interested person’s authorized representative, may submit written comments relevant to the proposed regulatory action to the Secretary of State. The written comment period closes at 5:00 p.m. on March 17, 2014. The Secretary of State will consider only comments received at the Secretary of State’s office by that time. Submit comments to:

Carleen Wood, Attorney  
Secretary of State  
1500 11th Street, Third Floor  
Sacramento, CA 95814  
Telephone: 916-653-6244

The backup contact person for comment submission is:

10. **Effect on small business:** None. The proposed amendments do not impose any mandatory fees on small businesses or require any forms or reports be prepared or filed by any business.

<http://www.sos.ca.gov/admin/regulations/proposed/> and may also be obtained from the contact person indicated above.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed amendments to the UCC Administrative Rules reflect the statutory changes in the California Commercial Code as well as language from the IACA Model Rules. Due to the purely statutory nature of the changes to existing regulations, no jobs in California will be created or eliminated, no new businesses in California will be created or existing businesses eliminated, and no existing businesses in California will be expanded or eliminated. The proposed amendments to the UCC Administrative Rules will not result in any benefits to the health and welfare of California residents, worker safety, or the state's environment.

#### CONSIDERATION OF ALTERNATIVES

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

The Secretary of State invites persons to present statements or arguments with respect to alternatives to the proposed amendments during the written comment period.

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Secretary of State will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at the above address. The rulemaking file contains all the information upon which this proposed action is based. As of the date this notice is published in the Notice Register, the rulemaking file consists of this Notice of Proposed Rulemaking, the regulations as proposed (the express terms of the proposed action), and the Initial Statement of Reasons. The Initial Statement of Reasons includes the necessity, purpose, and rationale for this proposed regulatory action. Copies are posted on the Secretary of State's website at

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After considering all timely and relevant comments received, the Secretary of State may adopt the proposed regulations substantially as described in this Notice of Proposed Rulemaking. If the Secretary of State 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 the Secretary of State adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the contact person indicated above. The Secretary of State will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Copies of rulemaking documents can be accessed through the Secretary of State's website at <http://www.sos.ca.gov/admin/regulations/proposed/>. Upon completion, the Final Statement of Reasons will be posted on the Secretary of State's website or obtained from the contact person indicated above.

### TITLE 5. BOARD OF EDUCATION

#### AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING THE CALIFORNIA ASSESSMENT OF STUDENT PERFORMANCE AND PROGRESS

(Set forth in Education Code section 60640 as the Measurement of Academic Performance and Progress or MAPP)

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 1:30

p.m. on March 17, 2014, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator  
 Administrative Support and Regulations Adoption Unit  
 California Department of Education  
 1430 N Street, Room 5319  
 Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 17, 2014. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the public hearing and after considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

**AUTHORITY AND REFERENCE**

Authority: Sections 33031, 60605 and 60640, Education Code.

Reference: Sections 47079.5, 47605, 47605.8, 47651, 48645.1, 49062, 49068, 49079.5, 52052, 56034, 60602.5, 60603, 60604, 60605, 60607, 60610, 60611, 60612, 60615, 60630, 60640, 60641, 60642.5, 60642.6 and 60643, Education Code; 20 U.S.C. Section 1232g; 7 C.F.R. Sections 245.2(a)(1)-(4), 245.3 and 245.6; 34 C.F.R. Sections 99.3, 300.160, 201(d), (e) and (f); and 5 CCR 11967.6.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Assembly Bill 484 (Chapter 489, Statutes of 2013) deletes the provisions of the Education Code establishing the Standardized Testing and Reporting (STAR) Program and instead establishes the Measurement of Academic Performance and Progress (set forth in Education Code section 60640 as MAPP, referenced in the regulations as the California Assessment of Student Performance and Progress (CAASPP). Whenever possible, the proposed amendments to the regulations add language to remove the specific names of tests in the CAASPP assessment system because test names may change and new tests are being added to the CAASPP assessment system. Other amendments include: deleting sections now incorporated in law and those that will be incorporated into work completed by CAASPP contractor(s).

The CDE is presenting these regulations in compliance with Education Code section 60640(q) that states, "On or before July 1, 2014, Sections 850 to 868, inclusive, of Title 5 of the California Code of Regulations shall be revised by the state board to conform to the changes made to this section in the first year of the 2013-14 Regular Session."

The CDE reviewed all state regulations relating to the statewide pupil assessment system and found that none exist that are inconsistent or incompatible with these regulations regarding the CAASPP assessment system.

The benefit of enacting the proposed regulations will be the implementation of a new statewide assessment system that aligns with current state content standards adopted by the SBE. Administering assessments that align with curriculum and instruction being provided in classrooms will establish continuity, will provide better information about student performance to teachers, parents, and administrators, and will ultimately improve teaching and student learning.

**DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT**

*The SBE has made the following initial determinations:*

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

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

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because the proposed amendments only affect local educational agencies and would have no impact on the private sector.

### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The benefit of enacting the proposed regulations will be the implementation of a statewide assessment system that aligns with state content standards adopted by the SBE in 2010. Administering assessments that align with curriculum and instruction being provided in classrooms will establish continuity, will provide better information about student performance to teachers, parents, and administrators, and will ultimately improve teaching and student learning.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

### CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, would be more effective in carrying out the purpose for which the ac-

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

### CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Don Killmer, Consultant  
Assessment Development and Administration  
Division  
California Department of Education  
1430 N Street, Room 4200  
Sacramento, CA 95814  
Telephone: 916-319-0802  
Email: [DKillmer@cde.ca.gov](mailto:DKillmer@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Hillary Wirick, Regulations Analyst, at 916-319-0860.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr>.

### 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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Don Killmer, Assessment Development and Administration Division, 1430 N Street, Sacramento, CA, 95814; telephone, 916-319-0802. It is recommended that assistance be requested at least two weeks prior to the hearing.

Debra Thacker, Regulations Coordinator  
Administrative Support and Regulations Adoption Unit  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 17, 2014. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**TITLE 5. BOARD OF EDUCATION**

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING LOCAL CONTROL FUNDING FORMULA SPENDING REQUIREMENTS FOR SUPPLEMENTAL AND CONCENTRATION GRANTS AND LOCAL CONTROL AND ACCOUNTABILITY PLAN TEMPLATE

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 10:00 a.m. on March 17, 2014, at 1430 N Street, Room 1101, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

AUTHORITY AND REFERENCE

Authority: Sections 42238.07 and 52064, Education Code.

Reference: Sections 2574, 2575, 42238.01, 42238.02, 42238.03, 42238.07, 47605, 47605.5, 47606.5, 48926, 52052, 52060-52077, and 64001, Education Code; 20 U.S.C. Section 6312.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On July 1, 2013, Governor Brown signed AB 97 (Chapter 47, Statutes of 2013), as amended by SB 97 (Chapter 357, Statutes of 2013), which enacted the Local Control Funding Formula (LCFF). The LCFF is a new funding formula for school districts, county offices of education, and charter schools (local educational agencies ["LEAs"]). The LCFF replaces most state-funded programs for LEAs. The Department of Finance estimates that the formula will be fully funded in eight years, but implementation begins in 2103-2014. When

fully implemented, the LCFF will result in significantly more funding for LEAs, provide more flexibility in the use of funds, and help address historic achievement gaps encountered by students of poverty, English learners, and foster youth.

The LCFF calls for state funding to LEAs to be based on an equal amount per pupil, with two adjustments. The first adjustment is based upon the grade level of the pupils. The rate for pupils in Kindergarten through grade 3 includes additional funding for grade span adjustments that require, upon full implementation, that LEAs reduce class sizes in these grades to an average of no more than 24 pupils. In addition, the formula is adjusted for pupils in grades 9–12 to reflect higher operating costs and a focus on college and career readiness.

The second adjustment to the LCFF formula is based on pupil demographics. The formula provides additional funding in the form of supplemental and concentration amounts based on the unduplicated counts of low income, English learners and foster youth pupils. For school districts, the LCFF formula provides an additional 20 percent of the base amount for each unduplicated pupil. When the number of unduplicated pupils exceeds 55 percent of a school district’s enrollment, the LCFF formula provides an additional 50 percent of the base amount for each unduplicated pupil that exceeds the 55 percent enrollment. Different formulas are provided for county offices of education and charter schools. Education Code section 2574(b) and Education Code section 42238.02(b) define an unduplicated pupil for these purposes

Education Code section 42238.07, as added by AB 97, requires the SBE to adopt regulations by January 31, 2014, that govern the expenditure of funds apportioned on the basis of the number and concentration of unduplicated pupils pursuant to Education Code sections 2574, 2575, 42238.02, and 42238.03.

In addition, Education Code section 52064, as added by AB 97 and amended by SB 97, requires the SBE to adopt a template by March 31, 2014, for LEAs to use for the required local control accountability plan (LCAP) and annual updates to the plan. The LCAP and updates must describe annual goals for each state priority, describe specific actions necessary to achieve those goals, and list and describe annual expenditures implementing the specific actions. The applicable specific priorities for LEAs are outlined in Education Code sections 52060(d), 520566(d), or 47605(b)(5)(B). Education Code section 52064 requires that the template be adopted pursuant to the Administrative Procedure Act and authorizes the SBE to adopt regulations for purposes of implementing the section.

The proposed regulations are intended to support the local implementation of the LCFF.

The CDE reviewed all state regulations relating to the LCFF requirements for supplemental and concentration grants and found that none exist that are inconsistent or incompatible with these regulations.

#### DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

*The SBE has made the following initial determinations:*

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

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

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business. The proposed amendments only affect local educational agencies and would have no impact on the private sector.

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The benefits of the proposed regulations are to provide instruction to LEAs regarding the expenditure of funds allocated under the LCFF and provide a template for use by LEAs to complete a local control and accountability plan. This regulatory action is required by Education Code sections 42238.07 and 52064, as added by AB 97 (Chapter 47, Statutes of 2013), effective July 1, 2013, and as amended by SB 97 (Chapter 357, Statutes of 2013), effective January 1, 2014.

Adoption of these regulations will not 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within Califor-

nia; or 3) affect the expansion of businesses currently doing business within California.

#### CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the SBE, 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 SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

Elisa Wynne, Project Manager  
 Local Control Funding Formula  
 California State Board of Education  
 1430 N Street, Room 5111  
 Sacramento, CA 95814  
 Telephone: 916-319-0827  
 E-mail: [ewynne@cde.ca.gov](mailto:ewynne@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Hillary Wrick, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulations and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE's Web site at <http://www.cde.ca.gov/re/lr/rr/>.

#### 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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting Elisa Wynne, Project Manager, Local Control Funding Formula, State Board of Education, 1430 N Street, Room 5111, Sacramento, CA, 95814; telephone, 916-319-0827. It is recommended that assistance be requested at least two weeks prior to the hearing.

#### TITLE 5. BOARD OF EDUCATION

##### AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING ENGLISH LANGUAGE ARTS/ENGLISH LANGUAGE DEVELOPMENT INSTRUCTIONAL MATERIALS ADOPTION

**NOTICE IS HEREBY GIVEN** that the State Board of Education (SBE) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

#### PUBLIC HEARING

California Department of Education (CDE) staff, on behalf of the SBE, will hold a public hearing at 9:30 a.m. on March 18, 2014, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to:

Debra Thacker, Regulations Coordinator  
Administrative Support and Regulations Adoption Unit  
California Department of Education  
1430 N Street, Room 5319  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-319-0155 or by e-mail to [regcomments@cde.ca.gov](mailto:regcomments@cde.ca.gov).

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on March 18, 2014. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public hearing and considering all timely and relevant comments received, the SBE may adopt the proposed regulations substantially as described in this Notice or may modify the proposed regulations if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified regulation will be available for 15 days prior to its adoption from the Regulations Coordinator and will be mailed to those persons who submit written comments related to this regulation, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposed regulations.

AUTHORITY AND REFERENCE

Authority: Sections 33031 and 60206, Education Code.

References: Sections 60200, 60207 and 60211, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

On October 2, 2013, Governor Brown signed into law Senate Bill 201 (Liu), Statutes of 2013, which authorized a new statewide English language arts/English language development (ELA/ELD) instructional materials adoption with final SBE action no later than November 30, 2015. This bill created Education Code sec-

tion 60211 which requires the CDE to assess participating publishers a fee. While Education Code section 60200 and the California Code of Regulations, Title 5, sections 9510 through 9525 establish the process by which the CDE and the SBE conduct instructional materials adoptions, Title 5 does not address the process for collecting the fee for this ELA/ELD adoption as specified in the new law nor the amount of the fee. These proposed new regulations will address this fee and the CDE's collection process. These regulations will allow the CDE and the SBE to conduct the new ELA/ELD instructional materials adoption and provide to local educational agencies and the public a list of approved and recommended kindergarten through grade eight instructional materials aligned to the California Common Core State Standards (CCSS) for ELA/ELD.

The CDE reviewed all state regulations relating to instructional materials and found that none exist that are inconsistent or incompatible with these regulations regarding kindergarten through grade eight instructional materials that are aligned to the California ELA/ELD. The proposed regulations add an element of detail specific to one adoption process as set forth in new law.

DISCLOSURES REGARDING THE PROPOSED ACTION/FISCAL IMPACT

*The SBE has made the following initial determinations:*

There are no other matters as are prescribed by statute applicable to the specific state agency or to any specific regulations or class of regulations.

The proposed regulations do not require a report to be made.

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

Costs to any local agencies or school districts for which reimbursement would be required pursuant to Part 7 (commencing with section 17500) of division 4 of the Government Code: None.

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

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

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

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

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because small businesses may request a reduced participation fee. Education Code section 60211(b) stipulates that

“before incurring substantial costs” for the ELA/ELD adoption, the CDE “shall assess a fee” from publishers who have declared their intent to submit instructional materials for consideration of SBE adoption. The law allows the SBE to reduce the fee for a small publisher, defined as “an independently owned or operated publisher or manufacturer that is not dominant in its field of operation and that, together with its affiliates, has 100 or fewer employees, and has average annual gross receipts of ten million dollars (\$10,000,000) or less over the previous three years.”

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Adoption of these regulations will not: 1) create or eliminate jobs within California; 2) create new businesses or eliminate existing businesses within California; or 3) affect the expansion of businesses currently doing business within California.

The fiscal impact of the publisher fee on business is offset by the potential gains. While these regulations will enact a \$5,000 per grade level per program publisher participation fee, publishers whose instructional materials are adopted by the SBE will benefit from extensive marketing exposure and recognition by school districts that the materials have been thoroughly vetted.

#### CONSIDERATION OF ALTERNATIVES

The SBE must determine that no reasonable alternative it considered, or that has otherwise been identified and brought to the attention of the SBE, 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 SBE invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing or during the written comment period.

#### CONTACT PERSONS

Inquiries concerning the content of this regulation should be directed to:

David Almquist, Education Programs Consultant  
Curriculum Framework & Instructional Resources  
Division  
California Department of Education  
1430 N Street, Suite 3207  
Sacramento, CA 95814  
Telephone: 916-319-0444  
E-mail: [dalmquist@cde.ca.gov](mailto:dalmquist@cde.ca.gov)

Inquiries concerning the regulatory process may be directed to the Regulations Coordinator or Hillary Wierick, Regulations Analyst, at 916-319-0860.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The SBE has prepared an Initial Statement of Reasons for the proposed regulation and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED REGULATION AND CORRESPONDING DOCUMENTS

Copies of the exact language of the proposed regulation, the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Regulations Coordinator. These documents may also be viewed and downloaded from the CDE’s Web site at <http://www.cde.ca.gov/re/lr/rr/>.

#### 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 Regulations Coordinator.

You may obtain a copy of the Final Statement of Reasons, once it has been finalized, by making a written request to the Regulations Coordinator.

#### REASONABLE ACCOMMODATION FOR ANY INDIVIDUAL WITH A DISABILITY

Pursuant to the *Rehabilitation Act of 1973*, the *Americans with Disabilities Act of 1990*, and the *Unruh Civil Rights Act*, any individual with a disability who requires reasonable accommodation to attend or participate in a public hearing on proposed regulations, may request assistance by contacting David Almquist, Curriculum

Frameworks & Instructional Resources Division, 1430 N Street, Suite 3207, Sacramento, CA, 95814; telephone, 916-319-0881. Please request assistance at least two weeks prior to the hearing.

**TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING/PUBLIC HEARING/BUSINESS MEETING OF THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD AND NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS**

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

**PUBLIC MEETING:** On **March 20, 2014**,  
at 10:00 a.m.  
in the Auditorium of the  
Harris State Building  
1515 Clay Street,  
Oakland, California.

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

**PUBLIC HEARING:** On **March 20, 2014**,  
at 10:00 a.m.  
in the Auditorium of the  
Harris State Building  
1515 Clay Street,  
Oakland, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes to occupational safety and health standards in Title 8 of the California Code of Regulations.

**BUSINESS MEETING:** On **March 20, 2014**,  
at 10:00 a.m.  
in the Auditorium of the  
Harris State Building  
1515 Clay Street,  
Oakland, California.

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

**DISABILITY ACCOMMODATION NOTICE:**  
Disability accommodation is available upon request.

Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the public hearings/meetings of the Occupational Safety and Health Standards Board should contact the Disability Accommodation Coordinator at (916) 274-5721 or the statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

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

**NOTICE OF PROPOSED CHANGES TO TITLE 8 OF THE CALIFORNIA CODE OF REGULATIONS BY THE OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on March 20, 2014.

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**  
Section 4542  
**Guarding of Vertical Food Mixers**
2. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**  
Section 5155  
**Airborne Contaminants,  
Hydrogen Chloride**

Descriptions of the proposed changes are as follows:

1. TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**  
Section 4542  
**Guarding of Vertical Food Mixers**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The proposed rulemaking is the result of a Form 9 request for a new or change in existing safety order dated December 18, 2012, from the Division of Occupational Safety and Health (Division). The Division contends that Section 4542 does not adequately address the hazard of entanglement in commercial vertical food mixers and stated that the mixers are frequently operated without covers or guards, permitting workers to be entangled by rotating shafting or attachments.

Vertical mixers are manufactured in various bowl sizes and are separated into those that are designed to operate on a countertop and those that are larger and operated while resting on the floor. Bowl sizes for the larger floor mixers are typically 30 quarts or more. Current regulations, which specifically address vertical food mixers, do not require guarding for the moving spindle or attachments of either the countertop or floor stand mixers.

