



California Regulatory Notice Register

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MARCH 28, 2014

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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

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

TITLE 2. BOARD OF STATE AND COMMUNITY CORRECTIONS

NOTICE OF INTENTION TO ADOPT A CONFLICT-OF-INTEREST CODE OF THE BOARD OF STATE AND COMMUNITY CORRECTIONS

NOTICE IS HEREBY GIVEN that the Board of State and Community Corrections, pursuant to the authority vested in it by section 87300 of the Government Code, proposes its conflict-of-interest code.

The Board of State and Community Corrections proposes to adopt its conflict-of-interest code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code. A written explanation of why each position was selected and the reasons for the disclosure categories is available.

The Board of State and Community Corrections and its staff work closely with county sheriffs, directors of corrections, chief probation officers, police chiefs, and other local officials to achieve continued improvement in the conditions of local detention facilities; administer grant funds for programs designed to identify effective strategies for curbing juvenile and adult crime in California; and provide a process for the selection and training of staff and delivery of effective local corrections programs. Copies of the proposed code are available and may be requested from the Contact Person set forth below.

Any interested person may submit written statements, arguments, or comments relating to the proposed code by submitting them in writing no later than Monday, May 12, 2014, or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested person or the person's representative requests a public hearing, he or she must do so no later than Monday,

April 28, 2014, by contacting the Contact Person set forth below.

The Board of State and Community Corrections has determined that the proposed code:

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

All inquiries should be directed to:

Ginger Wolfe
600 Bercut Drive
Sacramento, CA 95811
916-341-7325
ginger.wolfe@bscc.ca.gov

TITLE 5. BOARD OF EDUCATION

AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING REVOCATION OF, OR OTHER ACTION RELATED TO, A CHARTER BY THE STATE BOARD OF EDUCATION UPON RECOMMENDATION BY THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION (SSPI) PURSUANT TO EDUCATION CODE SECTION 47604.5(c)

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 May 13, 2014, at 1430 N Street, Room 1103, 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@cda.ca.gov.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 13, 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: Section 33031, Education Code.
References: Sections 47604.5 and 47607, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

California Code of Regulations, title 5, provides criteria used to identify charter schools with a substantial and sustained departure from measurably successful practices. Recently enacted Senate Bills 97 and 1290 provide the local authorizer with specific criteria for renewal, revocation, and accountability which negate the necessity of and actually conflict with the current regulations. This proposed action will repeal title 5, section 11968.5 which concerns revocation of, or other action related to, a Charter School by the SBE upon recommendation by the SSPI.

Anticipated Benefits of the Proposed Regulation

Repealing this regulation will remove CDE staff from implementing regulations that are inconsistent with new legislation and authorizing entities will not incur additional costs because the current responsibilities already include such oversight and review during the normal renewal cycle of five years.

Determination of Inconsistency/Incompatibility with Existing State Regulations

After conducting an evaluation for any regulations dealing with charter revocation, we have found that these are the only regulations on this matter. Therefore, the proposed action is not inconsistent or incompatible with current state 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 business: The SBE 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.

Effect on housing costs: None.

Effect on small businesses: The proposed regulations would not have an effect on any small business because they relate only to charter schools, authorizers, and the CDE, and not to small business practices.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The SBE concludes that repeal 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.

Benefits of the Proposed Action: Repealing section 11968.5 will remove CDE staff from implementing regulations that are inconsistent with new legislation. Authorizing entities will not incur additional costs as the current responsibilities already include such oversight and review during the normal renewal cycle of 5 years.

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:

Charlene Schmid, Education Programs Consultant
Charter Schools Division
California Department of Education
1430 N Street, Suite 5401
Sacramento, CA 95814
Telephone: 916-323-0482
E-mail: cschmid@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 Charlene Schmid, Charter Schools Division, 1430 N Street, Suite 5401, Sacramento, CA, 95814; telephone, 916-319-0662. 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 LOCAL CONTROL FUNDING FORMULA KINDERGARTEN AND GRADES ONE THROUGH THREE GRADE-SPAN ADJUSTMENT

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 2:00 p.m. on May 13, 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.

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.

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 13, 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: Section 33031, Education Code.

Reference: Sections 37201 and 42238.02, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In June 2013, Governor Brown signed Assembly Bill 97 (Chapter 47, Statutes of 2013) to enact the Local Control Funding Formula (LCFF), which eliminated and replaced the decades-old revenue limit formula and dozens of categorical programs. Local educational agencies (LEAs) are funded through LCFF commencing with the 2013-14 school year. However, the Department of Finance estimates that full funding levels will not be reached until 2020-21.

The CDE is responsible for calculating LCFF entitlements and apportioning funds to LEAs. Pursuant to Education Code section 42238.02, as a condition of receiving a grade-span adjustment for kindergarten through grade three (K-3 GSA), school districts must make progress towards or maintain a K-3 class-size average of 24 or less at each school site, unless the district agrees to a collectively bargained alternative. If the annual independent audit of a school district shows that a school district did not comply with these conditions, the CDE will retroactively reduce the school district's funding.

The proposed regulations are necessary to define terms in Education Code section 42238.02, to provide clarity, and to establish a uniform, auditable methodology for calculating the averages and measuring progress.

This would enable the CDE to implement the law and would support local implementation of LCFF.