Several manufacturers of vertical mixers currently supply their mixers with interlocked bowl guards, but there are no Title 8 requirements for the guard to be in place or maintained in working order, nor do all manufacturers make such guarding available. Due to the potential for employee exposure to the rotating parts, the Division has requested that a regulation be written to require the use of the guards supplied with a mixer and for mixers without such guarding to have the guarding installed. To assist Board staff in the development of a rulemaking proposal to address the guarding issue, a representative advisory committee was convened by Board staff on August 27, 2013. The proposal described herein is the consensus proposal of that committee.

For vertical food mixers manufactured after January 1, 2015, the proposal would require employers to use an interlocked bowl guard to prevent employees from contacting the moving parts inside the mixing bowl. Because the advisory committee determined that accident data only showed a necessity for guarding the larger floor model mixers, the proposed amendments would only apply to mixers with a bowl size of 30 quarts or larger. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is “the only agency in the state authorized to adopt occupational safety and health standards.” When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the

equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.

- Differs from existing federal standards in that it requires interlocked bowl guarding on certain vertical (stand) mixers where federal standards do not.
- Is not inconsistent or incompatible with existing state regulations. This 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 such things as: (1) the requirement of the federal government and the Labor Code to the effect that the 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 a single entity (the Standards Board).
- Was determined to be the least burdensome effective alternative by consensus of an advisory committee.

**Section 4542. Mixers.**

This section includes various standards that apply to horizontal and vertical dough and food mixers, which include, but are not limited to, interlocking covers/enclosures, means and methods to prevent inadvertent contact by the operator with moving parts, and the use of bowl-locking devices.

A new subsection (e) is proposed to require employers utilizing a vertical food mixer with a bowl size of 30 quarts or larger and manufactured after January 1, 2015, to utilize a manufacturer-supplied interlocked bowl guard, or its equivalent, and be so arranged that power cannot be applied to the agitators unless the cover/enclosure and the bowl are in place on the mixer.

The proposed regulation would reduce the likelihood of employee injury by guarding the rotating parts in the mixing bowl and preventing the operation of the mixer while the bowl guard is not in place.

Federal regulations do not have a corresponding requirement for bowl guards on vertical mixers, so the proposed regulation is more protective than current federal requirements.

COST ESTIMATES OF PROPOSED ACTION

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete**

The Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposal requires the use of bowl guards which are presently supplied as standard equipment with the majority of stand mixers sold in California. Because several manufacturers supply mixers with the proposed guarding, employers would not experience an economic impact because they could choose from several makes and models when purchasing a newly manufactured mixer. This determination is based upon input from attendees at the advisory committee meeting.

**Cost Impact on Private Persons or Businesses**

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.

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendment may affect small businesses. However, no economic impact is anticipated because the amendment does not require retrofitting, nor is presently-used equipment rendered illegal by the regulation, and several manufacturers produce equipment that complies with

the proposal. The new equipment may be put into service as the useful life of present equipment ends.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS/ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

The proposal will protect employees by requiring that floor stand mixers be operated with the bowl guard supplied with the mixer or its equivalent.

ALTERNATIVES STATEMENT

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 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.

- TITLE 8: **GENERAL INDUSTRY SAFETY ORDERS**  
Section 5155  
**Airborne Contaminants,  
Hydrogen Chloride**

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Section 5155, Airborne Contaminants, establishes minimum requirements for controlling employee exposure to specific airborne contaminants. California periodically amends the airborne contaminants table (Table AC-1) in this standard to keep it consistent with current information regarding harmful effects of exposure to these substances and other new substances not listed.

The substance hydrogen chloride with an amended permissible exposure limit (PEL) in this proposal was considered first by the Division of Occupational Safety and Health's (Division) Health Expert Advisory Committee (HEAC) in five meetings in 2008 and 2009. The HEAC discussed the health basis of possible changes in the PEL based on a range of scientific information. Technical assistance was provided to the Division by staff of the Office of Environmental Health Hazard As-

assessment in the California Environmental Protection Agency and the Hazard Evaluation System and Information Service in the California Department of Public Health. In addition, informal public comment was invited on the PEL recommended by the HEAC for potential feasibility and cost issues at a meeting of the Division's Feasibility Advisory Committee (FAC) on December 8, 2009. The meetings of both the HEAC and the FAC were open to the public.

The effect of these amendments is to reduce the risk of material impairment of health or functional capacity of employees exposed to hydrogen chloride.

The proposed changes to Section 5155 are considered to be at least as effective as, or more stringent than, the federal OSHA requirements for these substances found at 29 CFR 1910.1000 for Air Contaminants. This regulatory proposal is intended to provide worker safety at places of employment in California.

This proposed rulemaking action:

- Is based on the following authority and reference: Labor Code Section 142.3, which states, at subsection (a)(1) that the Board is "the only agency in the state authorized to adopt occupational safety and health standards." When read in its entirety, Section 142.3 requires that California have a system of occupational safety and health regulations that at least mirror the equivalent federal regulations and that may be more protective of worker health and safety than are the federal occupational safety and health regulations.
- Differs from existing federal standards, in that the PEL Ceiling value proposed for HCl is lower than that found in the federal air contaminants standard at 29 CFR 1910.1000, and that federal standard also does not include an 8-hour TWA value as is being proposed in this rulemaking. Labor Code section 147.1(c) mandates with respect to occupational health issues not covered by federal standards that the Division maintain surveillance, determine the necessity for standards, and develop and present proposed standards to the Standards Board. For a variety of reasons, the federal standards for air contaminants have remained largely unrevised since their promulgation in the early 1970s, with the exception 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, scientific studies with experimental animals have shown that HCl has the potential to cause acute and chronic health effects. The Standards Board believes the Division appropriately carried out its

mandate under Labor Code section 147.1 to present to the Standards Board the PEL proposed for HCl in this rulemaking, including a determination of necessity for the proposed amendment. In addition, the Standards Board believes that with this proposal, it is carrying out its mandate under Labor Code section 144.6 to adopt standards dealing with toxic materials which 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 data in the field and the reasonableness of the standard.

- Is not inconsistent or incompatible with existing state regulations. This 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 such things as the requirement of the federal government and the Labor Code to the effect that the State regulations be at least as effective as their federal counterparts.
- This rulemaking proposal was developed with the assistance of two technical advisory committees: one that considered scientific data on health risks associated with exposure to HCl, and a second that considered concerns of cost and feasibility of implementation in the workplace. These committees were comprised of subject matter experts with expertise relevant to the concerns they were considering and from a range of different institutional orientations most notably health and chemical exposure science, industry, medicine, and government. The PEL amendments proposed are performance based and thus are consistent with the preference stated for this type of standard in Labor Code section 144.6 when dealing with toxic materials.

#### COST ESTIMATES OF PROPOSED ACTION

This rulemaking proposes to amend the existing Permissible Exposure Limit (PEL) for hydrogen chloride (HCl) in workplace air. Employers with workplaces where there may be worker exposures to HCl in California operate primarily in the private industrial and chemical sectors. The proposed PEL Ceiling for HCl is the same as the ACGIH TLV Ceiling value adopted in 2003 and so professional health and safety staff and consultants of affected employers should be aware of, and are probably already in compliance with, this value at most California workplaces.

The 8-hour TWA PEL value being proposed is based on scientific findings of which professional health and

safety staff and consultants should be cognizant as it is based on the same study as that on which OEHHA bases its current chronic REL value for hydrogen chloride and on which the U.S. Environmental Protection Agency bases its Reference Concentration for Chronic Inhalation Exposure (RfC).

The only written comment on HCl received from an interested party for the FAC meeting was a letter from WorkSafe addressing three substances discussed in this FAC meeting, which noted briefly that HCl is used in a wide variety of cleaning applications and that there are many relatively non-toxic cleaning products and processes that may substitute for many of the uses of HCl. No other comments on cost or feasibility were provided to the FAC meeting and the FAC discussion did not raise objections to the PEL amendments proposed in this rulemaking. In addition, the Division contacted affected industry representatives, reviewed past inspection data and relevant literature. Based on the FAC recommendations and the Division's additional research, it is not anticipated that the reduced PEL will create a significant cost impact on the employers who use HCl in California.

The Board does not believe there are significant costs associated with this regulatory proposal. The Board also believes any possible unforeseen costs would be offset by the potential savings associated with limiting exposures to HCl to the PEL values proposed resulting in reduced Workers' Compensation and other costs associated with the health effects intended to be prevented or minimized.

**Costs or Savings to State Agencies**

No costs or savings to state agencies will result as a consequence of the proposed action.

**Impact on Housing Costs**

The Standards Board has made an initial determination that this proposal will not significantly affect housing costs.

**Impact on Businesses/Significant Statewide Adverse Economic Impact Directly Affecting Businesses Including the Ability of California Businesses to Compete**

The Standards Board has made a determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

For the FAC meeting at which HCl was discussed, a brief written comment was submitted by WorkSafe suggesting that less toxic alternatives exist for some uses of this chemical. The FAC generally concluded on a consensus basis that the PEL amendments proposed in this

rulemaking should not pose problems of feasibility and the Division's further research concurs.

In light of the limited economic impact of the proposal (as a result of the FAC feasibility determination and Division further research), the adoption of the proposed amendments to these standards will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

This regulatory proposal is intended to provide worker safety at places of employment in California.

**Cost Impact on Private Persons or Businesses**

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

**Costs or Savings in Federal Funding to the State**

The proposal will not result in costs or savings in federal funding to the state.

**Costs or Savings to Local Agencies or School Districts Required to be Reimbursed**

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

**Other Nondiscretionary Costs or Savings Imposed on Local Agencies**

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. There are no costs to any local government or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630.

EFFECT ON SMALL BUSINESSES

The Standards Board has determined that the proposed amendments may affect small businesses. The feasibility and cost of implementation of the proposed PEL for HCl was discussed by the FAC. Based on the FAC committee discussion and its own research, the Division concluded that no information had been presented or discovered to suggest that the proposed amended Ceiling limit value nor the new 8-hour TWA PEL would be infeasible in any particular industrial sector or operation. In light of this, the Standards Board believes there will be no adverse economic impact on small businesses as a result of the PEL proposed for HCl.

RESULTS OF THE ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT

The proposed regulation will not have any effect on the creation or elimination of California jobs or the creation or elimination of California businesses or affect the expansion of existing California businesses.

BENEFITS OF THE REGULATION

Setting a Permissible Exposure Limit for hydrogen chloride that is up-to-date and consistent with current scientific information and state policies on risk assessment will send appropriate market signals to employers with respect to the costs of illness and injury which chemicals can impose on workers and their families, the government, and society at large. With appropriate market signals, employers may be better able to choose chemicals for use in the workplace that impose less of a burden on workers and society.

ALTERNATIVES STATEMENT

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 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.

Labor Code section 144.6 provides that standards dealing with toxic materials be adopted that are most adequately protective of employee health "to the extent feasible." Discussions were held in public meetings with advisory committees for both health and feasibility assessment. These discussions addressed a number of factors relevant to consideration of a particular value for the PEL proposed in this rulemaking. These discussions are described in the minutes included in Attachment No. 4. Labor Code section 144.6 also provides that whenever practicable, standards for toxic materials be expressed in terms of objective criteria and of the performance desired. The proposal in this rulemaking is consistent with that stated preference in that it does not require particular specified equipment or methods for exposure-level control, but rather provides an objectively stated performance criteria with affected employers determining the alternatives to use to achieve compliance in their particular operations involving employee exposure to the toxic material. The preference of Labor Code section 144.6 for performance-based stan-

dards for toxic materials is consistent with the same stated preference contained in such Government Code section 11340.1(a).

A copy of the proposed changes in STRIKEOUT/UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Oakland, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than **March 14, 2014**. The official record of the rule-making proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **March 20, 2014**, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Oakland, CA 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to Marley Hart, Executive Officer, or Mike Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's

website or by calling the telephone number listed above.

**TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD**

**TITLE 10. INVESTMENT, CALIFORNIA CODE OF REGULATIONS CHAPTER 5.6 ACCESS FOR INFANTS AND MOTHER PROGRAM**

**ARTICLE 2. ELIGIBILITY, APPLICATION AND ENROLLMENT**

**AMEND SECTIONS 2699.200 AND 2699.207**

**NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on March 17, 2014, at 1:30 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board  
Attn: Alissa Harris  
1000 G Street, Suite 450  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to [aharris@mrmib.ca.gov](mailto:aharris@mrmib.ca.gov). Comments must be received by no later than 5:00 p.m. on March 17, 2014.

**AUTHORITY AND REFERENCE**

Authority: Section 12696.05, Insurance Code, Section 77 of AB 82 (Chapter 23, Statutes of 2013).

Reference: Sections 12696.05, 12698, and 12698.30 of the Insurance Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Access for Infants and Mothers (AIM) program is a state and federally-funded program administered by the Managed Risk Medical Insurance Board (MRMIB or Board) (Insurance Code Section 12695 et seq.). The program provides low cost health insurance to uninsured, middle income pregnant women. The total cost to the individual subscriber is 1.5 percent of her adjusted annual household income. The State of California and the federal government supplement the subscriber contribution to cover the full cost of care.

On June 27, 2013, the Governor signed AB 82 (Chapter 23, Statutes of 2013), the 2013 Omnibus Health Trailer Bill. Section 24 of AB 82 added subdivision (d) to Insurance Code Section 12698, requiring use of Modified Adjusted Gross Income (MAGI) in calculating AIM eligibility effective January 1, 2014, pursuant to the Federal Patient Protection and Affordable Care Law (Public Law 111-148, amended by Public Law 111-152, jointly referred to here as the ACA).

On June 27, 2013, the Governor also signed ABX1-1 (Chapter 3, Statutes of 2013-13, First Extraordinary Session). Section 2 of ABX1-1 amended subdivision (a) of Insurance Code Section 12698.30 to require that AIM eligibility continue through the end of the month in which the 60th day following the end of a pregnancy falls, rather than ceasing coverage on the 61st day following the end of the pregnancy.

At its August 21, 2013, public meeting, the Board adopted emergency AIM regulations to implement both MAGI eligibility in compliance with AB 82 and end-of-month disenrollment in compliance with ABX1-1. The emergency regulation took effect on November 13, 2013, and was implemented for AIM subscribers beginning January 1, 2014.

This proposed action will make permanent the emergency regulations concerning eligibility guidelines and criteria for the AIM program, as well as implement the coverage period established by amendment of Insurance Code sec. 12698.30(a).

**Benefits of the Proposed Action:**

The proposed action would benefit the health and welfare of California residents, as there will be a small savings to AIM subscribers due to implementing end-of-month disenrollment.

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

The MRMIB has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regula-

tion that would relate to or affect this area, MRMIB has concluded that this is the only regulation that concerns income eligibility for the AIM program and disenrollment from AIM after the 60th day following the end of a pregnancy.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

MRMIB has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: The fiscal impact of MAGI is unknown but believed to be neutral. There will be an additional Proposition 99 cost of \$1.4 million in fiscal year 2013–14 and \$2.0 million for the two subsequent fiscal years due to implementing end-of-month disenrollment.

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

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost or savings in federal funding to the State: There will be an additional federal cost of \$2.1 million in fiscal year 2013–14 and \$2.0 million for the two subsequent fiscal years due to implementing end-of-month disenrollment.

Cost impact on representative private person or business: The proposed action would benefit the health and welfare of California residents, as there will be a small savings to AIM subscribers due to implementing end-of-month disenrollment.

Significant effect on housing costs: None.

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

**Results of Economic Impact Analysis/Assessment**

The MRMIB concludes that it is (1) unlikely that the proposed action will create any jobs within the State; (2) unlikely that the proposed action will eliminate any jobs within the State; (3) unlikely that the proposed action will create any new businesses within the State; (4) unlikely that the proposed action will eliminate any existing business within the State; and (5) unlikely that the proposed action will cause the expansion of business currently doing business within the State.

*Benefits of the Proposed Action:* The proposed action would benefit the health and welfare of California residents, as there will be a small savings to AIM subscribers due to implementing end-of-month disenrollment.

**Small Business Determination**

The Board has determined that the proposed regulations will not affect small businesses. AIM is funded by state and federal funds as well as subscriber premiums. The MRMIB is not aware of any cost impacts that a small business would incur in reasonable compliance with the proposed action.

**Consideration of Alternatives**

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

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

CONTACT PERSON

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Alissa Harris  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 324–0571

OR

Tony Lee  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 327–8000

INITIAL STATEMENT OF REASONS

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacra-

mento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**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 above.

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 above. The Final Statement of Reasons and the Rulemaking File will also be posted on the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**TITLE 10. MANAGED RISK MEDICAL INSURANCE BOARD**

**CHAPTER 5.5 MAJOR RISK MEDICAL INSURANCE BOARD**

**AMEND SECTION 2698.401**

**NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Managed Risk Medical Insurance Board (MRMIB) is proposing to take the action described in the Informative Digest.

A public hearing regarding this proposal will be held on March 17, 2014, at 1:00 p.m., at 1000 G Street, Suite 450, Sacramento, CA 95814.

Following the public hearing MRMIB may thereafter adopt the proposal substantially as described below or may modify the proposal if the modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written comments related to this proposal, or who provide oral testimony at the public hearing, or

who have requested notification of any changes to the proposal.

Notice is also given that any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the:

Managed Risk Medical Insurance Board  
Attn: Alissa Harris  
1000 G Street, Suite 450  
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at (916) 445-0898 or by e-mail to [aharris@mrmib.ca.gov](mailto:aharris@mrmib.ca.gov). Comments must be received by no later than 5:00 p.m. on March 17, 2014.

**AUTHORITY AND REFERENCE**

Authority: Sections 12711 and 12712, Insurance Code.

Reference: Sections 12713, 12736, 12737, and 12738, Insurance Code.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

The Managed Risk Medical Insurance Board (MRMIB or Board) administers the Major Risk Medical Insurance Program (MRMIP), which was established in 1991 (see, Insurance Code Section 12700, et seq.) MRMIP provides access to health insurance for individuals who are denied coverage, or offered excessive premiums, due to a pre-existing medical condition. Program subscribers and dependent subscribers can select from several health insurers or health maintenance organizations that contract with MRMIB. Program costs are covered by a combination of Proposition 99 cigarette and tobacco tax funds and subscriber contributions.

Section 2698.401 of Title 10 of the California Code of Regulations establishes the method in which MRMIP subscriber contributions are calculated. Until calendar year 2013, as required by the MRMIP statute, subscriber contributions ranged from 125 percent to 137.5 percent of the standard average individual rates for comparable coverage, i.e. 125 to 137.5 percent of the premiums charged to the insurable population in the private market. (Insurance Code Section 12737(a).) In 2012, AB 1526 (Monning, Chapter 855, Statutes of 2012) added subdivision (c) to Section 12737, giving the Board authority, only for calendar year 2013, to further subsidize subscriber contributions to no lower than 100 percent of the standard average individual rates. The Board then adopted regulations, based on the authority granted in AB 1526, to subsidize 2013 subscrib-

er contributions to 100 percent of the standard average individual rates.

Existing law includes a detailed process (Title 10 CCR Section 2698.401, subdivisions (a) through (i)) under which each MRMIP health plan provides an annual estimate of the standard average individual rate based on that plan's MRMIP benefits. In past years, in order to determine which plans' subscribers would pay 125 percent of the standard average individual rate and which plans' subscribers would pay 137.5 percent, MRMIB used claims history to determine plan-specific and program-wide loss ratios and used this information to calculate which plans had received excess subsidies in the prior year. Subscriber contributions for plans that had not received excess subsidies were set at 125 percent of the standard average individual rate, which subscriber contributions for plans that had received excess subsidies were set a maximum of 137.5 percent, with additional rules ensuring that each county had at least one plan with subscriber contributions set at 125 percent. In addition, subscriber contributions were set at 125 percent for plans that had participated in MRMIP for two or fewer years.

On June 27, 2013, the Governor signed AB 82 (Chapter 23, Statutes of 2013), the Omnibus Health Trailer Bill. Section 25 of AB 82 amended subdivision (c) of Insurance Code Section 12737 to give MRMIB ongoing authority, beyond 2013, to subsidize subscriber premiums to as low as 100 percent of the standard average individual rates for comparable coverage.

At its August 21, 2013 meeting, the Board adopted the proposed emergency regulation implementing AB 82 to continue to subsidize MRMIP subscriber contributions so that subscribers pay no more than 100 percent of the standard average individual rate. In addition, the Board made technical conforming changes to the calculation of subscriber contributions in its adoption of the proposed emergency regulation. Now that MRMIB is using its AB 82 authority to permanently subsidize subscriber contributions so that subscribers in all MRMIP health plans pay 100 percent of the standard average individual rate, the detailed plan-by-plan methodology stated in existing law is no longer necessary or applicable.

The emergency regulation took effect on November 13, 2013, and was implemented for MRMIP subscriber premiums beginning January 1, 2014.

**Benefits of the Proposed Action:**

The proposed action would benefit the health and welfare of California residents. The State of California provides several programs for low- or mid-income individuals and, in the case of MRMIP, individuals with pre-existing medical conditions, which receive funds under Proposition 99. This proposed regulation would

provide an increased subsidized cost per subscriber, thus decreasing their risk of medical bankruptcy. However, the overall costs would be maintained within the current funding because of the current reduced enrollment.

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

The MRMIB has determined that this proposed regulation is not inconsistent or incompatible with existing regulations. After conducting a review for any regulation that would relate to or affect this area, MRMIB has concluded that this is the only regulation that concerns subscriber premiums for the MRMIP.

DISCLOSURES REGARDING THE PROPOSED ACTION

MRMIB has made the following initial determinations:

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None. Although this regulatory change would provide an increased subsidized cost per subscriber, the overall costs would be maintained within the current funding because of the current reduced enrollment in the program.

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

Other nondiscretionary cost or savings imposed on local agencies: None.

Cost of savings in federal funding to the State: None.

Cost impact on representative private person or business: The proposed action will decrease MRMIP subscriber premiums. The MRMIB is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Statewide adverse economic impact directly affecting businesses and individuals: The action will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: None.

**Results of Economic Impact Analysis/Assessment**

The MRMIB concludes that it is (1) unlikely that the proposed action will create any jobs within the State; (2) unlikely that proposed action will eliminate any jobs within the State; (3) unlikely that the proposed action will create any new businesses within the State; (4) unlikely that the proposed action will eliminate any existing business within the State; and (5) unlikely that the proposed action will cause the expansion of business currently doing business within the State.

*Benefits of the Proposed Action:*

The proposed action would benefit the health and welfare of California residents. The State of California provides several programs for low- or mid-income individuals and, in the case of MRMIP, individuals with pre-existing medical conditions, which receive funds under Proposition 99. This proposed regulation would provide an increased subsidized cost per subscriber, thus decreasing their risk of medical bankruptcy. However, the overall costs would be maintained within the current funding because of the current reduced enrollment.

**Small Business Determination**

The Board has determined that the proposed regulations will not affect small businesses. MRMIP is a State program for individuals with pre-existing medical conditions, and is funded by Proposition 99. The MRMIB is not aware of any cost impacts that a small business would incur in reasonable compliance with the proposed action.

**CONSIDERATION OF ALTERNATIVES**

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

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

**CONTACT PERSONS**

Inquiries concerning the proposed adoption of this regulation and written comments may be directed to:

Alissa Harris  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
(916) 324-0571

OR

Tony Lee  
Managed Risk Medical Insurance Board  
1000 G Street, Suite 450  
Sacramento, CA 95814  
916-327-8000

**INITIAL STATEMENT OF REASONS**

The MRMIB has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which this proposal is based, may be obtained upon request from the Managed Risk Medical Insurance Board at 1000 G Street, Suite 450, Sacramento, CA 95814. These documents may also be viewed and downloaded from the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**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 above.

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 above. The Final Statement of Reasons and the Rulemaking File will also be posted on the MRMIB website at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**WEBSITE ACCESS**

Materials regarding this proposal can be found at [www.mrmib.ca.gov](http://www.mrmib.ca.gov).

**TITLE 14. FISH AND GAME COMMISSION**

**NOTICE IS HEREBY GIVEN** that the Fish and Game Commission (Commission), pursuant to the authority vested by sections 200, 202, 205, 215, 220, 240, 315 and 316.5 of the Fish and Game Code and to implement, interpret or make specific sections 200, 202, 205,

206, 215 and 316.5 of said Code, proposes to amend subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations, relating to Klamath/Trinity rivers sport fishing.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

The Klamath River System, which consists of the Klamath River and Trinity River basins, is managed through a cooperative system of State, federal, and tribal management agencies. Salmonid regulations are designed to meet natural and hatchery escapement needs for salmonid stocks, while providing equitable harvest opportunities for ocean recreational, ocean commercial, river recreational and tribal fisheries.

The Pacific Fishery Management Council (PFMC) is responsible for adopting recommendations for the management of recreational and commercial ocean salmon fisheries in the Exclusive Economic Zone (three to 200 miles offshore) off the coasts of Washington, Oregon, and California. When approved by the Secretary of Commerce, these recommendations are implemented as ocean salmon fishing regulations by the National Marine Fisheries Service (NMFS).

The California Fish and Game Commission (Commission) adopts regulations for the ocean salmon recreational (inside three miles) and the Klamath River System recreational fisheries which are consistent with federal fishery management goals.

For the purpose of PFMC mixed-stock fishery modeling and salmon stock assessment, salmon greater than 22 inches are defined as adult salmon (ages 3–5) and salmon less than or equal to 22 inches are defined as grilse salmon (age 2).

**Klamath River Fall–Run Chinook**

Klamath River fall–run Chinook salmon (KRFC) harvest allocations and natural spawning escapement goals are established by the PFMC. The KRFC harvest allocation between tribal and non–tribal fisheries is based on court decisions and allocation agreements between the various fishery representatives.

The 2014 KRFC in–river recreational fishery allocation recommended by the PFMC is currently unknown. All proposed closures for adult KRFC are designed to ensure sufficient spawning escapement in the Klamath Basin and equitably distribute harvest while operating within annual allocations.

**Klamath River Spring–Run Chinook**

The Klamath River System also supports Klamath River spring–run Chinook salmon (KRSC). Naturally produced KRSC are both temporally and spatially separated from KRFC in most cases.

Presently, KRSC stocks are not managed or allocated by the PFMC. The in–river recreational fishery is managed by general basin seasons, daily bag limit, and possession limit regulations.

**KRFC Allocation Management**

The PFMC 2013 allocation for the Klamath River System recreational harvest was 40,006 adult KRFC. Preseason stock projections of 2014 adult KRFC abundance will not be available from the PFMC until March 2014. The 2014 Klamath Basin allocation will be recommended by the PFMC in April 2014 and presented to the Commission for adoption prior to its April 2014 meeting.

For public notice requirements, the Department of Fish and Wildlife (Department) recommends the Commission consider an allocation range of 0 – 67,600 adult KRFC in the Klamath River Basin for the river recreational fishery.

**Current Recreational Fishery Management**

The KRFC in–river recreational harvest allocation is divided into geographic areas and harvest is monitored under real time subquota management. KRSC in–river recreational harvest is managed by general season, daily bag limit, and possession limit regulations.

The daily bag and possession limits apply to both stocks within the same sub–area and time period.

**Proposed Changes**

No changes are proposed for the general (KRSC) opening and closing season dates, and bag, possession and size limits.

The following changes to current regulations are proposed:

**KRFC QUOTA MANAGEMENT: Seasons, Bag and Possession Limits**

For public notice requirements, a range of KRFC bag and possession limits are proposed until the 2014 Klamath Basin quota is adopted. As in previous years, no retention of adult KRFC salmon is proposed for the following areas, once the subquota has been met.

The proposed open seasons and range of bag and possession limits for KRFC salmon stocks are as follows:

1. Klamath River — August 15 to December 31
2. Trinity River — September 1 to December 31
3. Bag Limit — [0–4] Chinook salmon of which no more than [0–4] fish over 22 inches total length until subquota is met, then 0 fish over 22 inches total length.
4. Possession limit — [0–12] Chinook salmon of which [0–12] over 22 inches total length may be retained when the take of salmon over 22 inches total length is allowed.

SPIT AREA MANAGEMENT

Current regulations specify that the spit area (within 100 yards of the channel through the sand spit formed at the Klamath River mouth) closes to all fishing after 15 percent of the Lower Klamath River subquota has been taken downstream of the Highway 101 bridge. This provision only applies if the Department projects that the total Klamath River System recreational fishery allocation will be met.

The following three options are provided for Commission consideration.

Option 1 will close the spit area to all fishing after 15 percent of the total Klamath River Basin quota has been taken (instead of after 15 percent of the Lower Klamath River subquota has been taken) downstream of the Highway 101 bridge. This option also removes the provision that the spit area will close only if the Department projects that the total Klamath River System recreational fishery allocation will be met.

Option 2 will retain the language specifying that the spit area will close after 15 percent of the Lower Klamath River subquota has been taken downstream of the Highway 101 bridge, but will remove the provision that the spit area will close only if the Department projects that the total Klamath River System recreational fishery allocation will be met.

Option 3 will close the spit area to all fishing all year.

**Benefits of the Proposed Regulations**

The benefits of the proposed regulations are in conformance with Federal law, sustainable management of Klamath River Basin salmon resources, and promotion of businesses that rely on recreational salmon fishing in the Klamath River Basin.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to promulgate sport fishing regulations (sections 200, 202, 205, 315, and 316.5, Fish and Game Code). Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of Chinook salmon in the Lower Klamath River Basin.

**NOTICE IS GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the Resources Building, First Floor Auditorium, 1416 Ninth Street, Sacramento, California, on Wednesday, February 5, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard.

**NOTICE IS ALSO GIVEN** that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held at the Crowne

Plaza Ventura Beach Hotel, 450 E. Harbor Blvd., Ventura, California, on Wednesday, April 16, 2014, at 8:00 a.m., or as soon thereafter as the matter may be heard. Written comments may be submitted at the address given below, or by fax at (916) 653-5040, or by e-mail to [FGC@fgc.ca.gov](mailto:FGC@fgc.ca.gov). Written comments mailed, faxed or e-mailed to the Commission office must be received before 5:00 p.m. on April 11, 2014. All comments must be received no later than April 16, 2014, at the hearing in Ventura, CA. If you would like copies of any modifications to this proposal, please include your name and mailing address.

The regulations as proposed in strikeout–underline format, as well as an initial statement of reasons, including environmental considerations and all information upon which the proposal is based (rulemaking file), are on file and available for public review from the agency representative, Sonke Mastrup, Executive Director, Fish and Game Commission, 1416 Ninth Street, Box 944209, Sacramento, California 94244-2090, phone (916) 653-4899. Please direct requests for the above-mentioned documents and inquiries concerning the regulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Stafford Lehr, Chief of the Fisheries Branch, Department of Fish and Wildlife, phone (916) 327-8840, has been designated to respond to questions on the substance of the proposed regulations.** Copies of the Initial Statement of Reasons, including the regulatory language, may be obtained from the address above. Notice of the proposed action shall be posted on the Fish and Game Commission website at <http://www.fgc.ca.gov>.

Availability of Modified Text

If the regulations adopted by the Commission differ from but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Circumstances beyond the control of the Commission (e.g., timing of Federal regulation adoption, timing of resource data collection, timelines do not allow, etc.) or changes made to be responsive to public recommendation and comments during the regulatory process may preclude full compliance with the 15-day comment period, and the Commission will exercise its powers under Section 202 of the Fish and Game Code. Regulations adopted pursuant to this section are not subject to the time periods for adoption, amendment or repeal of regulations prescribed in Sections 11343.4, 11346.4 and 11346.8 of the Government Code. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency representative named herein.

If the regulatory proposal is adopted, the final statement of reasons may be obtained from the address

above when it has been received from the agency program staff.

**Impact of Regulatory Action/Results of the Economic Impact Analysis**

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

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

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The proposed regulations are projected to have some impact on the net revenues to local businesses servicing sport fishermen. Visitor spending may be reduced and in the absence of the emergence of alternative visitor activities, the drop in spending could induce business contraction. However, this will not likely affect the ability of California businesses to compete with businesses in other states. The preservation of Klamath River salmon stocks is necessary for the success of lower and upper Klamath River Basin businesses which provide goods and services related to fishing. The proposed changes are necessary for the continued preservation of the resource and therefore the prevention of adverse economic impacts.

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

The Commission anticipates some impact on the creation or elimination of jobs in California. The Commission does not anticipate any impacts on the creation, elimination or expansion of businesses in California. The proposed regulations range from the closure of the spit area to fishing of all sizes for the entire year; to no fishing of adult KRFC salmon in 2014; to a normal Klamath River Basin salmon season. The potential employment impacts range from 0 to 28 jobs which are not expected to create, eliminate or expand businesses in California. Adverse impacts to jobs and/or businesses would be less for the option that permits fishing of grilse KRFC salmon

than under the complete closure to all fishing in the spit area. The impacted businesses are generally small businesses employing few individuals and, like all small businesses, are subject to failure for a variety of causes. Additionally, the long-term intent of the proposed action is to increase sustainability in fishable salmon stocks and, subsequently, the promotion and long-term viability of these same small businesses.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for a salmon sport fishery encourages consumption of a nutritious food.

The Commission anticipates benefits to the environment by the sustainable management of California's salmon resources.

The Commission does not anticipate any benefits to worker safety.

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

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action regarding KRFC quota management (seasons, bag and possession limits). However options under consideration to close the spit area to fishing are anticipated to reduce visitor spending and revenue to area businesses. Spit Area Option 1 could reduce direct spending by \$132,000; Spit Area Option 2 could reduce direct spending by \$210,000; and Spit Area Option 3 could reduce spending by \$279,000 compared to an average year from 1999 to 2013. Revenue losses are expected to be shared by an estimated 30 businesses that support angler activities.

- (d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.
- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

**Effect on Small Business**

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

Consideration of Alternatives

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

**TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION**

**NOTICE IS HEREBY GIVEN** that the Secretary of the California Department of Corrections and Rehabilitation (CDCR or the Department), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend Sections 3000, 3023, 3043.4, 3044, 3077, 3139, 3269, 3269.1, 3314, 3315, 3321, 3323, 3334, 3335, 3341.5, 3375, 3375.2, 3375.3, 3376, 3376.1, 3377.2, 3378, 3378.1, 3378.2, 3378.3, 3504, 3505, 3545, 3561, 3651 and 3721 and to adopt Sections 3378.4, 3378.5, 3378.6, 3378.7, 3378.8 and 3378.9 of the California Code of Regulations (CCR), Title 15, concerning Security Threat Groups (formerly referred to as prison gangs).

**PUBLIC HEARING**

Date and Time: **April 3, 2014— 8:00 a.m. to 12:00 p.m.**  
Place: East End Complex Auditorium  
1500 Capitol Avenue  
Sacramento, CA 95811  
Purpose: To receive comments about this action.

**PUBLIC COMMENT PERIOD**

The public comment period will close **April 3, 2014, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883,

Sacramento, CA 94283-0001; by fax at (916) 324-6075; or e-mail at *m\_STGRegulation@cdcr.ca.gov* before the close of the comment period.

**CONTACT PERSON**

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief  
Regulation and Policy Management Branch  
Department of Corrections and Rehabilitation  
P.O. Box 942883, Sacramento, CA 94283-0001  
Telephone (916) 445-2269**

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

**Josh Jugum  
Regulation and Policy Management Branch  
Telephone (916) 445-2228**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Nancy Hardy  
Division of Adult Institutions  
Telephone (916) 324-0791**

**AUTHORITY AND REFERENCE**

PC Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management, and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058 authorizes the Director to prescribe and amend regulations for the administration of prisons.

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:**

This action will:

- Replace references in the regulations to prison gangs, street gangs and similar disruptive groups with the term Security Threats Groups (STGs). This term is used in the Federal correctional system and in many other correctional jurisdictions.
- Amend the Department’s current STG (gang) management policy, which identifies STG members and associates and separates them from the General Population, to focus on identifying, interdicting, and managing STG leadership and behavior. The Department will move from a status-based process (i.e., gang affiliation) to a behavior-based process that separates gang affiliates from the General Population based on STG-related disciplinary violations and/or confirmed membership.
- Establish a process for the certification by the Department of a group or gang as a STG–I, and the recognition of a group/gang as a STG–II, based on criteria specified in the regulations. This process will differentiate between STG–Is, which are the more “traditional” prison type gangs that are considered the greatest threat to staff and institution security, and STG–IIs, which are other groups such as street gangs or other disruptive groups.
- Establish additional due process and a weighted criteria scale in the procedures used to validate an offender as an affiliate of an STG.
- Differentiate between STG–I Members and other offenders such as Associates who are affiliated with an STG but not a member. Only STG–I Members confirmed by an Institution Classification Committee will be placed in Security Housing Units (SHU) based on validation alone. Affiliated offenders will be placed in SHU if they have engaged in documented STG behavioral violations.
- Establish a five–step Step Down Program which will allow inmates housed in the SHU as a result of STG–related behavior to return to a General Population setting provided they meet specified criteria and remain free of disciplinary violations.
- Incorporate enhanced privileges for inmates electing to participate through the Step Down Program.
- Establish a process to address classification and housing of validated STG affiliates who have paroled or discharged from CDCR jurisdiction and return to custody.
- Adopt definitions for several new terms related to Security Threat Groups and the Step Down Program.
- Incorporate into the regulations the STG Disciplinary Matrix, which will be used to determine Step Down Program placement when specified validated offenders commit STG–related disciplinary violations.
- Establish a process for the termination of an offender’s status as a validated STG affiliate when specified criteria are met.
- Establish the responsibilities of various Department staff and committees as part of the STG policy.