Anticipated Benefits of the Proposed Regulation:

The regulations will provide school districts with a clear methodology for implementing the LCFF requirements of maintaining a K–3 class–size average of 24 or less. The benefit of specifying a methodology is that districts will know how to implement the requirement of the statute to make progress toward a class size of 24 or less in order to qualify for the 10.4 percent adjustment to funding for K–3 grade spans. Districts that follow the methodology specified in the regulations will meet the conditions for receiving this funding and not be subject to audit findings which could require funds to be repaid. By avoiding such findings and possible loss of funds, school districts that meet the specifications will be able to successfully make progress to a K–3 class–size average of 24 or less and achieve the intended statutory benefits of smaller teacher–student ratios, including increased time for and more focused teacher–student interactions and attention, and increased student achievement.

The CDE reviewed all state regulations relating to the LCFF requirements for the K–3 GSA 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 LEAs: 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. The proposed amendments only affect LEAs and would have no impact on the private sector.

RESULTS OF THE ECONOMIC IMPACT ANALYSIS

Benefits of the proposed action: The regulations will provide school districts with a clear methodology for implementing the LCFF requirements of maintaining a K–3 class–size average of 24 or less. The benefit of specifying a methodology is that districts will know how to implement the requirement of the statute to make progress toward a class size of 24 or less in order to qualify for the 10.4 percent adjustment to funding for K–3 grade spans. Districts that follow the methodology specified in the regulations will meet the conditions for receiving this funding and not be subject to audit findings that could require funds to be repaid. By avoiding such findings and possible loss of funds, school districts that meet the specifications will be able to successfully make progress to a K–3 class–size average of 24 or less and achieve the intended statutory benefits of smaller teacher–student ratios, including increased time for and more focused teacher–student interactions and attention, and increased student achievement.

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 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:

Sara Swan
School Fiscal Services Division
California Department of Education
1430 N Street, Room 3800
Sacramento, CA 95814
Telephone: 916-322-3024
E-mail: SSwan@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 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 Sara Swan, School Fiscal Services Division, California Department of Education, 1430 N Street, Room 3800, Sacramento, CA, 95814; telephone, 916-322-3024. It is recommended that

assistance be requested 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 **May 15, 2014**, at
10:00 a.m.
in the Council Chambers of
the Walnut Creek City Hall
1666 N. Main Street,
Walnut Creek, 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 **May 15, 2014**, at
10:00 a.m.
in the Council Chambers of
the Walnut Creek City Hall
1666 N. Main Street,
Walnut Creek, 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 **May 15, 2014**, at
10:00 a.m.
in the Council Chambers of
the Walnut Creek City Hall
1666 N. Main Street,
Walnut Creek, 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, Construction Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **May 15, 2014**.

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Section 1903
Landing Operations—Note to Section 1903
2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
Section 3314
Lockout Tagout (LOTO) — Group Lockout

Descriptions of the proposed changes are as follows:

1. **TITLE 8:** **CONSTRUCTION SAFETY ORDERS**
Section 1903
Landing Operations—Note to Section 1903

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking is the result of an Occupational Safety and Health Standards Board (Board) staff initiated proposal to amend Section 1903 of the Construction Safety Orders (CSO). Section 1903 addresses various helicopter landing protocols and landing zone spatial requirements such as, but not limited to: hovering sites, visibility, helicopter access and egress and hillside landings. This section is followed by an informational “NOTE” stating that the requirements of Section 1903 are waived in an emergency. However, the “NOTE” is unenforceable, vague and unclear as to the type of emergency it applies to and when the landing requirements of Section 1903 are waived. Board staff proposes to convert the “NOTE” into an enforceable Exception that would be consistent with Federal Aviation Administration (FAA) standards. These standards permit the pilot in command of the helicopter to deviate from normal landing protocols to the extent required to meet the in-flight emergency and get the helicopter safely to the ground. The proposed Exception to Section 1903 indicates that the requirements of this section would be waived should the helicopter experience an in-flight emergency (e.g. mechanical failure). 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 counterpart standards do not address helicopter landing operations pertaining to spatial rotor requirements on prepared hillside sites.
- 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).

- Is the least burdensome effective alternative. The proposal provides clarity to employers and the Division by providing enforceable language and eliminating confusion over what is considered an emergency.

Section 1903.Landing Operations.

Existing Section 1903 directs landing site operations in regard to site approval, visibility, rotor clearance, and access/egress to the helicopter.

An amendment is proposed to make it clear that the “NOTE” at the end of Section 1903 is really an exception and it specifies that an in-flight emergency is the only circumstance under which the requirements of Section 1903 are waived. The proposed amendment will clarify to the employer that the requirements of Section 1903 are waived, to allow the pilot and passengers to escape serious injury or death by permitting the pilot to get the craft to ground quickly and safely.

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 replaces the subsection (f) “NOTE” with an Exception which will be enforceable regulatory language. This amendment provides options during emergency operations when responding to avert property damage or loss of life when landing in prepared hillside sites.

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 regulations do 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 adverse economic impact is anticipated, because the amendments are policy and procedural in nature.

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 would provide businesses, small or large, clear instructions in protecting employees and property from vague and confusing, unenforceable guidance. The adoption of this proposal will ensure that expanded and enforceable instructions are provided when employees are engaged in helicopter landing operations in potentially dangerous operating environments.

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.

2. **TITLE 8:** **GENERAL INDUSTRY SAFETY ORDERS**
 Section 3314
 Lockout Tagout (LOTO) —
 Group Lockout

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

Review of Section 3314 of the General Industry Safety Orders (GISO) and Section 2320.4 of the Low-Voltage Electrical Safety Orders, discloses that group lockout/tagout requirements were lacking in Title 8 standards. Federal OSHA’s comparable energy control standard specifically addresses group lockout/tagout device requirements. Therefore, the California standard is not at least as effective as (ALAEA) the federal standard.