**FORMS INCORPORATED BY REFERENCE**

- CDCR 128–G1 (11/13) Security Threat Group Unit Classification Committee — Results of Hearing
- CDC 115 (07/88) Rules Violation Report
- CDC 812 (11/13) Notice of Critical Case Information — Safety of Persons (Non–Confidential Enemies)
- CDC 128–B (4/74) General Chrono
- Security Threat Group Certification Worksheet
- CDCR 128–B3 (11/13) Security Threat Group Identification Score Sheet CDCR
- 128–B4 (11/13) Evidence Disclosure and Interview Notification
- CDCR 1030 (11/13) Confidential Information Disclosure Form
- CDCR 128–B5 (11/13) Security Threat Group Validation Chrono
- CDCR 128–B2 (11/13) Security Threat Group Validation/Rejection Review
- CDCR 128B SDP1 (11/13) Step Down Program Notice of Expectations (Step 1)
- CDCR 128B SDP2 (11/13) Step Down Program Notice of Expectations (Step 2)
- CDCR 128B SDP3 (11/13) Step Down Program Notice of Expectations (Step 3)
- CDCR 128B SDP4 (11/13) Step Down Program Notice of Expectations (Step 4)
- CDCR 128B SDP5 (11/13) Notice of Conditions of Monitored Status
- CDC 128–G (10/89) Classification Chrono

**SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS**

The Department anticipates that these regulations will help to reduce STG (gang) violence and activity

within California prisons, and eventually help to reduce gang violence in communities as well. The criminal activities of prison STGs extend beyond prison walls into many local communities, and STGs are often associated with, and in some cases control, street gangs.

The proposed regulations provide for additional due process in the procedures used to “validate” inmates as affiliates of STGs. This should help to reduce expensive litigation, as inmates will have the opportunity to challenge their validation through the Department’s processes rather than relying on the courts.

#### EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING LAWS/REGULATIONS

The Department has researched existing statutes and regulations regarding Security Threat Groups/prison gangs and has determined that these proposed regulations are not inconsistent or incompatible with existing state laws and regulations.

Currently, Department policy regarding STGs and the Step Down Program is under the authority of the STG Pilot Program, which went into effect in October 2012. This pilot program will remain in effect until these proposed regulations are permanently adopted.

#### LOCAL MANDATES

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

#### FISCAL IMPACT STATEMENT

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

#### EFFECT ON HOUSING COSTS

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

#### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

essarily incur in reasonable compliance with the proposed action.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

#### RESULTS OF THE ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing, jobs or businesses within California, or affect the expansion of businesses currently doing business in California. The Department has determined that the proposed regulations will have no effect on the health of California residents, worker safety, or the state’s environment, because they relate strictly to the internal management of CDCR institutions.

The Department has determined that the proposed regulations may have an indirect positive impact upon the welfare of California residents by helping to reduce gang activity in local communities.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law, than the proposed regulatory action. Interested persons are invited to present statements or arguments with respect to any alternatives to the changes proposed at the scheduled hearing or during the written comment period.

**AVAILABILITY OF PROPOSED TEXT AND  
INITIAL STATEMENT OF REASONS**

The Department has prepared, and will make available, the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

**AVAILABILITY OF THE FINAL STATEMENT  
OF REASONS**

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

**AVAILABILITY OF CHANGES TO  
PROPOSED TEXT**

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**TITLE 16. BUREAU OF AUTOMOTIVE  
REPAIR**

**NOTICE OF PROPOSED REGULATORY  
ACTION AND PUBLIC HEARING  
CONCERNING**

**Ignition Interlock Device Installation,  
Maintenance, and Servicing**

**NOTICE IS HEREBY GIVEN** that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau" or "BAR") is proposing to take the actions described in the Informative Digest. Any person interested may present statements or arguments

orally or in writing relevant to the action proposed at a hearing to be held at the following location on the following date:

**Northern California**

**March 18, 2014 at 10:00 a.m.**

Bureau of Automotive Repair  
Hearing Room, 100B  
10949 North Mather Blvd.  
Rancho Cordova, California 95670

Written comments, including those sent by mail, facsimile, or e-mail to the address listed under Contact Person in this Notice, must be **received by the Bureau at its office no later than 5:00 p.m. on March 18, 2014**, or must be received by the Bureau at the above-referenced hearing. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will be included in the record of this proposed regulatory action, but will not be summarized or responded to.** The Bureau, upon its own motion or at the request of any interested party, may thereafter formally 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 will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Sections 9882 and 9882.14 of the Business and Professions Code, and to implement, interpret, or make specific Section 9882.14 of the Business and Professions Code, the Bureau is proposing to adopt the following changes to Article 8 of Chapter 1, Division 33, Title 16, California Code of Regulations.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

**INTRODUCTION:**

BAR was established within the Department of Consumer Affairs in 1972 with the enactment of the Automotive Repair Act. SB 51 (Beilenson, Chapter 1578, Statutes of 1971), mandated a statewide automotive repair consumer protection program. In furtherance of its mandate, BAR administers a statewide licensing and enforcement program.

Through its statewide offices, BAR provides consumer protection services related to Title 16, Division 33, of the California Code of Regulations. BAR regulates Automotive Repair Dealers (ARD), Lamp and Brake stations and adjusters, and Smog Check stations and technicians. BAR receives and mediates complaints from the public, investigates violations of the Automotive Repair Act, Smog Check laws, and associated regulations. When appropriate, cases are referred to the Attorney General's Office or law enforcement authorities for administrative action, civil and/or criminal prosecution.

**BACKGROUND:**

Assembly Bill (AB) 2040 (Farr, Chapter 1403, Statutes of 1990) requires BAR to cooperate with the Office of Traffic Safety (OTS) to adopt standards for the installation of ignition interlock devices as well as designate stations for these installations. The bill also requires manufacturers of those devices to comply with installation standards established by BAR, and authorized BAR to charge those manufacturers a fee to recover the cost of monitoring those installation standards.

SB 1576 (Committee on Business, Professions and Economic Development, Chapter 661, Statutes of 2012) authorizes electronics and appliance service dealers, licensed by the Bureau of Electronic and Appliance Repair, Home Furnishing and Thermal Insulation (BEARHFTI), to install, calibrate, service, and maintain ignition interlock devices. The bill exempts BEARHFTI licensed electronics and appliance service dealers from BAR automotive repair dealer registration requirements for performing work related to ignition interlock devices. The bill also requires BEARHFTI to adopt regulations "consistent with the standards adopted by the Bureau of Automotive Repair and the Office of Traffic Safety."

**EFFECT OF REGULATORY ACTION:**

BAR is proposing the following amendments to existing regulations:

1. Amend Section 3363.1 of Article 8, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
  - a. Add the terms "maintenance" and "service" to the overall scope of BAR's regulatory requirements for ignition interlock devices.
2. Amend Section 3363.2 of Article 8, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
  - a. Remove reference to repealed Vehicle Code section 23244 and OTS guidelines adopted pursuant to it.

3. Amend Section 3363.3 of Article 8, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
  - a. Clarify regulatory conflict between BAR and Bureau of Electronic and Appliance Repair, Home Furnishings and Thermal Insulation's (BEARHFTI) responsibilities with regard to ignition interlock devices. Specifically, this amendment prescribes BAR's jurisdiction over automotive repair dealers working on ignition interlock devices and enables BEARHFTI to adopt regulations in conformance with statute that prescribe BEARHFTI's jurisdiction over electronics and appliance service dealers working on ignition interlock devices.
4. Amend Section 3363.4 of Article 8, Chapter 1, Division 33, Title 16, California Code of Regulations, as follows:
  - a. Add the terms "maintenance" and "service" to the overall scope of BAR's regulatory requirements for ignition interlock devices.
  - b. Changed specific equipment requirements to generalized requirements. Specifically, requiring automotive repair dealers to have equipment on hand that device-specific and vehicle-specific manufacturer instructions identify as necessary.
  - c. Requires automotive repair dealers to adhere to acceptable trade standards, and ensure proper function of the device and vehicle after the installation, maintenance or servicing of the device.

**BENEFIT OF REGULATORY ACTION:**

This proposed regulatory action will streamline and clarify BAR's ignition interlock device regulations while adopting language to allow BEARHFTI to promulgate its own regulations to regulate the installation, calibration, servicing, and maintenance of ignition interlock devices pursuant to SB 1576 (Committee on Business, Professions and Economic Development, Chapter 661, Statutes of 2012).

**CONSISTENCY AND COMPATIBILITY WITH EXISTING STATE REGULATIONS:**

After reviewing existing state regulations relating to or affecting this regulatory proposal, BAR has determined that this proposed regulatory action is neither inconsistent nor incompatible with existing state regulations.

**FISCAL IMPACT ESTIMATES**

**FISCAL IMPACT ON PUBLIC AGENCIES  
INCLUDING COSTS OR SAVINGS TO STATE  
AGENCIES AND COSTS/SAVINGS IN FEDERAL  
FUNDING TO THE STATE**

No cost or savings to state agencies or in federal funding to the state.

This proposed regulatory action is anticipated to be cost neutral. BAR has always had jurisdiction over the installation of ignition interlock devices by automotive repair dealers. That will remain the case under this regulation. At this time, BAR is unable to predict how many automotive repair dealers may opt to discontinue maintaining a BAR registration in favor of maintaining only a BEARHFTI registration in order to install, maintain, and service ignition interlock devices.

**NONDISCRETIONARY COSTS/SAVINGS TO  
LOCAL AGENCIES**

None.

**LOCAL MANDATE**

None.

**COSTS TO ANY LOCAL AGENCY OR SCHOOL  
DISTRICT FOR WHICH GOVERNMENT CODE  
SECTIONS 17500–17630  
REQUIRE REIMBURSEMENT**

None.

**BUSINESS IMPACT**

These regulations conform BAR’s standards with statute, which enables additional businesses to perform this specialized service without filing additional paperwork or paying fees with a separate licensing entity, BAR. In addition, requirements have been updated so that businesses no longer need to keep possibly outdated tools in their shops that are not necessary to install devices, and instead require that businesses follow manufacturer-specific requirements and utilize applicable online materials. The proposed regulations will not have any 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 ANALYSIS**

**Impact on Jobs/Businesses:**

BAR has made an initial determination that the proposed regulatory action will not have any impact on the creation of jobs or new business, the elimination of jobs or existing businesses, or the expansion of business in the State of California. It is important to note, however, that BEARHFTI regulations in conformance with SB 1576 may constitute a business opportunity or cost savings for BEARHFTI licensees.

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

In addition to the benefits stated under the informative digest/policy statement overview above, this proposed action would ultimately benefit the health and welfare of California consumers by allowing for BEARHFTI licensees to perform ignition interlock device services. Providing for BEARHFTI licentiates to perform ignition interlock device services could potentially provide consumers, subject to the provisions of the ignition interlock device program, more location options when seeking installation, calibration, and maintenance services.

**COST IMPACT ON REPRESENTATIVE PRIVATE  
PERSON OR BUSINESS**

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

**EFFECT ON HOUSING COSTS**

None.

**EFFECT ON SMALL BUSINESS**

None.

BAR has always had jurisdiction over the installation of ignition interlock devices by automotive repair dealers. That will remain the case under this regulation. In addition, this regulatory action seeks to update tool and equipment requirements so that businesses no longer need to keep possibly outdated tools in their shops that are not necessary to install devices, and instead require that businesses follow manufacture-specific requirements and utilize applicable online materials.

**CONSIDERATION OF ALTERNATIVES**

BAR must determine that no reasonable alternative is considered 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 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 or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

BAR has prepared an Initial Statement of Reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10949 North Mather Boulevard, Rancho Cordova, CA 95670.

#### 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 that is available for public inspection by contacting the persons 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 Web site listed below.

#### CONTACT PERSON

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

Vincent Somma  
Bureau of Automotive Repair  
10949 N. Mather Boulevard  
Rancho Cordova, CA 95670  
Telephone: (916) 403-8560  
Fax No.: (916) 464-3424  
E-mail: vincent.somma@dca.ca.gov

**The backup contact person is:**

Alan Coppage  
Bureau of Automotive Repair  
10949 N. Mather Boulevard  
Rancho Cordova, CA 95670  
Telephone: (916) 403-8126  
Fax No.: (916) 464-3405  
E-mail: alan.coppage@dca.ca.gov

#### WEB SITE ACCESS

Materials regarding this proposal can also be found on BAR's Web site at: [www.autorepair.ca.gov](http://www.autorepair.ca.gov).

### TITLE 27. OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

#### PROPOSED SECTION 25904 LISTINGS BY REFERENCE TO THE CALIFORNIA LABOR CODE

NOTICE IS HEREBY GIVEN that the Office of Environmental Health Hazard Assessment (OEHHA) proposes to add section 25904 to Title 27, Cal. Code of Regulations. This regulation would clarify the procedure and criteria OEHHA uses to list and de-list chemicals via the "Labor Code" listing mechanism of Proposition 65<sup>1</sup>.

#### PUBLIC PROCEEDINGS

##### Public Hearing

A public hearing will be held on March 21, 2014, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. The public hearing will commence at 10:00 in the Coastal Hearing Room, California Environmental Protection Agency Building, 1001 I Street, 2<sup>nd</sup> Floor, Sacramento, California and will last until all business has been conducted, or until 12:00 noon.

##### Written Comment Period

OEHHA held a pre-regulatory workshop on June 17, 2013, comments were received and have been carefully considered in this new proposed language. Any written comments concerning this proposed action, regardless of the form or method of transmission, must be received by OEHHA by 5:00 p.m. on **April 4, 2014**, the designated close of the written comment period. All com-

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., commonly known as Proposition 65.

ments received will be posted on the OEHHA website at the close of the public comment period.

The public is encouraged to submit written information via e-mail, rather than in paper form. Send e-mail comments to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include "Labor Code" in the subject line. Hard-copy comments may be mailed, faxed, or delivered in person to the appropriate address below.

Monet Vela  
Office of Environmental Health Hazard Assessment  
P. O. Box 4010  
Sacramento, California 95812-4010  
Telephone: 916-323-2517  
Fax: 916-323-2610  
E-mail: [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov)

Please be aware that 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 e-mail may be provided to third parties upon request.

#### CONTACT

Inquiries concerning the proposed Proposition 65 regulation described in this notice may be directed to Monet Vela at (916) 323-2517, or by e-mail at [monet.vela@oehha.ca.gov](mailto:monet.vela@oehha.ca.gov), or by mail to OEHHA, P.O. Box 4010, Sacramento, California 95812-4010. Fran Kammerer is a back-up contact person for inquiries concerning processing of this action and is available at (916) 445-4693 or [fran.kammerer@oehha.ca.gov](mailto:fran.kammerer@oehha.ca.gov).

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

#### BACKGROUND

OEHHA is the state entity responsible for the implementation of Proposition 65.<sup>2</sup> OEHHA has the authority to adopt and amend regulations to make specific and further the purposes of Proposition 65. OEHHA maintains a list of chemicals known to cause reproductive toxicity or cancer. The law requires businesses to provide a warning when they knowingly cause an exposure to a listed chemical, and prohibits the discharge of listed chemicals into sources of drinking water.

OEHHA is responsible for maintaining the list of chemicals that are known to the state to cause cancer or reproductive toxicity. There are four ways chemicals

are added to the Proposition 65 list<sup>3</sup>. Listing is required when chemicals are (1) identified by reference to certain subsections of the California Labor Code, (2) identified by the state's qualified experts, (3) identified by designated authoritative bodies, or (4) "formally required" to be labeled or identified as causing cancer or reproductive toxicity by a state or federal agency.

#### SPECIFIC BENEFITS OF THE PROPOSED REGULATIONS

This proposed regulation will provide information and clarification to the public regarding how OEHHA identifies chemicals for listing via the Labor Code. The proposed regulation would provide increased openness and transparency for businesses and others affected by these listings.

#### NO INCONSISTENCY OR INCOMPATIBILITY WITH EXISTING REGULATIONS

OEHHA has determined that the proposed regulation is neither inconsistent nor incompatible with existing state regulations because it would not change the existing mandatory requirements on businesses, state or local agencies and does not address compliance with any other law or regulation.

#### RESULTS OF ECONOMIC IMPACT ANALYSIS (Gov. Code section 11346.3(b))

Because this proposed regulation simply clarifies OEHHA's existing process for listing and de-listing chemicals via the Labor Code mechanism, the proposed regulatory action will not have a significant statewide adverse economic impact.

#### IMPACT ON THE CREATION, ELIMINATION, OR EXPANSION OF JOBS/BUSINESSES IN CALIFORNIA

This regulatory proposal will not directly affect the creation or elimination of jobs within the State of California.

The proposed regulation is procedural in nature and does not impose any mandatory requirements on businesses subject to the Act, OEHHA has determined that the proposed regulatory action will not have any impact on 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 within the State of California.

<sup>2</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.5 et seq., commonly referred to as "Proposition 65".

<sup>3</sup> Health and Safety Code section 25249.8.

### BENEFITS OF THE PROPOSED ACTION

The proposed regulation will clarify and explain to interested parties the way OEHHA identifies chemicals and substances that must be added to the Proposition 65 list based on their identification by reference via the Labor Code provisions in Proposition 65<sup>4</sup> and explain the process for reconsidering chemicals that have been listed via this mechanism. This regulation will ensure transparency, certainty and clarity for the general public, non-governmental organizations, and the business and enforcement communities.

### NECESSITY

Although the process for listing chemicals under Proposition 65 is expressly excluded from the Administrative Procedure Act<sup>5</sup>, OEHHA has previously adopted regulations setting out the general criteria for listing chemicals via the other three listing mechanisms<sup>6</sup>. The purpose of this proposed regulation is to clarify and explain to interested parties the way OEHHA identifies chemicals and substances that must be added to the Proposition 65 list based on their identification by reference via the Labor Code provisions in Proposition 65<sup>7</sup> and explain the process for reconsidering chemicals that have been listed via this mechanism.

### AUTHORITY

Health and Safety Code section 25249.12 and Health and Safety Code section 25249.8(a).

### REFERENCE

Health and Safety Code sections 25249.5, 25249.6, 25249.8(a), 25249.11 and 25249.12.

### IMPACT ON LOCAL AGENCIES OR SCHOOL DISTRICTS

Because Proposition 65 by its terms<sup>8</sup> does not apply to local agencies or school districts, OEHHA has determined the proposed regulatory action would not impose a mandate on local agencies or school districts; nor does

it require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. OEHHA has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

### COSTS OR SAVINGS TO STATE AGENCIES

Because Proposition 65 by its terms<sup>9</sup> does not apply to any State agency and this regulation is simply a clarification of the existing process, OEHHA has initially determined that no significant savings or increased costs to any State agency will result from the proposed regulatory action.

### EFFECT ON FEDERAL FUNDING TO THE STATE

OEHHA has initially determined that no costs or savings in federal funding to the State will result from the proposed regulatory action.

### EFFECT ON HOUSING COSTS

OEHHA has initially determined that the proposed regulatory action will have no effect on housing costs because it does not impose any new mandatory requirements on any business.

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

OEHHA has made an initial determination that the adoption of the proposed 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. The proposed regulation will not impose any new requirements upon private persons or businesses.

### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

Because the proposed regulation does not impose any new requirements on businesses, the OEHHA is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed actions.

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<sup>4</sup> Health and Safety Code section 25249.8(a).

<sup>5</sup> Health and Safety Code section 25249.8(e).

<sup>6</sup> Title 27, Cal. Code of Regs., sections 25306 (authoritative bodies), 25902 (formally required) and 25305 (State's Qualified Experts).

<sup>7</sup> Health and Safety Code section 25249.8(a).

<sup>8</sup> See Health and Safety Code section 25249.11(b).

<sup>9</sup> See Health and Safety Code section 25249.11(b).

EFFECT ON SMALL BUSINESSES

OEHHA has determined that the proposed regulatory action will not impose any mandatory requirements on small businesses. Because the proposed regulation will only clarify the existing process already used by OEHHA for listing and de-listing chemicals under Proposition 65, the regulation will not have an adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

CONSIDERATION OF ALTERNATIVES

Pursuant to Government Code section 11346.5(a)(13), OEHHA must determine that no reasonable alternative considered by OEHHA, or that has otherwise been identified and brought to the attention of OEHHA, would be more effective in carrying out the purpose for which the regulation 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.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

OEHHA has prepared and has available for public review an Initial Statement of Reasons for the proposed regulation, all the information upon which the regulation is based, and the text of the proposed regulation. A copy of the Initial Statement of Reasons and a copy of the text of the proposed regulation are available upon request from Monet Vela at the e-mail or telephone number indicated above. These documents are also posted on OEHHA's Web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

AVAILABILITY OF CHANGED OR MODIFIED TEXT

The full text of any proposed regulation that is changed or modified from the express terms of this proposed action will be made available at least 15 days prior to the date on which OEHHA adopts the resulting regulation. Notice of the comment period on the revised proposed regulations and the full text will be mailed to individuals who testified or submitted oral or written comments at the public hearing, whose comments were received by OEHHA during the public comment period, and anyone who requests notification from OEHHA of the availability of such change. Copies of the notice

and the changed regulation will also be available on the OEHHA Web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

FINAL STATEMENT OF REASONS

A copy of the Final Statement of Reasons may be obtained, when it becomes available, from Monet Vela at the e-mail or telephone number indicated above. The Final Statement of Reasons will also be available on OEHHA's web site at [www.oehha.ca.gov](http://www.oehha.ca.gov).

**GENERAL PUBLIC INTEREST**

**DEPARTMENT OF FISH AND WILDLIFE**

**CALIFORNIA ENDANGERED SPECIES ACT  
CONSISTENCY DETERMINATION NO.  
2080-2013-010-01**

- Project:** Green Diamond Resource Company  
Amended Northern Spotted Owl Habitat  
Conservation Plan
- Location:** Del Norte and Humboldt Counties,  
California
- Applicant:** Green Diamond Resource Company

**Background**

Green Diamond Resource Company (Green Diamond) is currently implementing a thirty-year Habitat Conservation Plan (HCP) (Project) that covers forest management activities including timber operations on Green Diamond's commercial timberlands. Green Diamond's timberlands covered by the company's HCP cover a total of 406,962 acres within Humboldt, Del Norte, and Trinity Counties, California.

Green Diamond's HCP covers timber operations and related management activities including, but not limited to: felling and bucking timber, yarding timber, loading and other landing operations, salvaging timber products, transporting timber and rock products for forest constructing and maintaining forest roads, constructing and operating rock pits, water drafting for dust abatement and fire suppression, maintaining equipment, conducting site preparation (prescribed burning and other slash treatment), planting, pre-commercial thinning and pruning, commercial thin-

ning, and collecting and transporting minor forest products such as burls, stumps, boughs, and Christmas trees.

The Project activities described above are expected to incidentally take<sup>1</sup> northern spotted owl (*Strix occidentalis caurina*; hereafter NSO), a threatened species pursuant to the federal Endangered Species Act (ESA) (16 U.S.C. § 1531 *et seq.*) and a candidate<sup>2</sup> under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 *et seq.*). In particular, NSO could be incidentally taken as a result of the Project activities that cause direct or indirect mortality from timber harvest within or near occupied NSO nest sites or activity centers, removing or reducing the quality of occupied owl habitat, displacing NSO from suitable habitat, into unsuitable or already occupied habitat; however, a substantial area of unoccupied but suitable NSO habitat has been and is projected to be available on the Green Diamond ownership for displaced owls to occupy.

NSO individuals occupy the Project site and other unoccupied but suitable NSO habitat occurs within the Project site. Because of the presence of NSO on site, dispersal and other movement patterns of the species, and the presence of other suitable habitat within the Project site, the United States Fish and Wildlife Service (Service) determined that Project activities are expected to result in the incidental take of NSO.

According to Service, the Project will result in temporary loss of 1,864 acres of occupied NSO habitat. Based on current forest conditions within the Project site, the potential habitat loss constitutes only 0.8 percent of the NSO habitat determined by Green Diamond to be potential nesting and roosting (i.e., forest 31 years or older), and only 0.6 percent of the habitat determined by Green Diamond to be prime nesting and roosting habitat (i.e., forest 46 years or older).

Because the Project was expected to result in take of a species designated as threatened under the federal ESA, Green Diamond prepared an HCP in support of an application for an incidental take permit (ITP) pursuant to section 10(a)(1)(B) of the ESA. The Service and Green Diamond signed the Implementing Agreement (IA) on September 17, 1992. On August 24, 2006, Green Dia-

mond submitted an application to the Service to amend its 1992 ITP. On December 10, 2007, the Service issued amended ITP No. TE767798-2. The amended ITP requires full implementation of, and compliance with, all conservation measures listed in the HCP for avoidance, minimization, and mitigation for impacts to NSO, as well as compliance with the terms and conditions in the associated IA, all of which were incorporated by reference as conditions of the amended ITP. On November 26, 2007, the Service issued an internal biological opinion (Service Ref. No. 8-14-2007-3085) (BO) for the proposed Project based on the following documents: (1) compliance with the Green Diamond Aquatic Habitat Conservation Plan, (2) the January 2007, Draft Environmental Assessment; (2) the August 30, 2006, Green Diamond Resource Company Northern Spotted Owl Habitat Conservation Plan Phase One Comprehensive Review; (3) the January 3, 2007, Proposed First Amendment Implementation Agreement (IA Amendment); (4) and the August 24, 2006, Proposed Amendments to the Habitat Conservation Plan for the Northern Spotted Owl on the California Timberlands of Green Diamond Resource Company (HCP Amendment). The amended BO describes the Project, requires the Applicant to comply with terms of the amended BO and its associated incidental take statement (ITS), and incorporates additional measures.

The amended ITP requires Green Diamond to conduct timber harvesting and related operations in accordance with existing State and Federal regulations, including the California Forest Practice Rules, the Green Diamond Aquatic HCP/Candidate Conservation Agreement, other operational and policy management actions currently being implemented by Green Diamond, as well as the company's NSO HCP and ITP.

On December 31, 2013, the Director of the California Department of Fish and Wildlife (CDFW) received notification from Green Diamond requesting a determination pursuant to Fish and Game Code section 2080.1, that the amended ITP, which requires implementation of and compliance with the amended BO, amended IA, and amended HCP, is consistent with CESA for purposes of the Project and the anticipated incidental take of NSO (Cal. Reg. Notice Register 2014, No. 3-Z, p. 75).

### Determination

CDFW has determined that the amended BO, its associated ITS, and amended ITP, which includes the requirement to fully implement the amended HCP, are consistent with CESA as to the Project and the anticipated incidental take of NSO, because the mitigation measures contained in the original 1992 HCP, the amended ITP, amended IA, the conditions in the amended HCP, data provided in annual reports sub-

<sup>1</sup> Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." See also *Environmental Protection Information Center v. California Department of Forestry and Fire Protection* (2008) 44 CAL.4th 459, 507 (for purposes of incidental take permitting under Fish and Game Code section 2081, subdivision (b), "'take'. . . means to catch, capture or kill").

<sup>2</sup> The species' status may change following the decision of the Fish and Game Commission to designate the species as threatened or endangered but if there is such a designation, the species will remain a Covered Species. (Cal. Code Regs., tit. 14, § 670.1, subd. (e)(2).)

mitted since the approval of the 1992 HCP, other operational and policy management actions currently implemented by Green Diamond, as well as the conditions in the environmental assessment and the associated finding of no significant impact (See 40 C.F.R. § 1508.13), meet the conditions set forth in Fish and Game Code section 2081, subdivisions (b) and (c), for authorizing incidental take of CESA-listed species. Specifically, CDFW finds that: (1) take of NSO will be incidental to an otherwise lawful activity; (2) the mitigation measures identified in the amended ITP and amended HCP will minimize and fully mitigate the impacts of the authorized take; (3) adequate funding is ensured to implement the required avoidance minimization and mitigation measures and to monitor compliance with, and effectiveness of those measures; and (4) the Project will not jeopardize the continued existence of NSO. The mitigation measures in the amended ITP, amended IA, and amended HCP include, but are not limited to, the following:

- Green Diamond shall maintain a 20,310-acre “Special Management Area” in the Upper Mad River subarea including parts of the “Wiggins” ranch. Green Diamond shall not take Spotted Owls in the Special Management Area. Within those portions of the Special Management Area that are not designated set-asides in the HCP, Green Diamond may carry on any activity that does not result in take.
- To minimize and monitor the impacts of incidental take within the Project site, Green Diamond agreed to survey for NSO in each area where timber harvest is planned, and delay harvest of spotted owl nest sites and primary activity centers until after the nesting season.
- Green Diamond shall maintain records of surveys and actual instances of take, and will notify the Service should any of several events occur on the Project site. These events include direct harm to any spotted owl, any catastrophic event that destroys spotted owl sites or habitat, any unexpected shift in the number or distribution of spotted owl sites, and the accidental death or injury of a spotted owl, or the finding of a dead or injured spotted owl.
- Green Diamond shall continue to gather additional data on spotted owl behavior and habitat needs as provided in the HCP, and shall update its GIS database regularly to include the most current information on spotted owl site and habitat on the lands covered by the permit.
- To protect existing owl sites in select areas, and to promote development of suitable owl habitat following harvest in other areas, Green Diamond established 39 set asides, representing 13,252 acres, in which timber harvesting is not allowed for the term of the permit.
- Where feasible, Green Diamond shall plan timber harvests to retain resource values that would provide a core for future spotted owl habitat, using measures described in the HCP, and identifying site-specific measures in timber harvest plans.
- Where feasible, Green Diamond shall comply with “Overall Resource Management” measures specified in the HCP, to the extent that those measures are stricter than the California Forest Practice Rules. These measures include canopy and ground cover retention requirements along Class I and Class II streams, and retaining a variety of tree sizes and species within Watercourse and Lake Protection Zones (WLPZ).
- Implement on the lands covered by the amended ITP new research on the habitat overlap and interactions between NSO and barred owls (*Strix varia*). This research would address a recent, substantial threat to NSO, competition by barred owls, and is expected to contribute to NSO conservation by providing information that would inform future management decisions for the NSO, both on the Project site and elsewhere in the species’ range.
- Because barred owls can reduce the probability of detecting NSO, the following measures are part of the NSO survey protocol: a) When timber harvest plan (THP) units occur within 0.5 miles of a historic spotted owl nest site or activity center that is occupied by barred owls, Green Diamond will conduct at least one stand search protocol visit to assess site occupancy by spotted owls. Biologists will conduct a thorough visit of the stand by walking the THP unit and suitable habitat within a 500-foot buffer area surrounding the unit, and will look for sign of owls (i.e., roosts with whitewash, pellets, feathers, etc.) and will not attempt to elicit vocal responses from spotted owls; b) If barred owls occupy a spotted owl territory, and the spotted owls have not been detected within the owl site for at least three breeding seasons, Green Diamond will seek technical assistance from the Service to determine the time period and survey effort necessary to preclude the site from consideration for potential displacement.

Monitoring and Reporting Measures

At the end of each year, Green Diamond will prepare an annual report and submit it to the Service for review. As stated in the 1992 HCP, copies of the report will also be made available to CDFW. The report will:

- Specify actual instances of owl displacement over the preceding year, including the number of NSO sites removed, the number of NSO displaced, and any inadvertent harm or injury to individual owls;
- Determine the proportion of habitat lost within owl sites for several areas of influence (e.g., within 1000-foot, 0.5-mile, and 0.7-mile radii);
- Compare actual and estimated levels of owl displacement for the past year;
- Estimate levels of owl displacement for the upcoming year;
- Estimate the current number of owl sites and amount of owl habitat on the property and note any significant changes from the previous year;
- Report pre- and post-harvest estimates of snags and residual trees in timber harvest plan areas;
- Report the results of the nest and set-aside monitoring efforts; and
- Assess the efficacy of the conservation measures to date based on thresholds specified in the IA.

Financial Assurances

- Prior to initiating Project activities, Green Diamond will provide CDFW with performance security in the form of a letter of credit in the amount of \$700,000, as a financial assurance for implementation of the NSO HCP.

Pursuant to Fish and Game Code section 2080.1, take authorization under CESA is not required for the Project for incidental take of NSO, provided Green Diamond implements the Project as described in the BO, ITS, amended ITP, IA and HCP, including adherence to all measures contained therein, and complies with the mitigation measures and other conditions described in the BO and its associated ITS, as well as the HCP and

ITP. If there are any substantive changes to the Project (e.g., amendments replacements, or termination of the Service's ITS, HCP, IA, or ITP as amended to date), Green Diamond shall obtain a new consistency determination or a CESA incidental take permit for the Project from CDFW. (See generally Fish & G. Code, §§ 2080.1, 2081, subds. (b) and (c)).

By: \_\_\_\_\_/s/\_\_\_\_\_

Sandra Morey, Deputy Director  
Ecosystem Conservation Division  
California Department of Fish and Wildlife

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986**

**CHEMICALS KNOWN TO THE STATE  
TO CAUSE CANCER OR  
REPRODUCTIVE TOXICITY  
JANUARY 31, 2014**

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a strikethrough were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988
Aldrin	309-00-2	July 1, 1988
<u>Allyl chloride Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
<i>p</i> -Aminoazobenzene	60-09-3	January 1, 1990
<i>ortho</i> -Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylanthraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
<i>ortho</i> -Anisidine	90-04-0	July 1, 1987
<i>ortho</i> -Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzophenone	119-61-9	June 22, 2012
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
Bromochloroacetic acid	5589-96-8	April 6, 2010
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chloral	75-87-6	September 13, 2013
Chloral hydrate	302-17-0	September 13, 2013
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol <u>Delisted January 4, 2013</u>	56-75-7	October 1, 1989
Chloramphenicol sodium succinate	982-57-0	September 27, 2013
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
<i>p</i> -Chloroaniline	106-47-8	October 1, 1994
<i>p</i> -Chloroaniline hydrochloride	20265-96-7	May 15, 1998
<del>Chlorodibromomethane</del> <u>Delisted October 29, 1999</u>	124-48-1	January 1, 1990
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
<i>p</i> -Chloro- <i>o</i> -toluidine	95-69-2	January 1, 1990
<i>p</i> -Chloro- <i>o</i> -toluidine, strong acid salts of	—	May 15, 1998
5-Chloro- <i>o</i> -toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chloroethalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Disperse Yellow 3	2832-40-8	February 8, 2013
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865-13-3	January 1, 1992
	79217-60-0	
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Clomiphene citrate	50-41-9	May 24, 2013
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coconut oil diethanolamine condensate (cocamide diethanolamine)	68603-42-9	June 22, 2012
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
<i>para</i> -Cresidine	120-71-8	January 1, 1988
Cumene	98-82-8	April 6, 2010
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclopenta[ <i>cd</i> ]pyrene	27208-37-3	April 29, 2011
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N'-Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
Dibromoacetonitrile	3252-43-5	May 3, 2011
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
<i>p</i> -Dichlorobenzene	106-46-7	January 1, 1989
3,3'-Dichlorobenzidine	91-94-1	October 1, 1987
3,3'-Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloro-2-propanol (1,3-DCP)	96-23-1	October 8, 2010
1,3-Dichloropropene	542-75-6	January 1, 1989
Diclofop-methyl	51338-27-3	April 6, 2010
Dieldrin	60-57-1	July 1, 1988
<del>Dienestrol</del> <u>Delisted January 4, 2013</u>	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Diethanolamine	111-42-2	June 22, 2012
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Dihydrosafrole	94-58-6	January 1, 1988
Diisononyl phthalate (DINP)	—	December 20, 2013
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3'-Dimethoxybenzidine-based dyes metabolized to 3,3'-dimethoxybenzidine	—	June 11, 2004
3,3'-Dimethylbenzidine-based dyes metabolized to 3,3'-dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3'-Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3'-Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
2,6-Dimethyl-N-nitrosomorpholine (DMNM)	1456-28-6	February 8, 2013
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,3-Dinitropyrene	75321-20-9	November 2, 2012
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Emissions from combustion of coal	—	August 7, 2013
Emissions from high-temperature unrefined rapeseed oil	—	January 3, 2014
Epichlorohydrin	106-89-8	October 1, 1987
Epoxiconazole	135319-73-2	April 15, 2011
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrogen-progestogen (combined) used as menopausal therapy	—	November 4, 2011
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethanol in alcoholic beverages	—	April 29, 2011

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine (Aziridine)	151-56-4	January 1, 1988
Etoposide	33419-42-0	November 4, 2011
Etoposide in combination with cisplatin and bleomycin	—	November 4, 2011
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB <sub>1</sub>	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glass wool fibers (inhalable and biopersistent)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorobutadiene	87-68-3	May 3, 2011
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Imazalil	35554-44-0	May 20, 2011
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyryn	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011
Methyl iodide	74-88-4	April 1, 1988

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Methylmercury compounds	—	May 1, 1996
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
$\alpha$ -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Phenacetin	62-44-2	October 1, 1989
Phenazopyridine	94-78-0	January 1, 1988
Phenazopyridine hydrochloride	136-40-3	January 1, 1988
Phenesterin	3546-10-9	July 1, 1989
Phenobarbital	50-06-6	January 1, 1990
Phenolphthalein	77-09-8	May 15, 1998
Phenoxybenzamine	59-96-1	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenyldiazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,1,2-Tetrachloroethane	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	406-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> ( <i>Fusarium verticillioides</i> )	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroacetic acid	76-03-9	September 13, 2013
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
<u>Zineb Delisted October 29, 1999</u>	<u>12122-67-7</u>	<u>January 1, 1990</u>

**CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY**

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
<u>Delisted December 13, 2013</u>			
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, <u>female</u> , male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1- nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, <del>male</del>	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorphenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental, <u>male</u>	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009
<u>Delisted December 13, 2013</u>			
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
<del>2-Ethylhexanoic acid</del>	<del>developmental</del>	<del>149-57-5</del>	<del>August 7, 2009</del>
<u>Delisted December 13, 2013</u>			
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male		July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental	74-87-3	March 10, 2000
Methyl n-butyl ketone	male		August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
$\alpha$ -Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonylhydrazide) <u>Delisted December 13, 2013</u>	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30, 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988

Type of

<u>Chemical</u>	<u>Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental female	108-88-3	January 1, 1991 August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trichloroethylene	developmental, male	79-01-6	January 31, 2014
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene <u>Delisted December 13, 2013</u>	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: January 31, 2014

**OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES  
JANUARY 31, 2014**

**CHEMICAL LISTED EFFECTIVE JANUARY 31,  
2014  
AS KNOWN TO THE STATE OF CALIFORNIA  
TO CAUSE  
REPRODUCTIVE TOXICITY:  
TRICHLOROETHYLENE**

Effective **January 31, 2014**, the Office of Environmental Health Hazard Assessment (OEHHHA) is adding

trichloroethylene to the list of chemicals known to the State to cause reproductive toxicity for purposes of Proposition 65<sup>1</sup>.