This rulemaking action proposes amending Section 3314 to add the federal group lockout/tagout language derived from 29 CFR 1910.147(f)(3) and (4). The proposal will render Title 8, GISO, Section 3314 ALAEA the federal standard as required by Labor Code Section 142.3(a)(2). This proposal will ensure that a single individual will not have the ability to remove locks and tags from a group lockout/tagout device which could result in a serious injury or fatality. 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.

- This proposal is derived from Federal OSHA language for group lockout/tagout requirements that is lacking in Title 8. Federal standards address group lockout/tagout that requires each employee involved in working on or near equipment and machinery subject to inadvertent startups to place personal lockout/tagout devices on the master group energy control mechanism. Current Title 8 standards do not have an equivalent requirement comparable to 29 CFR 1910.147(f)(3) and (4). Therefore, the State proposes to align the instructions with the federal provisions and ensure that Title 8 is ALAEA the counterpart federal standards for group lockout/tagout.
- 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’s 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).
- This proposal will provide consistency by eliminating the discrepancy between existing Title 8 and its federal counterpart standard. The amendments align Title 8 standards with the federal instructions regarding group LOTO.

Section 3314. The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Ups and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

This section applies to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment in which the unexpected energization or start-up of the machines or equipment, or release of stored energy could cause injury to employees. The standard includes unjamming prime movers, machinery and equipment as it pertains to the cleaning, repairing, servicing, setting-up and adjusting of machines and equipment.

Subsections (h), (i), and (j).

Existing subsection (h), “Periodic inspection,” existing subsection (i), and existing subsection (j), “Training,” have been relocated without revisions and are now formatted as subsections (j), (k) and (l), respectively, in the proposal.

The proposed new formatting of the existing subsections allows inclusion of a new subsection (h), Group Lockout or Tagout and a new subsection (i), Shift or Personnel Changes.

New Subsection (h). Group Lockout or Tagout.

New subsection (h)(1), entitled “Group Lockout or Tagout” requires that when servicing or maintenance is performed by a crew or group, a procedure will be used which affords employees a level of protection equivalent to that provided by a personal lockout/tagout device. New subsection (h)(2) requires that group lockout/tagout devices be used according to procedures specified in subsection (g) regarding the control of hazardous energy. Subsection (h) further states requirements that include, but are not necessarily limited to, responsibilities of an authorized employee as described in new subsections (h)(2)(A), (B), (C) and (D). New subsection (h)(2)(A) assigns responsibility to an authorized employee for a set number of employees working under a group lockout/tagout device. New subsection (h)(2)(B) requires that provisions be made available for the authorized employee to ascertain the exposure status of group members under the lockout/tagout requirements. New subsection (h)(2)(C) assigns overall lockout/tagout job associated control responsibility to an authorized employee when more than one crew, department, etc., is involved to coordinate the work force and maintain the continuity of protection. New subsection (h)(2)(D) requires each authorized employee to affix a personal lockout/tagout device to the group lockout mechanism at the beginning of the work and remove the device when work is completed on the equipment being serviced or maintained.

These new provisions will ensure that the Title 8 standard is ALAEA the equivalent Federal OSHA standards.

New Subsection (i). Shift or Personnel Changes.

New subsection (i), entitled “Shift or Personnel Changes” requires specific procedures be utilized during a shift change to maintain continuity of protection, orderly transfer between off-going and oncoming employees, minimize exposure from unexpected energization of equipment, or release of stored energy.

The proposal also ensures that the state standard is ALAEA the federal standard.

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 expands the provisions of the existing standard by adopting the federal language as it pertains to group lockout/tagout procedures. This proposal amends Section 3314 to be consistent with 29 CFR 1910.147(1)(3) and (4) and renders Title 8 ALAEA the federal standards.

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 regulation 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 amendments may affect small businesses. However, no adverse economic impact is anticipated. The proposal simply provides expanded instructions when servicing or maintenance of equipment is performed by a crew or group. The adoption of this proposal will promote worker safety by providing an added layer of protection

for employees exposed to machinery subject to inadvertent start-ups.

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 would provide businesses, small or large, clear direction in protecting employees from exposures to uncontrolled hazardous energy. The adoption of this proposal will ensure that current and expanded instructions are provided when employees are engaged in the cleaning, repairing, servicing, setting-up, or adjusting of machinery or equipment to prevent the unexpected energization or release of stored energy that could cause severe injuries or death. This regulatory proposal will render Title 8, Section 3314 of the GISO at least as effective as the counterpart federal regulation.

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.

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, Sacramento, 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 com-

ments be submitted so that they are received no later than **May 8, 2014**. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on **May 15, 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. 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, Sacramento, 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. CALIFORNIA HEALTH BENEFIT EXCHANGE

CALIFORNIA CODE OF REGULATIONS, TITLE 10, CHAPTER 12, ARTICLE 4 ADOPT SECTION 6456

The California Health Benefit Exchange/Covered California (the Exchange) Board proposes to adopt the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PUBLIC HEARING

The Exchange has not scheduled a public hearing on this proposed action. However, the Exchange will hold

a hearing if it receives a written request for a public hearing for any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Exchange. The written comment period closes at **5:00 p.m. on May 12, 2014**. The Exchange will consider only comments received at the Exchange's office by that time. Submit written comments to:

Natalia Chavez, Regulations Analyst
California Health Benefit Exchange
(Covered California)
560 J Street, Suite 290
Sacramento, CA 95814

Comments may also be submitted by facsimile (FAX) at 916-323-3569 or by e-mail to regulations@covered.ca.gov.

AUTHORITY AND REFERENCE

Government Code Section 100504(a)(6) authorizes the California Health Benefit Exchange/Covered California (the Exchange) Board to adopt rules and regulations, as necessary. The proposed regulations implement, interpret, and make specific sections 1043 of the Government Code, 11105 of the Penal Code, and 432.7 of the Labor Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Documents to be incorporated by reference:

None.

Summary of Existing Laws

Under the federal Patient and Protection and Affordable Care Act (PPACA), each state is required, by January 1, 2014, to establish an American Health Benefit Exchange that makes available qualified health plans to qualified individuals and small employers. Existing state law, the California Patient Protection and Affordable Care Act, established the California Health Benefit Exchange within state government, and it specifies the powers and duties of the executive board of the Exchange. Government Code Section 1043 authorizes the Exchange board to require, consistent with the federal Minimum Acceptable Risk Standards for Exchanges (MARS-E) guidance, that employees, prospective em-

ployees, contractors, subcontractors, volunteers, or vendors with access to the information systems and devices of the Exchange containing specified sensitive information, to submit a full set of fingerprints for the purpose of conducting a criminal history record check. Government Code Section 1043 further authorizes the Exchange to obtain and receive criminal history information from the California Department of Justice (DOJ) and the U.S. Federal Bureau of Investigation (FBI). Penal Code Section 11105 authorizes the DOJ to furnish state and federal summary criminal history information to the Exchange in fulfillment of the Exchange's employment, certification, or licensing duties.

Pursuant to the federal MARS-E and Government Code Section 1043 the proposed regulation would require specific individuals to successfully complete a state and federal level criminal offender record information search through the DOJ prior to his or her appointment to a position with the Exchange that requires fingerprinting. This regulation would clarify which individuals must submit fingerprints. Specifically, it would require after the effective date, individuals whose duties include or would include any of the following to submit fingerprints:

- (1) Access to Federal Tax Information.
- (2) Access to Personal Identifying Information.
- (3) Access to Personal Health Information.
- (4) Access to confidential or sensitive information provided by a member of the public including, but not limited to, a credit card account number or social security number.
- (5) Access to cash, checks, or other forms of payment and accountable items.
- (6) Responsibility for the development or maintenance of the CalHEERS system and other critical automated systems of the Exchange; and
- (7) Access to information technology systems of the Exchange.

Requiring individuals whose duties for the Exchange include or would include access to any of the above to submit fingerprints for processing prior to his or her appointment will ensure that the Exchange receives timely notification of any arrests or convictions from the DOJ in furtherance of the public peace, health and safety, or general welfare, and satisfies MARS-E requirements.

After an evaluation of current regulations, the Exchange has determined that these proposed regulations are not inconsistent or incompatible with any existing regulations. The Exchange has determined these are the only regulations that concern the fingerprinting and background checks requirements for individuals whose duties with the Exchange would include access to the specified information above.

JUSTIFICATION FOR DUPLICATION

This proposed regulation was developed with significant stakeholder engagement to implement and clarify information from the fingerprinting and background checks process authorized under Government Code Section 1043. The regulation duplicates text from Government Code Section 1043 related to the direct implementation of the fingerprinting process to contain such information in the same source for clarity and improved access to information for individuals affected by this section pursuant to section 12(b), title 1, California Code of Regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Exchange has made the following initial determinations:

MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

None.

MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

None. The Executive Director of the California Health Benefit Exchange has determined that this proposed regulatory action does not impose a mandate on local agencies or school districts.

COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT WHICH MUST BE REIMBURSED IN ACCORDANCE WITH GOVERNMENT CODE SECTIONS 17500 THROUGH 17630

None. This proposal does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

COSTS OR SAVINGS TO STATE AGENCIES

The proposal results in additional costs to the California Health Benefit Exchange, which is currently funded by federal grant money and will become financially self-sustaining in 2015. The proposal does not result in any costs or savings to any other state agency.

COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE

The proposal results in additional costs to the California Health Benefit Exchange, which is currently funded by federal grant money and will become financially self-sustaining in 2015. The fingerprinting cost of \$82,000 in FY 2013–14 and \$12,000 each year thereafter would be incurred by the Exchange, and in turn, this amount reflects federal funding costs until 2015.

OTHER NONDISCRETIONARY OR SAVINGS IMPOSED ON LOCAL AGENCIES

None. This proposal does not impose other non-discretionary cost or savings on local agencies.

SIGNIFICANT EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

The proposed action will directly affect a small business, Capital Live Scan. Otherwise, no other small business will be affected because the agency only uses this specific business for its fingerprinting services at this time.

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

As the proposed rulemaking affects Accenture (the contractor working on the CalHEERS system), it is estimated that approximately 100 Accenture employees would be fingerprinted in FY 2013–14, assuming a five percent attrition rate in FY 2014–15. This equates to a cost to Accenture of \$6,900 (100 x \$69) in FY 2013–14 and \$345 (5 x \$69) in FY 2014–15. This cost, in turn, is collected by and thus becomes a revenue stream for Capital Live Scan that is rendering the fingerprinting service. Capital Live Scan estimates to collect amounts to \$89,000 in FY 2013–14 and \$12,000 each year thereafter.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The Exchange concludes that it is:

- (1) unlikely that the proposal will create or eliminate any jobs in the State;
- (2) unlikely that the proposal will create or eliminate businesses within the State;
- (3) unlikely that the proposal will impact the expansion of businesses currently doing business in California; and
- (4) likely that the health and welfare of consumers will benefit from the proposed regulation.

BENEFITS OF THE PROPOSED ACTION

The proposed regulation will benefit California residents who apply for health benefits through the Exchange. Consumers will benefit from this proposal as applicable staff and contractors must clear background check prior to gaining access to sensitive and confidential personal information of the consumers.