The listing of trichloroethylene is based on formal identification by the U.S. Environmental Protection Agency (U.S. EPA), an authoritative body<sup>2</sup>, that the chemical causes reproductive toxicity (developmental and male reproductive endpoints). The criteria used by OEHHHA for the listing of chemicals under the “authoritative bodies” mechanism can be found in Title 27, Cal. Code of Regs., section 25306.

The documentation supporting OEHHHA’s determination that the criteria for administrative listing have been satisfied for trichloroethylene is included in the Notice of Intent to List posted on OEHHHA’s website and published in the November 29, 2013 issue of the California

<sup>1</sup> The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> See Health and Safety Code, section 25249.8(b) and Title 27, Cal. Code of Regs., section 25306.

Regulatory Notice Register (Register 2013, No 48–Z). OEHHA received two public comments that supported the listing that are posted with the Notice of Intent to List.

A complete, updated chemical list will be published elsewhere in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at [http://www.oehha.ca.gov/prop65/prop65\\_list/Newlist.html](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html). In summary, trichloroethylene is being listed under Proposition 65 as known to the State to cause reproductive toxicity, as follows:

Chemical	CASNo.	Toxological Endpoints	Listing Mechanism <sup>3</sup>
Trichloroethylene	79-01-6	Developmental toxicity Male reproductive toxicity	AB (U.S. EPA)

<sup>3</sup> Listing mechanism: AB — “authoritative bodies” mechanism (Title 27, Cal. Code of Regs. section 25306).

**OFFICE OF ENVIRONMENTAL HEALTH  
HAZARD ASSESSMENT**

**SAFE DRINKING WATER AND TOXIC  
ENFORCEMENT ACT OF 1986  
(PROPOSITION 65)**

**NOTICE OF INTENT TO LIST A CHEMICAL  
BY THE  
“FORMALLY REQUIRED TO BE LABELED  
OR IDENTIFIED” MECHANISM:  
MEGESTROL ACETATE**

**JANUARY 31, 2014**

The California Environmental Protection Agency’s Office of Environmental Health Hazard Assessment (OEHHA) intends to list the chemical identified in the table below as known to the State to cause cancer under the Safe Drinking Water and Toxic Enforcement Act of 1986<sup>1</sup>. This action is being proposed under the “Formally Required to Be Labeled or Identified” listing mechanism<sup>2</sup>.

<sup>1</sup> Commonly known as Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 is codified in Health and Safety Code section 25249.5 *et seq.*

<sup>2</sup> See Health and Safety Code section 25249.8(b) and Title 27, Cal. Code of Regs., section 25902.

Chemical	CASNo.	Toxological Endpoints	Reference
Megestrol acetate	595-33-5	Cancer	FDA (2012; 2013)

**Background on listing via the formally required to be labeled or identified mechanism:** A chemical must be listed under Proposition 65<sup>3</sup> and its implementing regulations (Section 25902<sup>4</sup>) when a state or federal agency has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

According to Section 25902(b):

- “[F]ormally required’ means that a mandatory instruction, order, condition, or similar command, has been issued in accordance with established policies and procedures of an agency of the state or federal government to a person or legal entity outside of the agency. The action of such agency may be directed at one or more persons or legal entities and may include formal requirements of general application;”
- “[L]abeled’ means that a warning message about the carcinogenicity or reproductive toxicity of a chemical is printed, stamped, written, or in any other manner placed upon the container in which the chemical is present or its outer or inner packaging including any material inserted with, attached to, or otherwise accompanying such a chemical;”
- “[I]dentified’ means that a required message about the carcinogenicity or reproductive toxicity of the chemical is to be disclosed in any manner to a person or legal entity other than the person or legal entity who is required to make such disclosure”; and
- “As causing cancer” means: “For chemicals that cause cancer, the required label or identification uses any words or phrases intended to communicate a risk of cancer or tumors.”

OEHHA is the lead agency for Proposition 65 implementation. After a state or federal agency has required that a chemical be labeled or identified as causing cancer or reproductive toxicity, OEHHA evaluates whether listing under Proposition 65 is required pursuant to the definitions set out in Section 25902.

<sup>3</sup> See Health and Safety Code section 25249.8(b).

<sup>4</sup> All referenced regulatory sections are from Title 27 of the Cal. Code of Regulations.

**OEHHA's determination:** *Megestrol acetate* has been identified or labeled to communicate a risk of cancer (FDA, 2012, 2013) in accordance with formal requirements by the U.S. Food and Drug Administration (FDA). The FDA-approved labels cite associations between megestrol acetate and breast and pituitary cancer in laboratory animals.

Language from FDA-approved product labels which meets the requirements of Section 25902 is quoted below:

### *Megestrol acetate*

#### **Cancer Endpoint**

1. FDA-approved label Reference ID 3111413 (FDA, 2012)

Under WARNINGS: "(See **PRECAUTIONS: Carcinogenesis, Mutagenesis, Impairment of Fertility.**)" [emphasis in original]

Under PRECAUTIONS: Carcinogenesis, Mutagenesis, Impairment of Fertility: "Data on carcinogenesis were obtained from studies conducted in dogs, monkeys and rats treated with megestrol acetate at doses 53.2, 26.6, and 1.3 times *lower* than the proposed dose (13.3 mg/kg/day) for humans. No males were used in the dog and monkey studies. In female beagles, megestrol acetate (0.01, 0.1 or 0.25 mg/kg/day) administered for up to 7 years induced both benign and malignant tumors of the breast. In female monkeys, no tumors were found following 10 years of treatment with 0.01, 0.1 or 0.5 mg/kg/day megestrol acetate. Pituitary tumors were observed in female rats treated with 3.9 or 10 mg/kg/day of megestrol acetate for 2 years. The relationship of these tumors in rats and dogs to humans is unknown but should be considered in assessing the risk-to-benefit ratio when prescribing MEGACE Oral Suspension and in surveillance of patients on therapy. (See **WARNINGS.**)" [emphases in original]

2. FDA-approved label Reference ID 3308551 (FDA, 2013)

Under Carcinogenesis, Mutagenesis, Impairment of Fertility: "Data on carcinogenesis were obtained from studies conducted in dogs, monkeys and rats treated with megestrol acetate at doses up to 0.01 to 0.1-fold the recommended clinical dose (13.3 mg/kg/day) based on body mass. No males were used in the dog and monkey studies. In female beagles, megestrol acetate (0.01, 0.1 or 0.25 mg/kg/day) administered for up to 7 years induced both benign and malignant tumors of the breast. In female monkeys, no tumors were found following 10 years of treatment with 0.01, 0.1 or 0.5 mg/kg/day megestrol acetate. Pituitary tumors were observed in female rats treated with 3.9 or 10 mg/kg/day

of megestrol acetate for 2 years. The relationship of these tumors in rats and dogs to humans is unknown but should be considered in assessing the risk-to-benefit ratio when prescribing Megace® ES oral suspension and in surveillance of patients on therapy."

**Request for comments:** OEHHA is requesting comments as to whether this chemical meets the criteria set forth in the Proposition 65 regulations for listings via the formally required to be labeled or identified mechanism (Section 25902). Because these are ministerial listings, comments should be limited to whether FDA requires that megestrol acetate be labeled to communicate a risk of cancer or tumors. OEHHA cannot consider scientific arguments concerning the weight or quality of the evidence considered by FDA when it established the labeling requirement and will not respond to such comments if they are submitted.

In order to be considered, **OEHHA must receive comments by 5:00 p.m. on March 3, 2014.** We encourage you to submit comments in electronic form, rather than in paper form. Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include "megestrol acetate" in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below.

**Mailing Address:** Ms. Cynthia Oshita  
Office of Environmental  
Health Hazard Assessment  
P.O. Box 4010, MS-19B  
Sacramento, California  
95812-4010  
**Fax:** (916) 323-2265  
**Street Address:** 1001 I Street  
Sacramento, California 95814

Comments received during the public comment period will be posted on the OEHHA web site after the close of the comment period.

If you have any questions, please contact Ms. Oshita at [cynthia.oshita@oehha.ca.gov](mailto:cynthia.oshita@oehha.ca.gov) or at (916) 445-6900.

#### **References**

Food and Drug Administration (FDA, 2012). FDA approved drug label, Reference ID 3111413, approved 4-08-2012. Available at [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2012/020264s017lbl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2012/020264s017lbl.pdf).

Food and Drug Administration (FDA, 2013). FDA approved drug label, Reference ID 3308551, approved 5-14-2013. Available at [http://www.accessdata.fda.gov/drugsatfda\\_docs/label/2013/021778s016lbl.pdf](http://www.accessdata.fda.gov/drugsatfda_docs/label/2013/021778s016lbl.pdf).

**RULEMAKING PETITION  
DECISIONS**

**DEPARTMENT OF CORRECTIONS AND  
REHABILITATION**

**NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS**

**California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3, Adult Institutions, Programs  
and Parole**

**PETITIONER**

Curtis Wright, (C-96832)

**AUTHORITY**

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

**CONTACT PERSON**

Please direct any inquiries regarding this action to David Skaggs, Office of Community Partnerships, Division of Adult Institutions or to Timothy M. Lockwood, Chief, 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.

**SUMMARY OF PETITION**

Petitioner contends that the CDCR is implementing a statewide regulation that offers a kosher religious diet accommodation to Jewish inmates, as determined by a Jewish Chaplain. Petitioner, an inmate at Kern Valley State Prison who described himself in his petition as a "practicing Christian Identity, (C.I.),/Israel Identity, (I.I.) believer," claims that the operation of this regulation unlawfully excludes him from receiving a kosher diet. He requests an amendment to the kosher diet regulation.

**DEPARTMENT DECISION**

The Secretary of the CDCR declines the petition in its entirety.

The CDCR has been granted the authority by the enactment of Penal Code § 5058, in which the legislature has granted the Secretary of the CDCR the authority to prescribe or amend rules and regulations for the administration of the prisons. All regulations that the Secretary of the CDCR proposes must be vetted through the rulemaking process and comply with the Administrative Procedure Act (APA) of California, which the regulation in question has completed.

Petitioner challenges Title 15 section 3054.2(a), part of the regulation for a Jewish Kosher Diet. Petitioner sought a kosher diet but was determined to be ineligible. Petitioner argues that section 3054.2(a) discriminates against non-Jewish people.

CDCR has not promulgated a regulation that is discriminatory or otherwise unlawful. Title 15 section 3004 sets out the CDCR standards that pertain to the rights and respect of inmates and other persons. Within section 3004, subsection (a) provides in part that inmates and parolees have the right to be treated respectfully, impartially, and fairly by all employees. Subsection (c) in Title 15 section 3004 provides in full that inmates, parolees, and employees will not subject other persons to any form of discrimination because of race, religion, nationality, sex, political belief, age, or physical or mental handicap.

As applied here, CDCR strives to implement the constitutional rights of inmates to freely exercise their religion. Title 15 section 3210 provides that institution heads shall make every reasonable effort to provide for

the religious and spiritual welfare of all interested inmates. The CDCR regulations for diet accommodations, including kosher diets, are accordingly designed to be fully inclusive subject to legitimate administrative and budgetary concerns. Under Title 15 section 3054(d), CDCR allows three religious diet options including a vegetarian diet, a Jewish kosher diet, and a religious meat alternate.

Section 3054.2(a), the regulation that petitioner challenges, provides in full that “Jewish kosher meals shall be available at designated institutions. Jewish inmates may participate in the program, as determined by a Jewish Chaplain.” This regulation is tailored to accommodate inmates who are recognized to have a need of a kosher diet. Based on the self-described beliefs of the petitioner, there is no requirement for CDCR to provide the petitioner with a kosher diet accommodation. This assessment does not preclude the petitioner from seeking the vegetarian diet or the religious meat alternate diet if necessary.

**DEPARTMENT OF FOOD  
AND AGRICULTURE**

**NOTICE OF DECISION ON PETITION FOR  
RULEMAKING  
(Government Code Section 11340.7)**

By letter dated December 16, 2013, Justin Oldfield, Vice President, Government Relations, California Cattlemen’s Association, (Petitioner) petitioned the Department of Food and Agriculture (Department) of the State of California in accordance with Government Code section 11340.6. The petitioner requested the Department to repeal section 820.4 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations. Regulation section 820.4 pertains to the sale of bulls within California. It requires that all bulls over 18 months of age sold at public livestock markets to be sold for slaughter unless the bulls are accompanied by a negative test result for trichomonosis taken within the last 60 days prior to sale.

**PROVISIONS OF THE CODE OF REGULATIONS  
REQUESTED TO BE AFFECTED**

Article 12 (Bovine Trichomonosis Control Program), of Chapter 2 (Livestock Disease Control [Animal Quarantine]), Division 2 (Animal Industry), Title 3, California Code of Regulations.

**AUTHORITY AND REFERENCE**

Authority: Sections 407 and 10610, Food and Agricultural Code.

Reference: Sections 9166, 9167, 9562 and 10610, Food and Agricultural Code.

**CONTACT PERSON**

Any interested person may obtain a copy of the petition by contacting the following person:

Nancy Grillo  
Regulation Coordinator  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
1220 N Street  
Sacramento, CA 95814  
(916) 900-5033  
E-mail: nancy.grillo@cdfa.ca.gov

**DEPARTMENT DECISION**

On January 13, 2014, the Department responded to the Petitioner accepting the petition in full, for the reasons set forth below.

**REASONS SUPPORTING THE  
DEPARTMENT’S DETERMINATION**

The Department consulted with the Cattle Health Advisory Task Force [pursuant to section 10610 of the Food and Agricultural Code] and in accordance with Government Code section 11340.7, the request to repeal regulation section 820.4 was evaluated based on the following information:

- 1) Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations, specifies the requirements for the control of trichomonosis in California. It specifies the requirements for bulls entering the state, vaccination, testing, and permit requirements, reporting of infected herds, and contains quarantine provisions for trichomonosis-infected cattle in the state. Section 820.4 of Article 12 pertains to the sale of bulls within California. It requires all bulls over 18 months of age sold at public livestock markets to be sold for slaughter unless the bulls are accompanied by a negative test result for trichomonosis taken within the last 60 days prior to sale.

- 2) Trichomonosis is a venereal disease of cattle that causes infertility and occasional abortions in cows and heifers. It is caused by *Trichomonas fetus*, a small motile protozoan found only in the reproductive tract of the bull and cow. The most effective way to control trichomonosis is to prevent the introduction of the organism into a herd. This is primarily accomplished through testing all new bulls prior to entry into the herd and preventing unwanted bulls from entering through damaged fence lines. A vaccine for trichomonosis is available and labeled for use in controlling the disease in cows. Currently, the vaccine is not labeled for use in bulls. Producers are encouraged to work with their veterinarian to develop appropriate protocols for controlling trichomonosis and other reproductive diseases in their herds.
- 3) The Department believes that there are existing provisions in place under Title 3 of the California Code of Regulations to prevent and control animal diseases, including trichomonosis. The Department also has in place animal quarantine provisions [sections 9501–9702, Food and Agricultural Code] to ensure that any animal found to be positive with trichomonosis is sent directly to slaughter.

The Department also agreed with the reasons provided in the petition to repeal section 820.4 from Title 3 of the California Code of Regulations, which were stated in the Department’s final decision to the Petitioner, which reads as follows:

January 13, 2014

Justin Oldfield  
Vice President, Government Relations  
California Cattlemen’s Association  
1221 H Street  
Sacramento, CA 95814–1910

Dear Mr. Oldfield,

The California Department of Food and Agriculture (CDFA) has received your petition requesting that it repeal section 820.4 of Article 12, Chapter 2, Division 2, of Title 3 of the California Code of Regulations. (Petition from the California Cattlemen’s Association, dated December 16, 2013.) Upon consultation with the Cattle Health Advisory Task Force and in accordance with the

requirements of Government Code section 11340.7, CDFA has granted the petition.