CONSIDERATION OF ALTERNATIVES

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

The Exchange 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 proposed administrative action may be directed to:

Natalia Chavez
California Health Benefit Exchange
(Covered California)
560 J Street, Suite 290
Sacramento, CA 95814
Telephone: (916) 228-8239

The backup contact person for inquiries concerning the proposed administrative action may be directed to:

Gabriela Ventura Gonzales
California Health Benefit Exchange
(Covered California)
560 J Street, Suite 290
Sacramento, CA 95814
Telephone: (916) 228-8477

Please direct copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Natalia Chavez at the above contact information.

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

The Exchange will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the above address. As of the date of this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation and the Initial Statement of

Reasons. Copies may be obtained by contacting Natalia Chavez at the address or phone number listed above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding the hearing, if requested, and considering all timely and relevant comments received, the Exchange may adopt the proposed regulations substantially as described in this notice. If the Exchange makes modifications which are sufficiently related to the originally proposed text, it will make the modified text to the public at least 15 days before the Exchange adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Natalia Chavez at the address indicated above. The Exchange will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Natalia Chavez at the above address.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

Copies of the Notice of Proposed Rulemaking, the Initial Statement of Reasons and the proposed text of the regulations in underline and strikeout can be accessed through our website at www.healthexchange.ca.gov/regulations.

**TITLE 10. DEPARTMENT OF
INSURANCE**

Amendments to Life Settlement Regulations

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

Date: March 28, 2014
Regulation File: REG-2014-00006

SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that a public hearing will be held regarding the adoption of amendments to Califor-

nia Code of Regulations (“CCR”) Title 10, Chapter 5, Subchapter 3, Article 12.9, sections 2548 *et seq.*, “Life Settlements.” The proposed amendments clarify, make consistent, and update the existing regulations implementing, interpreting and making specific the provisions of Insurance Code Sections 10113.1, 10113.2, 10113.3 and 10113.35, which regulate life settlement transactions.

AUTHORITY AND REFERENCE

The Insurance Commissioner proposes to adopt amendments to Title 10, Chapter 5, Subchapter 3, Article 12.9, sections 2548 *et seq.* pursuant to the rulemaking authority vested in him by California Insurance Code (“CIC”) section 10113.35, subdivision (a) and *CalFarm Ins. Co. v. Deukmejian*, 48 Cal.3d 805 (1989), and *20th Century Ins. Co. v. Garamendi*, 8 Cal. 4th 216 (1994). The Commissioner’s proposed amendments to CCR Sections 2548 *et seq.* will implement, interpret, and make specific the provisions of Insurance Code Sections 10113.1, 10113.2, 10113.3, and 10113.35.

HEARING DATE AND LOCATION

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to the proposed amendments to CCR Sections 2548 *et seq.*, as follows:

Date and time: Monday, May 12, 2014 at 10:00 a.m.
Location: Department of Insurance
 Administrative Hearing Bureau
 Hearing Room
 45 Fremont Street, 22nd Floor
 San Francisco CA 94105

The hearing will continue on the date noted above until all testimony has been submitted or until 5:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN COMMENTS;
 CONTACT PERSONS

All persons are invited to submit written comments on the proposed amendments to CCR Sections 2548 *et seq.* during the public comment period. The public comment period will end at **5:00 p.m. on Monday, May 12, 2014**. Please direct all written comments to the following contact person:

Audrie Lee, Attorney
 California Department of Insurance
 45 Fremont Street, 24th Floor
 San Francisco, CA 94105
 Telephone: (415) 538-4434

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

Jennifer Chambers, Attorney III
 California Department of Insurance
 45 Fremont Street, 24th Floor
 San Francisco, CA 94105
 Telephone: (415) 538-4145

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at her address listed above, **no later than 5:00 p.m. on Monday, May 12, 2014**. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL
 OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: audrie.lee@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Audrie Lee and sent to the following facsimile number: (415) 538-5729. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. **Comments sent by email or facsimile are subject to the deadline set forth above for written comments.**

ACCESS TO HEARING ROOMS

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

ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accor-

dance with the provisions of Title 10 of the CCR in connection with their participation in this matter. Interested persons should contact the Office of the Public Advisor at the following address to inquire about the appropriate procedures.

California Department of Insurance
Office of the Public Advisor
300 South Spring Street
Los Angeles, CA 90013
(213) 346-6635

A copy of any written materials submitted to the Public Advisor regarding this rulemaking must also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for additional information.

INFORMATIVE DIGEST

POLICY STATEMENT OVERVIEW AND EXISTING LAW

The existing life settlement regulations were promulgated on July 29, 2010 to interpret and implement the life settlement statutes, located at Insurance Code sections 10113.1, 10113.2, 10113.3, and 10113.35. The latter provisions were enacted with the passage of SB 98 (Calderon) on October 11, 2009 and made effective January 1, 2010. SB 98 constitutes a comprehensive regulatory scheme for life settlements, transactions involving a contract in which an owner of a life insurance policy assigns his or her policy to a third party for consideration that is less than the policy's death benefit. Ins. Code § 10113.1(k). SB 98 gives the California Insurance Commissioner jurisdiction to regulate life settlements, and imposes licensing, annual statement reporting, and consumer disclosure and confidentiality requirements for those involved in the transaction of such business. SB 98 also grandfathered as life settlement providers and brokers those viatical settlement providers and brokers whose licenses were in good standing at year-end 2009. Ins. Code § 10113.2(b)(1)(C). In enacting SB 98, the legislature recognized that "[t]here is a compelling interest in adequately regulating the life settlement industry to protect consumers." (Sen. Bill No 98 (2009-2010 Reg. Sess.) § 9, subd. (a).)

Since July 29, 2010, the Commissioner has promulgated and applied emergency regulations implementing the life settlement laws. In October 2, 2011, the life settlement laws were also amended to remove the Commissioner's emergency rulemaking powers, but the emergency regulations that were enacted were explicitly deemed to remain in full force and effect. To update

the regulations to reflect these amendments, changes to the regulations without regulatory effect were approved and published on January 24, 2012. Changes to the regulations without regulatory effect were again approved and published on July 3, 2013 to update the various fees stated within the life settlement regulations to accurately reflect the current fee schedule, and to correct formatting inconsistencies. To date, the Commissioner has encountered various areas in the emergency regulations that should be expanded upon or amended to clarify and update the implementation of the life settlement regulatory framework.

The broad objectives of the proposed amendments to the existing regulations are to make those regulations more clear, consistent and up-to-date, and to increase consumer protection and the openness and transparency of regulatory oversight.

Specifically, the Commissioner proposes to add a new section 2548.7 defining the bases upon which the Commissioner may revoke or suspend a license or deny an application; to add a new section 2548.8 to clarify the contractual provisions required in a retained beneficiary sale; and to renumber all subsequent sections or references to subsequent sections of the regulations accordingly.

The Commissioner also proposes to amend section 2548.14(b) (renumbered to 2548.15(b)) to clarify the scope of audited financial statement filings and to include a method for filing the audited financial statement on a date after March 1, and to amend section 2548.14(c) (renumbered to 2548.15(c)) to add procedures for the suspension of a license for failure to file an annual statement.

The Commissioner also proposes to amend the regulations to strengthen the consumer protection mechanisms. For instance, the Commissioner proposes to amend section 2548.13 (renumbered to 2548.14) to require a life settlement purchaser to notify the provider or the provider's authorized representative of any change of ownership or beneficiary so the life settlement provider may notify the insured of the same. The Commissioner also proposes to amend section 2548.27 (renumbered to 2538.28) to add two disclosures which are specifically required by Insurance Code Section 10113.2(d)(12).

In addition, the Commissioner proposes to clarify form filing and reporting requirements. For instance, the Commissioner proposes to amend section 2548.30 (renumbered to 2548.31), which sets forth the annual statement form that must be filed by licensed life settlement providers, to clarify the reporting necessary. The Commissioner also proposes to amend section 2548.16 (renumbered to 2548.17), which sets forth the life settlement provider application, by requiring an individual person be designated as the Agent for Service of

Process, specifying the actions against the applicant that must be disclosed in the application, clarifying the financial statement submission requirements, establishing language that is acceptable for the verification of an applicant's plan of operation, and reformatting the text of the application to be consistent. Lastly, the Commissioner proposes to amend 2548.5 to clarify life settlement provider ownership reporting and application requirements. Section 2548.5 should be revised to clearly apply to all types of providers, not only providers that are corporations that issue shares. In addition, Section 2548.5 should be amended to require a new life settlement provider application when any provider organized in California or conducting any life settlement business in California sells or transfers 10-percent or more of its business to an unlicensed provider.

The Commissioner also proposes to make various minor and technical amendments to the regulations. The Commissioner proposes to amend sections 2548.2 to define additional terminology used throughout the regulations; to amend sections 2548.4 and 2548.7 (renumbered to 2548.9) and to delete sections 2548.8 and section 2548.9(c) (renumbered to 2548.10(c)) to update language regarding licensees that have already been grandfathered in under the emergency regulations; to amend sections 2548.5, 2548.9(a) (renumbered to 2548.10(a)), 2548.9(b) (renumbered to 2548.10(b)), 2548.11 (renumbered to 2548.12), 2548.12(c) (renumbered to 2548.13(c)), 2548.17 (renumbered to 2548.18), 2548.18 (renumbered to 2548.19), 2548.20 through 2548.22 (renumbered to 2548.21 through 2548.23), 2548.24 (renumbered to 2548.25), 2548.28 (renumbered to 2548.29) and 2548.29 (renumbered to 2548.30) to clarify and make consistent the terms, capitalization, and/or formatting used therein; to amend section 2548.14(a) (renumbered to 2548.15(a)) to delete language regarding the life settlement providers' requirements for the filing of annual statements in 2011; and to renumber the otherwise unchanged regulations to be consistent with the renumbering of the proposed amendments (renumbering section 2548.10 to 2548.11, 2548.15 to 2548.16 and the renumbered regulations cited therein, 2548.19 to 2548.20, 2548.23 to 2548.24, 2548.24 to 2548.25, 2548.25 to 2548.26, 2548.27 to 2548.28, and 2548.31 to 2548.32).

EFFECT OF PROPOSED RULEMAKING

The addition of the proposed CCR sections 2548.7 and 2548.8, and amendments to 2548.14(b) (renumbered to 2548.15(b)), and 2548.14(c) (renumbered to 2548.15(c)) provide clear procedural and substantive guidelines to life settlement participants. The proposed revisions to 2548.5 would clarify when a provider

would have to report a change in ownership or control of the provider, and would broaden the class of providers required to submit a new life settlement provider application when a significant ownership change is made to enable the Commissioner to meaningfully oversee the licensing of providers. The proposed new CCR section 2548.7 will bring greater clarity to the Commissioner's decision making process and standards in determining when a licensee applicant should be denied a license, or when a license should be revoked. The proposed new CCR section 2548.8 will also bring greater clarity as to procedures necessary for the sale of a portion of the death benefit in a life insurance policy or certificate of ownership. CCR section 2548.14(b) (renumbered to 2548.13(b)) will provide licensed life settlement providers with greater clarity as to the scope of the audited financial filings that must accompany annual statement filings, and provide a method for the filing of audited financial statements after March 1. CCR section 2548.14(c) (renumbered to 2548.15(c)) will also provide licensed life settlement providers with greater clarity regarding the procedures that follow a provider's failure to timely file an annual statement.