The CDFA bases its decision upon the fact that it agrees with the arguments in favor of the repeal set forth in the petition:

- The regulation is limited in scope and only applies to the sale of bulls sold at public livestock markets but does not govern the sale of bulls sold by private treaty.
- No data exists demonstrating that this regulation will serve to further decrease the risk of introducing cases of trichomonosis to the state’s breeding herd from bulls sold at public livestock auctions.
- California’s public livestock markets will continue to work to protect the health and integrity of their buyers’ breeding cattle. In practice, most culled bulls will continue to be sold directly for slaughter; however, the regulation will no longer impede a buyer wishing to purchase and slaughter a bull for their own use from doing so without a registered slaughter channel agreement.
- There are adequate regulations in place to prevent and control trichomonosis in California. Existing regulations require bulls entering California be accompanied with a current negative trichomonosis test. In addition, if a breeding herd is found to be infected, CDFA has the existing regulatory authority to quarantine the infected herd and any surrounding herds to ensure that any animal found to be positive with trichomonosis is sent directly to slaughter.

Accordingly, CDFA shall proceed with the repeal of section 820.4 from Title 3 of the California Code of Regulations by submitting a draft proposal to the Cattle Health Advisory Task Force in April 2014. After considering the recommendations of the Task Force, CDFA will promptly submit a rulemaking action to the Office of Administrative Law for the repeal in accordance with the requirements of the Administrative Procedure Act.

Sincerely,

Annette Jones, D.V.M.  
State Veterinarian and Director

cc: Karen Ross, Secretary, CDFA  
Dr. Kent Fowler, Chief, Animal Health Branch,  
CDFA  
Cattle Health Advisory Task Force Members

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
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.

File# 2013-1204-01  
BOARD FOR PROFESSIONAL ENGINEERS,  
LAND SURVEYORS AND GEOLOGISTS  
Code of Professional Conduct

This rulemaking action by the Board for Professional Engineers, Land Surveyors, and Geologists (Board) removes regulatory language regarding a licensee's misappropriation of the work of others, as copyright infringement matters are not within the Board's jurisdiction. This action also restricts licensees engaged by a governmental agency from reviewing their own work on separate geological or geophysical tasks without written authorization from the agency.

Title 16  
California Code of Regulations  
AMEND: 475, 476, 3065  
Filed 01/17/2014  
Effective 04/01/2014  
Agency Contact: Larry Kereszt (916) 263-2240

File# 2014-0109-02  
CALIFORNIA SCHOOL FINANCE AUTHORITY  
Charter School Facility Grant Program

This re-adoption of emergency rulemaking action number 2013-0806-02ER by the California School Finance Authority (Authority) implements regulations to govern administration of the Charter School Facility Grant Program, under which the Authority will commence grant apportionment with the 2013-2014 fiscal year.

Title 4  
California Code of Regulations  
ADOPT: 10170.1, 10170.2, 10170.3, 10170.4,  
10170.5, 10170.6, 10170.7, 10170.8, 10170.9,  
10170.10, 10170.11, 10170.12, 10170.13,  
10170.14, 10170.15  
Filed 01/21/2014  
Effective 01/21/2014  
Agency Contact: Katrina Johantgen (213) 620-2305

File# 2013-1204-02  
DENTAL HYGIENE COMMITTEE OF  
CALIFORNIA

Uniform Standards and Disciplinary Guidelines  
This rulemaking action by the Dental Hygiene Committee of California (Committee) adopts new section 1138, in Title 16 of the California Code of Regulations. New section 1138 incorporates by reference the Uniform Standards Related to Substance Abuse and Disciplinary Guidelines (Rev. April 2012) in accordance with Business and Professions Code section 315, Stats. 2008, c. 548 (SB 1441).

Title 16  
California Code of Regulations  
ADOPT: 1138  
Filed 01/16/2014  
Effective 01/16/2014  
Agency Contact: Donna Kantner (916) 576-5003

File# 2013-1203-01  
DEPARTMENT OF CONSERVATION  
Establishment of Solar-Use Easement Regulations

The Department of Conservation adopted 18 sections to title 14 of the California Code of Regulations that establish procedures, fees, standards, and criteria for establishing solar-use easements between agricultural landowners whose lands are subject to Williamson Act contracts or farmland security zone contracts and the cities or counties that are parties to these contracts, as provided in SB 618 (Stats. 2011, c. 596). SB 618 authorizes the rescission of a Williamson Act or farmland security zone contract in order for specified, eligible lands subject to the contract to be used specifically for the production of electricity from the development of utility-scale solar energy photovoltaic facilities by the landowner granting an easement for such use.

Title 14  
California Code of Regulations  
ADOPT: 3100, 3101, 3102, 3103, 3104, 3105, 3106,  
3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114,  
3115, 3116, 3117  
Filed 01/16/2014  
Effective 02/01/2014  
Agency Contact: Michael P. Krug (916) 445-3598

File# 2013-1224-01  
DEPARTMENT OF CORRECTIONS AND  
REHABILITATION  
California Parole Supervision and Reintegration Model  
Pilot Program

This action repeals the California Parole Supervision  
and Reintegration Model Pilot Program originally  
adopted in 2010 (OAL file # 2010-0901-02).

Title 15  
California Code of Regulations  
REPEAL: 3999.9  
Filed 01/15/2014  
Agency Contact: Gail Long (916) 445-2276

File# 2013-1227-01  
DEPARTMENT OF GENERAL SERVICES  
Conflict-of-Interest Code

This is an amendment to a Conflict-of-Interest Code  
that has been approved by the Fair Political Practices  
Commission on November 18, 2013 and is being sub-  
mitted for filing with the Secretary of State and printing  
in the California Code of Regulations only.

Title 2  
California Code of Regulations  
AMEND: 1194  
Filed 01/21/2014  
Effective 02/20/2014  
Agency Contact: Richard Goldberg (916) 376-5108

File# 2013-1213-01  
DEPARTMENT OF INDUSTRIAL RELATIONS  
Inspection and Permit Fees, Tanks & Boilers

This Certificate of Compliance increases the hourly  
inspection fees for and the charge for mileage  
associated with the scheduled inspection of air tanks,  
liquid petroleum gas tanks and boilers. (Previous OAL  
file numbers: 2013-3014-02EFP and  
2013-0913-03EE).

Title 8  
California Code of Regulations  
AMEND: 344, 344.1  
Filed 01/21/2014  
Effective 01/21/2014  
Agency Contact: Suzanne P. Marria (510) 286-0970

File# 2013-1210-04  
FISH AND GAME COMMISSION  
Special Fishing Regulations

The Fish and Game Commission amended title 14,  
California Code of Regulations, section 7.50, which  
pertains to special fishing regulations in various bodies  
of water in the state. The amendments include resuming  
catch- and release-fishing of Chinook salmon on the  
Eel River, closing fishing on Edson Creek and its tribu-  
taries, excluding Dry Creek, removing Davis Lake from  
the section, clarifying that Beardsley Afterbay is in-  
cluded as part of the Middle Fork Stanislaus River for  
enforcement purposes, and opening the upper Trinity  
River and the West Walker River to catch-and-release  
fishing during winter.

Title 14  
California Code of Regulations  
AMEND: 7.50  
Filed 01/21/2014  
Effective 01/21/2014  
Agency Contact: Sheri Tiemann (916) 654-9872

File# 2013-1211-01  
OCCUPATIONAL SAFETY AND HEALTH  
(CAL-OSHA) DIVISION  
Classification of Cal/OSHA Violations and Definitions

As amended by Assembly Bill 1127 (Stats. 1999, ch.  
615), section 6432 of the Labor Code provided when a  
“serious violation” shall be deemed to exist in a place of  
employment and when it shall not to be deemed to exist.  
On January 1, 2011, Assembly Bill 2774 (Stats. 2010,  
ch. 692) repealed and readopted section 6432 of the La-  
bor Code. Labor Code section 6432 now provides when  
a rebuttable presumption that a “serious violation” ex-  
ists in a place of employment arises and how an employ-  
er may rebut that presumption and establish that a viola-  
tion is not serious. The Department of Industrial Rela-  
tions, Division of Occupational Safety and Health,  
amended section 334(c) of title 8 of the California Code  
of Regulations to conform to the changes made to Labor  
Code section 6432 by Assembly Bill 2774 as a change  
without regulatory effect pursuant to section 100 of title  
1 of the California Code of Regulations.

Title 8  
 California Code of Regulations  
 AMEND: 334  
 Filed 01/21/2014  
 Agency Contact:  
 Christopher P. Grossgart (415) 703-5080

7286.8 (11011), 7287.0 (11013), 7287.1 (11014), 7287.2 (11015), 7287.3 (11016), 7287.4 (11017), 7287.6 (11019), 7287.7 (11020), 7287.8 (11021), 7287.9(11022), 7288.0 (11023), 7289.4 (11027), 7289.5 (11028), 7290.6 (11029), 7290.7 (11030), 7290.8 (11031), 7290.9 (11032), 7291.0 (11033), 7291.1 (11031), 7291.2 (11035), 7291.3 (11036), 7291.4 (11037), 7291.6 (11039), 7291.7 (11040), 7291.8 (11041), 7291.9 (11042), 7291.10 (11043), 7291.11 (11044), 7291.12 (11045), 7291.13 (11046), 7291.14 (11047), 7291.16 (11049), 7291.17 (11050), 7291.18 (11051), 7292.0 (11052), 7292.1 (11053), 7292.2 (11054), 7292.3 (11055), 7292.4 (11056), 7292.6 (11058), 7293.0 (11059), 7293.1 (11060), 7293.2 (11061), 7293.3(11062), 7293.4 (11063), 7293.5 (11064), 7293.6 (11065), 7293.7 (11066), 7293.8 (11067), 7293.9 (11068), 7294.0 (11069), 7294.1 (11070), 7294.2 (11071), 7295.0 (11074), 7295.1 (11075), 7295.2 (11076), 7295.3 (11077), 7295.4 (11078), 7295.5 (11079), 7295.6 (11080), 7295.7 (11081), 7295.8 (11082), 7295.9 (11083), 7296.0 (11084), 7296.1 (11085), 7296.2 (11086), 7297.0 (11087), 7297.1 (11088), 7297.2 (11089), 7297.3 (11090), 7297.4 (11091), 7297.5 (11092), 7297.6 (11093), 7297.7(11094), 7297.9 (11096), 7297.10 (11097), 7297.11 (11098), 8101 (11099), 8102 (11100), 8102.5 (11101), 8103 (11102), 8104 (11103), 8106 (11104), 8107 (11105), 8109 (11107), 8112 (11108), 8113 (11109), 8114 (11110), 8115 (11111), 8117 (11113), 8117.5 (11114), 8118 (11115), 8119 (11116), 8120 (11117), 8200 (11118), 8201 (11119), 8202 (11120), 8202.5 (11121), 8203 (11122), 8205 (11124), 8300 (11125), 8301 (11126), 8302 (11127), 8303 (11128), 8310 (11130), 8311 (11131), 8312 (11132), 8400 (11133), 8401 (11134), 8402 (11135), 8403 (11136), 8500 (11137), 8501 (11138), 8503 (11140), 8504 (11141); Renumber sections: 7287.5 (11018), 7288.1 (11024), 7288.2 (11025), 7288.3 (11026), 7291.5 (11038), 7292.5

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN August 21, 2013 TO  
 January 22, 2014**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

11/21/13 ADOPT: 2002(c)(4), 2002(c)(5), 2002(c)(8)  
 10/29/13 ADOPT: 2000, 2001, 2002, 2003, 2004

**Title 2**

01/21/14 AMEND: 1194  
 01/13/14 AMEND: 55300  
 12/23/13 ADOPT: 18950.2 AMEND: 18942, 18944, 18950, 18950.1, 18950.4  
 REPEAL: 18727.5, 18950.3  
 12/23/13 AMEND: 18351  
 12/02/13 ADOPT: 18417  
 11/19/13 ADOPT: 21001.1, 21001.2, 21001.3  
 AMEND: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007 (re-numbered to 21004.5), 21008, 21009 (re-numbered to 21005.5)  
 11/04/13 AMEND: 1859.2, 1859.71, 1859.71.6, 1859.74.5, 1859.77.4, 1859.82, 1859.83  
 10/30/13 AMEND: 1859.76  
 10/25/13 ADOPT: 579.3, 579.21, 579.22, 579.25  
 AMEND: 579.2  
 10/03/13 AMEND: 18521.5  
 10/03/13 ADOPT: 18421.5  
 10/03/13 AMEND: 18239  
 10/03/13 AMEND: Amend and renumber sections: 7285.0 (11000), 7285.1 (11001), 7285.2 (11002), 7285.4 (11003), 7285.7 (11004), 7286.0 (11005), 7286.1 (11005.1), 7286.3 (11006), 7286.4 (11007), 7286.5 (11008), 7286.6 (11009), 7286.7(11010),

(11057), 7294.3 (11072), 7294.4 (11073), 8108 (11106), 8116 (11112), 8204 (11123), 8304 (11129), 8502 (11139) REPEAL: 7285.3, 7285.5, 7285.6, 7286.9, 7291.15, 7297.8, 7400, 7401, 7402, 7403, 7404, 7405, 7406, 7407, 7408, 7409, 7410, 7411, 7412, 7413, 7414, 7415, 7416, 7417, 7418, 7419, 7420, 7421, 7422, 7423, 7424, 7425, 7426, 7427, 7428, 7429, 7430, 7431, 7432, 7433, 7434, 7435, 7436, 7437, 7438

09/23/13 REPEAL: 58700  
 09/23/13 REPEAL: 53200  
 09/23/13 REPEAL: 53400  
 09/23/13 REPEAL: 57100  
 09/19/13 AMEND: 2970  
 09/16/13 REPEAL: 56500  
 09/16/13 REPEAL: 59580  
 09/12/13 REPEAL: 56400  
 09/12/13 REPEAL: 52700  
 09/12/13 REPEAL: 54500  
 09/09/13 AMEND: 649.56  
 08/23/13 ADOPT: 1859.90.3 AMEND: 1859.2, 1859.51, 1859.61, 1859.90.2, 1859.90.4, 1859.104, 1859.164.2, 1859.184.1

**Title 3**

01/14/14 ADOPT: 1392.13  
 01/09/14 AMEND: 1300, 1300.1, 1300.3, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15 REPEAL: 1300.2, 1300.4  
 12/16/13 AMEND: 3591.12(a) & (b)  
 12/05/1 ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND: 1280.73  
 11/25/13 AMEND: 3435(b)  
 11/13/13 AMEND: 3700(c)  
 11/07/13 AMEND: 3591.20(a)  
 11/07/13 AMEND: 6512, 6513  
 11/06/13 ADOPT: 1180.3.3, 1180.3.4, 1180.3.5, 1180.3.6, 1180.3.7, 1180.3.8, 1180.3.9  
 11/04/13 AMEND: 3591.6(a)  
 10/21/13 AMEND: 1380.19(p)  
 10/21/13 AMEND: 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7  
 10/14/13 AMEND: 3435(b)  
 10/07/13 AMEND: 3435(b)  
 09/30/13 AMEND: 3435(b)  
 09/20/13 AMEND: 3435(b)  
 09/12/13 ADOPT: 2320.3, 2320.4(a), 2320.4(b), 2320.4(c), 2324, 2325 AMEND: 2302, 2304, 2304(b)(1), 2304(d), 2322, 2322.3  
 09/12/13 ADOPT: 3591.11  
 09/10/13 AMEND: 3434(b), 3434(c)  
 09/06/13 AMEND: 3589(a)

**Title 4**

01/21/14 ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15  
 12/26/13 ADOPT: 8034(d)  
 12/24/13 AMEND: 8070, 8072  
 12/23/13 AMEND: 5000, 5170, 5190, 5205, 5212, 5230, 5250  
 12/19/13 AMEND: 10325  
 12/04/13 AMEND: 12200.20, 12220.20, 12480, 12482, 12500, 12505, 12508 REPEAL: 12488  
 11/21/13 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129  
 11/21/13 AMEND: 1101, 1126, 1373.2, 1374, 1374.2, 1374.3, 1383.2 REPEAL: 1370, 1374.1  
 10/28/13 AMEND: 4001  
 10/07/13 AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036  
 10/07/13 ADOPT: 8035.5  
 09/27/13 ADOPT: 12014  
 09/24/13 AMEND: 8035  
 09/03/13 AMEND: 4180, 4181

**Title 5**

12/04/13 AMEND: 15440, 15444, 15445, 15446, 15447, 15448, 15450, 15451, 15453, 15455, 15456, 15460, 15461, 15463, 15464, 15467, 15468, 15469, 15471, 15471.2, 15472, 15473, 15474, 15475, 15480, 15483, 15484, 15485, 15486, 15490, 15493  
 10/23/13 ADOPT: 80691, 80692  
 10/17/13 ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3  
 10/16/13 REPEAL: 3052  
 09/25/13 AMEND: 11530, 11531, 11532  
 09/25/13 AMEND: 20101, 20107, 20190 REPEAL: 20150, 20151, 20152, 20153, 20154, 20155, 20156, 20157  
 09/25/13 AMEND: 11530, 11531, 11532  
 09/17/13 AMEND: 4600, 4610, 4630, 4631, 4633, 4650, 4611, 4620, 4621, 4622, 4632, 4640  
 09/16/13 AMEND: 80499  
 09/05/13 AMEND: 19816, 19828.4

**Title 8**

01/21/14 AMEND: 334  
 01/21/14 AMEND: 344, 344.1  
 01/09/14 AMEND: 8495, 8496, 8497, 8500  
 01/09/14 AMEND: 5155  
 01/07/14 AMEND: 4297