The amendments to CCR sections 2548.13 (renumbered to 2548.14) and 2548.27 (renumbered to 2538.28) will strengthen the consumer protection mechanisms that have already been built into the statutory and regulatory framework. The proposed amendments to Sections 2548.13 (renumbered to 2548.14) will ensure that the original owner of a life insurance policy has essential information regarding any subsequent owners of the policy, who may also have access to confidential personal, financial, and medical information of the insured. The proposed amendments to CCR sections 2548.27 (renumbered to 2538.28) will ensure that the owner of a life insurance policy is fully informed of the risks of entering a life settlement transaction.

The proposed amendments to CCR sections 2548.5, 2548.16 (renumbered to 2548.17), 2548.30 (renumbered to 2548.31) will clarify the form filing and reporting requirements for life settlement provider applicants and licensees.

The various technical amendments to CCR sections 2548.2, 2548.4, 2548.5, 2548.7 (renumbered to 2548.9), 2548.9(a), 2548.9(b) (renumbered to 2548.10(b)), 2548.11 (renumbered to 2548.12), 2548.12(c) (renumbered to 2548.13(c)), 2548.14(a) (renumbered to 2548.15(a)), 2548.17 (renumbered to 2548.18), 2548.18 (renumbered to 2548.19), 2548.20 through 2548.22 (renumbered to 2548.21 through 2548.23), 2548.24 (renumbered to 2548.25), 2548.28 (renumbered to 2548.29) and 2548.29 (renumbered to 2548.30), the deletion of CCR sections 2548.8 and 2548.9(c), and the renumbering of the otherwise un-

changed regulations (renumbering section 2548.10 to 2548.11, 2548.15 to 2548.16 and the renumbered regulations cited therein, 2548.19 to 2548.20, 2548.23 to 2548.24, 2548.24 to 2548.25, 2548.25 to 2548.26, 2548.27 to 2548.28, and 2548.31 to 2548.32) will update, clarify, streamline, and make consistent the terminology, language, formatting, and appearance of the regulations.

BENEFITS OF PROPOSED RULEMAKING

The benefits of the proposed amendments are various and manifold. The Commissioner anticipates that the regulatory action will refine the clarity and consistency of the existing regulations, benefiting all actors in the life settlement industry; will update the language of the existing regulations so that all provisions are relevant and applicable for future use, benefiting all interested parties in the life settlement industry; will increase the openness and transparency in the Commissioner's review of licensee applications or determinations to revoke or suspend a license or deny an application for a license; and that the regulatory action will further the authorizing statute's goal of serving the "compelling interest in adequately regulating the life settlement industry to protect consumers" (Sen. Bill No. 98 (2009–2010 Reg. Sess.) § 9, subd. (a)).

COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed amendments to the life settlement regulations as no federal statutes or regulations govern life settlement transactions.

CONSISTENCY OR COMPATIBILITY WITH EXISTING STATE REGULATIONS

These proposed regulations amend the only existing state regulations dealing with life settlement laws, and clarify or expand upon the existing regulatory framework in a consistent and compatible manner. The proposed amendments are consistent and compatible with existing laws and regulations.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

The proposed amendments do not impose any mandate on local agencies or school districts. There are no costs to local agencies or school districts for which Part 7 (commencing with Section 17500) of Division 4 of the Government Code would require reimbursement.

COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES OR SCHOOL DISTRICTS OR IN FEDERAL FUNDING

The Commissioner has determined that the proposed amendments will result in no cost or savings to any state agency, no cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no other nondiscretionary cost or savings imposed on local agencies, and no cost or savings in federal funding to the State.

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESSES, INCLUDING THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that there is a small probability that the adoption of the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are life settlement providers and life settlement provider license applicants.

To comply with the amended regulations, new owners of life settlement provider companies that conduct any of their business in California would be required to submit a new license application; under the previous regulations only new owners of domestic life settlement provider companies or life settlement provider companies that conducted more than 50-percent of their business would have to submit a new license application. These compliance costs would include application fees, in addition to costs associated with the purchase of the company. Other portions of the amended regulations could have an economic impact at some point in the future, but are not likely to have an immediate economic impact in the next 12 months. Compliance with the proposed amendments to the regulations requires additional reporting requirements, and conducting retained beneficiary sales in a manner that protects consumers. However, there is no projected immediate economic impact associated with compliance to the proposed amendments as similar reporting requirements are already mandated by the existing regulations, and no life settlement providers are expected to newly transact life settlement sales involving retained beneficiaries in the immediate future.

The Commissioner has considered proposed alternatives that would lessen any adverse economic impact on business and he invites you to submit proposals. Submissions may include the following considerations:

- (i) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (ii) Consolidation or simplification of compliance and reporting requirements for businesses.
- (iii) The use of performance standards rather than prescriptive standards.
- (iv) Exemption or partial exemption from the regulatory requirements for businesses.

STATEMENT OF THE RESULTS OF THE
ECONOMIC IMPACT ASSESSMENT

The Commissioner is required to assess any impact the proposed regulations may have on the creation or elimination of jobs within the State of California, the creation of new businesses or the elimination of existing businesses within the State of California, the expansion of businesses currently doing business within the State of California, and the benefits of the proposed regulations to the health and welfare of California residents, worker safety, and the state's environment.