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

12/26/13	AMEND: 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.8, 9789.19	9789.15.5, 9789.15.6, 9789.16.1, 9789.16.2, 9789.16.3, 9789.16.4,
12/16/13	ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208, 10208.1	9789.16.5, 9789.16.6, 9789.16.7, 9789.16.8, 9789.17.1, 9789.17.2, 9789.18.1, 9789.18.2, 9789.18.3,
	AMEND: 10205, 10205.12	9789.18.4, 9789.18.5, 9789.18.6, 9789.18.7, 9789.18.8, 9789.18.9,
12/02/13	AMEND: 15600, 15605	9789.18.10, 9789.18.11, 9789.18.12, 9789.18.19
11/08/13	ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52	09/23/13 ADOPT: 10451.1, 10451.2, 10451.3, 10451.4, 10498, 10538, 10606.5, 10608.5, 10774.5, 10957, 10957.1, 10959 AMEND: 10250, 10260, 10300, 10301, 10408, 10450, 10582.5, 10606, 10608, 10622, 10770, 10770.1, 10770.5, 10770.6, 10845, 10886
11/06/13	AMEND: 1529, 1532, 1532.1, Appendix B of 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, Appendix A of 5192, 5194, Appendix A of 5194, Appendix B of 5194, Appendix C of 5194, Appendix D of 5194, Appendix E of 5194, Appendix F of 5194, Appendix G of 5194, 5198, Appendix B of 5198, 5200, 5201, 5202, Appendix A of 5202, 5206, 5207, 5208, Appendix J of 5208, 5209, 5210, 5211, 5212, Appendix B of 5212, 5213, 5214, 5217, Appendix A of 5217, 5218, 5220, 8358, Appendix K of 8358, 8359	09/17/13 AMEND: 3650(b)(3) 09/17/13 AMEND: 5194(g)(2)(Q) 09/16/13 ADOPT: 37, 10159 AMEND: 1, 11, 11.5, 13, 14, 17, 26, 30, 31.3, 31.5, 31.7, 32, 33, 34, 35, 35.5, 36, 38, 100, 104, 105, 106, 109, 110, 112, 117, 10160 REPEAL: 31.2
11/06/13	AMEND: 105	09/16/13 AMEND: 344, 344.1
10/29/13	ADOPT: 344.76, 344.77	08/29/13 AMEND: 1533
10/03/13	ADOPT: 11770, 11771.1, 11771.3, 11772, 11773	08/27/13 AMEND: 5155
09/30/13	ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795	08/22/13 AMEND: 32147, 32380, 32802
09/30/13	ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.9, 9792.10, 9792.12	<b>Title 9</b> 01/14/14 AMEND: 7214.1, 7220.7, 7227.2
09/30/13	ADOPT: 10205, 10205.12, 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208	<b>Title 9, 17</b> 11/05/13 ADOPT: 40000, 40010, 40020, 40030, 40040 (Title 17) REPEAL: 14200, 14210, 14220, 14230, 14240 (Title 9)
09/24/13	ADOPT: 9789.12.1, 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.5, 9789.12.6, 9789.12.7, 9789.12.8, 9789.12.9, 9789.12.10, 9789.12.11, 9789.12.12, 9789.12.13, 9789.12.14, 9789.12.15, 9789.13.1, 9789.13.2, 9789.13.3, 9789.14, 9789.15.1, 9789.15.2, 9789.15.3, 9789.15.4,	<b>Title 10</b> 01/07/14 ADOPT: 1430 AMEND: 260.210, 260.211, 260.211.1, 260.231, 1422, 1422.7, 1423, 1581, 1582, 1805.204, 1950.122.8 12/30/13 AMEND: 260.237 12/27/13 AMEND: 2699.100, 2699.200, 2699.201, 2699.205, 2699.207, 2699.209, 2699.210, 2699.400 REPEAL: 2699.202, 2699.208, 2699.211 12/24/13 ADOPT: 2598.3(b), 2598.3(c) 12/23/13 ADOPT: 6456 12/19/13 AMEND: 2698.200 12/19/13 AMEND: 2698.602 12/09/13 ADOPT: 2594, 2594.1, 2594.2, 2594.3, 2594.4, 2594.5, 2594.6, 2594.7 12/03/13 ADOPT: 6540, 6542, 6544, 6546, 6548, 6550, 6552 11/27/13 ADOPT: 1718.1

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

11/26/13	ADOPT: 2598.1, 2598.2, 2598.3, 2598.4, 2598.5, 2598.6	12/30/13	ADOPT: 1761, 1780, 1781, 1782, 1783, 1783.1, 1783.2, 1783.3, 1783.4, 1788
11/20/13	ADOPT: 2274.50, 2274.51, 2274.52, 2274.53, 2274.54, 2274.55, 2274.56, 2274.57, 2274.58, 2274.59, 2274.60	12/23/13	AMEND: 5.79, 27.92
11/20/13	ADOPT: 2562.1, 2562.2, 2562.3, 2562.4	12/20/13	ADOPT: 2012 AMEND: 2010, 2015, 2030, 2040, 2045, 2405, 2505
11/19/13	ADOPT: 10.190500, 10.190501	12/19/13	AMEND: 705
11/13/13	AMEND: 2699.200, 2699.207	12/19/13	AMEND: 790, 818.02, 825.03, 827.02
11/13/13	AMEND: 2698.401	12/17/13	AMEND: 2530, 2535
09/30/13	ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718	12/09/13	AMEND: 820.01
09/30/13	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620 REPEAL: 6410	11/27/13	AMEND: 895.1, 916.9, 936.9, 956.9
09/30/13	ADOPT: 6520, 6522, 6524, 6526, 6528, 6530, 6532, 6534, 6536, 6538	11/26/13	AMEND: 895.1
09/30/13	ADOPT: 6800, 6802, 6804, 6806	11/21/13	AMEND: 251.4
09/19/13	ADOPT: 6458	11/20/13	AMEND: 29.15
09/09/13	ADOPT: 2562.1, 2562.2, 2562.3, 2562.4	11/19/13	AMEND: 699.5
08/27/13	AMEND: 2690, 2690.1, 2690.2	11/18/13	ADOPT: 665
<b>Title 11</b>		11/14/13	AMEND: 4970.00, 4970.10.2, 4970.10.3, 4970.10.4, 4970.15.1, 4970.15.2
01/14/14	AMEND: 1015(c)	10/30/13	AMEND: 163, 164
12/26/13	ADOPT: 4200, 4210, 4220, 4230, 4240	10/30/13	ADOPT: 1667.1, 1667.2, 1667.3, 1667.4, 1667.5, 1667.6
12/18/13	AMEND: 4001, 4002	10/23/13	AMEND: 18419
12/12/13	AMEND: 1001, 1005, 1006, 1007, 1008, 1055, 1070, 1071, 1950	10/21/13	AMEND: 817.02, 817.03, 818.02, 818.03, 820.01, 827.02, 852.60.2, 852.62.2
12/12/13	AMEND: 44.3	10/11/13	AMEND: 190, 195
12/12/13	ADOPT: 51.28	10/10/13	ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
12/02/13	AMEND: 1954(f), 1955(g), 1960(f)	10/02/13	AMEND: 401 REPEAL: 480
12/02/13	AMEND: 64.1	10/02/13	AMEND: 3550.5
11/25/13	AMEND: 1005, 1007, 1008	09/19/13	AMEND: 502
08/21/13	ADOPT: 31.25 REPEAL: 101.1	09/16/13	AMEND: 510
08/21/13	ADOPT: 31.26 REPEAL: 101.2	09/10/13	AMEND: 313
08/21/13	AMEND: 31.7	09/10/13	AMEND: 300
		09/10/13	AMEND: 1670
		08/27/13	AMEND: 703
		08/27/13	AMEND: 670 REPEAL: 678
<b>Title 12</b>		<b>Title 15</b>	
09/23/13	REPEAL: 3000	01/15/14	REPEAL: 3999.9
<b>Title 13</b>		01/09/14	ADOPT: 1712.2, 1714.2, 1730.2, 1740.2
12/30/13	AMEND: 423.00		AMEND: 1700, 1706, 1712, 1712.1, 1714, 1714.1, 1730, 1730.1, 1731, 1747, 1747.1, 1747.5, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
12/16/13	AMEND: 2262.9, 2263, 2282		
<b>Title 14</b>		01/08/14	AMEND: 3044, 3190, 3315
01/21/14	AMEND: 7.50	01/08/14	AMEND: 3000, 3006, 3084.7, 3165, 3176, 3177, 3294.5, 3310, 3315, 3352, 3376, 3376.1, 3377.1, 3379, 3426, 3430, 3434
01/16/14	ADOPT: 3100, 3101, 3102, 3103, 3104, 3105, 3106, 3107, 3108, 3109, 3110, 3111, 3112, 3113, 3114, 3115, 3116, 3117		
01/14/14	AMEND: 165, 165.5		
01/13/14	ADOPT: 4000		
01/13/14	ADOPT: 2830, 2831, 2831.1, 2831.2, 2831.3, 2831.4, 2831.5, 2832, 2833, 2834, 2835 AMEND: 2000, 2085, 2501		
12/26/13	AMEND: 228(a)		

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

12/09/13	AMEND: 3000, 3190, 3213, 3334	09/10/13	ADOPT: 80.1, 80.2, 87.1 AMEND: 12,
12/02/13	ADOPT: 1329 AMEND: 1300, 1302,		12.5, 37, 80, 81, 87, 87.8, 87.9, 88, 88.1,
	1303, 1304, 1310, 1311, 1312, 1313,		88.2, 89 REPEAL: 87.1, 87.7
	1314, 1320, 1321, 1323, 1324, 1327,	09/09/13	AMEND: 103
	1328, 1340, 1341, 1342, 1343, 1350,		
	1351, 1352, 1353, 1354, 1355, 1356,	<b>Title 17</b>	
	1357, 1358, 1359, 1360, 1361, 1362,	12/31/13	ADOPT: 95124 AMEND: 95101, 95102,
	1363, 1370, 1371, 1374, 1375, 1378,		95103, 95104, 95105, 95110, 95111,
	1390, 1391, 1401, 1402, 1409, 1413,		95112, 95113, 95114, 95115, 95116,
	1431, 1432, 1433, 1434, 1435, 1437,		95117, 95118, 95119, 95120, 95121,
	1438, 1439, 1453, 1454, 1461, 1464,		95122, 95123, 95129, 95130, 95131,
	1465, 1466, 1467, 1480, 1482, 1484,		95132, 95133, 95150, 95151, 95152,
	1485, 1486, 1487, 1488, 1501, 1502,	12/17/13	AMEND: 1230, 2641.57
	1510 REPEAL: 1450	12/02/13	AMEND: 2505
10/29/13	AMEND: 3000, 3040, 3040.1, 3041,	11/21/13	ADOPT: 56068, 56069, 56070, 56071,
	3041.3, 3043, 3043.5, 3043.6, 3044,		56072, 56073, 56074, 56620, 56621,
	3046, 3074.3, 3075.1, 3077.1, 3078.4,		56622, 56623, 56624, 56625 AMEND:
	3170.1, 3190, 3375.2, 3375.4, 3375.5,		56101
	3375.6, 3376, 3379, 3383	10/31/13	ADOPT: 6300.1, 6300.3, 6300.5, 6300.7,
09/25/13	REPEAL: 7001		6300.9, 6300.11, 6300.13, 6300.15,
09/24/13	AMEND: 3044, 3190, 3282, 3335		6300.17, 6300.19, 6300.21, 6300.23,
08/27/13	ADOPT: 8125		6301.1, 6301.3, 6301.5, 6301.7, 6301.9,
			6303.1, 6303.3
<b>Title 16</b>		10/28/13	AMEND: 54342, 57332
01/17/14	AMEND: 475, 476, 3065	10/11/13	ADOPT: 30400, 30409, 30411, 30412,
01/16/14	ADOPT: 1138		30413, 30413.5, 30414, 30415, 30416,
01/13/14	AMEND: 70		30417, 30418, 30419, 30420, 30467,
01/07/14	AMEND: 1524		30468 AMEND: 30403, 30403.5,
01/07/14	ADOPT: 1018.01 AMEND: 1018		30403.8, 30404, 30405, 30406, 30408,
12/31/13	ADOPT: 4172		30410, 30421, 30422, 30423, 30424,
12/23/13	ADOPT: 4128 AMEND: 4122, 4130		30425, 30427.2, 30435, 30436, 30437,
12/18/13	ADOPT: 5.5, 18, 19, 20, 21, 22 AMEND:		30440, 30442, 30443, 30444, 30446,
	21 (renumbered to 36.1), 26, 98		30447, 30450, 30451, 30455.1, 30456.6,
12/04/13	AMEND: 1065		30460, 30461, 30462, 30463, 30464,
11/21/13	AMEND: 121		30465, 30466 REPEAL: 30400.5,
11/18/13	AMEND: 411, 412, 3008, 3009		30400.40, 30400.60, 30400.85,
11/13/13	ADOPT: 15, 16, 16.1, 16.2		30400.95, 30420, 30427, 30428, 30441,
11/06/13	ADOPT: 420.1, 3021.1		30445, 30445.1, 30452, 30467, 30468
11/06/13	ADOPT: 420.1, 3021.1	10/02/13	AMEND: 54342(a)(29)
10/28/13	AMEND: 1398.6	09/18/13	ADOPT: 100900, 100901, 100902,
10/17/13	AMEND: 442, 3035		100903, 100904
10/16/13	REPEAL: 3340.38	09/10/13	AMEND: 52086
10/16/13	ADOPT: 15, 15.1, 15.2, 15.3, 15.4		
	AMEND: 70, 71, 80.1, 80.2	<b>Title 18</b>	
10/09/13	AMEND: 109, 117	01/08/14	AMEND: 25106.5-1
09/30/13	AMEND: 2475	12/24/13	AMEND: 263, 462.020, 462.060,
09/27/13	ADOPT: 2030.05, 2030.3, 2032.05,		462.160, 462.180, 462.220, 462.240
	2032.15, 2032.25, 2032.35 AMEND:	12/09/13	AMEND: 17951-4, 17951-6, 25101,
	2030, 2030.1, 2030.2, 2032.1, 2032.2,		25106.5-9, 25106.5-10, 25128,
	2032.3, 2032.4, 2037		25137-1, 25137-2, 25137-4.2, 25137-7,
09/23/13	REPEAL: 3526		25137-8.2, 25137-9, 25137-10,
09/17/13	AMEND: 2520.5, 2523.2, 2577.6,		25137-11, 25137-14
	2579.4	12/09/13	AMEND: 1642

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

11/26/13 ADOPT: 2000, 2001  
 11/21/13 AMEND: 25106.5  
 10/30/13 REPEAL: 474  
 10/14/13 ADOPT: 1566.1  
 09/23/13 ADOPT: 2000  
 08/28/13 AMEND: 1703  
 08/28/13 AMEND: 1703

**Title 20**

01/08/14 AMEND: 1660, 1661, 1662, 1663, 1664, 1665  
 01/08/14 AMEND: 1.2, 1.5, 1.9, 1.10, 1.13, 2.4, 3.3, 3.6, 4.2, 8.3, 13.1, 13.8, 13.11, 13.13, 14.1, 14.2, 14.5, 14.6, 15.2, 16.6, 18.1  
 10/17/13 AMEND: 1680, 1681, 1683, 1684  
 08/28/13 ADOPT: 1240, 3200, 3201, 3202, 3203, 3204, 3205, 3206, 3207, 3208

**Title 21**

01/07/14 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658  
 09/23/13 ADOPT: 2653, 2654, 2655, 2656, 2657, 2658

**Title 22**

12/24/13 AMEND: 51510, 51510.1, 51510.2, 51510.3, 51511, 51511.5, 51511.6, 51535, 51535.1, 54501  
 12/17/13 ADOPT: 70438.2  
 12/16/13 AMEND: 50090, 50260, 50262.3, 50951, 50953, 51008, 51008.5, 51015, 51159, 51200, 51303, 51341.1, 51458.1, 51476, 51490.1  
 12/05/13 ADOPT: 70951, 70952, 70953, 70954, 70955, 70956, 70957, 70958, 70958.1, 70959, 70960, 71701, 71702, 71703  
 10/28/13 AMEND: 123000  
 10/16/13 AMEND: 67100.1, 67100.8, 67100.9  
 10/02/13 AMEND: 97212  
 10/01/13 AMEND: 69501.3(b), 69509.1(a), 69509.1(c)  
 09/23/13 AMEND: 97232  
 09/18/13 AMEND: 51516.1  
 09/05/13 AMEND: 66261.33  
 08/28/13 ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510

08/28/13 ADOPT: 69501, 69501.1, 69501.2, 69501.3, 69501.4, 69501.5, 69502, 69502.1, 69502.2, 69502.3, 69503, 69503.1, 69503.2, 69503.3, 69503.4, 69503.5, 69503.6, 69503.7, 69504, 69504.1, 69505, 69505.1, 69505.2, 69505.3, 69505.4, 69505.5, 69505.6, 69505.7, 69505.8, 69505.9, 69506, 69506.1, 69506.2, 69506.3, 69506.4, 69506.5, 69506.6, 69506.7, 69506.8, 69506.9, 69506.10, 69507, 69507.1, 69507.2, 69507.3, 69507.4, 69507.5, 69507.6, 69508, 69509, 69509.1, 69510

**Title 23**

01/09/14 ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29  
 AMEND: 13, 13.1, 13.2 (renumbered to 13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered to 30) REPEAL: 23, 24, 25, 27  
 12/03/13 AMEND: 597  
 11/08/13 AMEND: 3939.24  
 11/08/13 AMEND: 3939.15  
 11/07/13 AMEND: 3938, 3939, 3939.4, 3939.12  
 11/06/13 AMEND: 595  
 10/31/13 AMEND: 1062, 1064, 1066, 1068  
 10/23/13 AMEND: 2200, 2200.5, 2200.6

**Title 27**

12/17/13 ADOPT: 15186.1 AMEND: 15100, 15110, 15150, 15170, 15180, 15185, 15186, 15187, 15188, 15190, 15200, 15210, 15220, 15240, 15242, 15250, 15260, 15280, 15290, 15300, 15330, Appendix B, Div. 3, Subd. 1, Ch. 1, Ch. 2, Ch. 3, Ch. 4, Ch. 5, Ch. 6 REPEAL: 15189, 15400, 15400.1, 15400.3, 15400.4, 15410, 15600, 15610, 15620

**Title 28**

12/16/13 ADOPT: 1300.67.005  
 10/07/13 ADOPT: 1300.67.003

**Title MPP**

12/24/13 ADOPT: 40-038 AMEND: 22-071, 22-072, 22-305, 40-036, 40-103, 40-105, 40-107, 40-119, 40-125, 40-128, 40-131, 40-173, 40-181, 40-188, 40-190, 41-405, 42-209, 42-213, 42-221, 42-302, 42-406, 42-407, 42-716, 42-721, 42-751, 42-769, 44-101, 44-102, 44-111, 44-113, 44-115, 44-133, 44-205, 44-207, 44-211, 44-304, 44-305, 44-313, 44-314, 44-315, 44-316, 44-317, 44-318, 44-325, 44-327, 44-340, 44-350, 44-352, 47-220, 47-320, 48-001, 80-301, 80-310

**CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 5-Z**

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82-612, 82-812, 82-820, 82-824,  
82-832, 89-110, 89-201 REPEAL:  
44-400, 44-401, 44-402, 44-403

12/02/13 AMEND: 44-352  
09/30/13 AMEND: 40-105, 42-422, 82-504