The Commissioner has determined that the proposed amended regulations will have a very small effect on possible changes in employment (the creation or elimination of jobs within the State of California), and the creation of new businesses or the elimination of existing businesses within California will likely remain unaffected by this proposed amended regulations. This regulation may potentially stop unlicensed entities from expanding into the life settlements market by purchasing existing companies, but will help ensure that entities conducting life settlements within the state are qualified and thereby pose less of a potential threat to the economic wellbeing of life policy sellers in the state. The Commissioner has determined that the proposed regulations will be beneficial to the welfare of California residents, and that the proposed regulations will not impact the health of California residents, worker safety, or the state's environment.

In addition, the Commissioner is required to consider proposed alternatives to the proposed regulations. The Commissioner has considered two such alternatives. Under Alternative #1 the Commissioner would not adopt the provisions of the proposed amended regulations. Under Alternative #2 the Commissioner would adopt NAIC model guidelines regarding life settlements. The Commissioner has determined that neither of these two alternatives, which are discussed in the Economic Impact Assessment, would be more effective in carrying out the purpose for which the proposed amended regulations are proposed or would be as effective

and less burdensome to affected private persons than the proposed regulations, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy of the life settlement laws.

The full text of the Commissioner's assessment is set forth in the Economic Impact Assessment (March 18, 2014), a copy of which is included in the rulemaking record.

POTENTIAL COST IMPACT ON
REPRESENTATIVE PRIVATE PERSONS OR
ENTITIES/BUSINESSES

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

BUSINESS REPORT

Finding of Necessity

The Commissioner finds that it is necessary for the health, safety, or welfare of the people of the state that the regulations, as amended, apply to businesses.

IMPACT ON SMALL BUSINESS

The Commissioner has determined the proposed action's statewide estimated economic impact on small business is small and it is unlikely that any California small business would lose jobs or go out of business due to the proposed regulation.

IMPACT ON HOUSING COSTS

The proposed amendments will have no significant effect on housing costs.

ALTERNATIVES

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

TEXT OF REGULATIONS AND STATEMENTS
OF REASONS

The Department has prepared an Initial Statement of Reasons that sets forth the reasons for the proposed ac-

tion. Upon request, the Initial Statement of Reasons will be made available for inspection and copying. Requests for the Initial Statement of Reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the Final Statement of Reasons will be made available for inspection and copying once it has been prepared. Requests for the Final Statement of Reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed action, the Initial Statement of Reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 24th Floor, San Francisco, California 94105, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday.

MODIFIED LANGUAGE

If the amended regulations adopted by the Department differ from those which have originally been made available 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. Interested persons should request a copy of these amended regulations prior to adoption from the contact person listed above.

AUTOMATIC MAILING

A copy of the proposed amendments and this Notice, including the Informative Digest, which contains the general substance of the proposed amendments to the regulation, will be automatically sent to all persons who have previously filed a request to receive notice of proposed rulemaking with the Insurance Commissioner.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find at the righthand side of the page the heading 'QUICK LINKS.' The third item in this column under this heading is 'For Insurer;' on the drop-down menu for this item, select 'Legal Information.' When the 'INSURERS: LEGAL INFORMATION' screen appears, click the third item in the list of bulleted items near the top of the page: 'Proposed Regulations.' The 'INSURERS: PROPOSED REGULATIONS' screen will be displayed. Select the

only available link: 'Search for Proposed Regulations.' Then, when the 'PROPOSED REGULATIONS' screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To browse, click on the 'Currently Proposed Regulations' link. A list of the names of regulations for which documents are posted will appear. Find in the list the "Life Settlement Regulations" link, and click it. Links to the documents associated with the proposed amended regulation will then be displayed.

To search, enter "REG-2014-00006" (the Department's regulation file number for the amended regulation) in the search field. Alternatively, search by keyword ("life settlement" for example). Then, click on the 'Submit' button to display links to the rulemaking documents online.

TITLE 14. BOARD OF FORESTRY AND FIRE PROTECTION

"EMERGENCY NOTICE — NATIVE AMERICAN NOTIFICATION AMENDMENTS, 2014"

Title 14 of the California Code of Regulations (14 CCR), Division 1.5, Chapter 4, Subchapter 1, Article 1; Subchapters 4, 5, & 6, Article 14; Subchapter 7, Article 2

Amend:

§ 895.1 Definitions § 929.1, [949.1, 969.1] Plan, and Emergency Notice Preparation [All Districts] § 1052 Emergency Notice

The California State Board of Forestry and Fire Protection (Board) is soliciting review and comment on proposed regulatory amendments of the existing Forest Practice Rules. The proposed amendments are intended to provide the Native American contacts additional time to review and respond to notifications of emergency timber operations. Native American contacts are one of the primary sources of information relating to identification of cultural resources that may potentially be affected through the implementation of commercial timber operations.

PUBLIC HEARING

The Board will hold a public hearing on Wednesday, June 18th, 2014, at its regularly scheduled meeting commencing at 8:00 a.m., at the Resources Building Audi-

torium, 1st Floor, 1416 Ninth Street, Sacramento, California. 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 Board requests, but does not require, that persons who make oral comments at the hearing also submit a summary of their statements. Additionally, pursuant to Government Code § 11125.1, any information presented to the Board during the open hearing in connection with a matter subject to discussion or consideration becomes part of the public record. Such information shall be retained by the Board and shall be made available upon request.

WRITTEN COMMENT PERIOD

Any person, or authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period ends at 5:00 p.m., on Monday, May 12th, 2014.

The Board will consider only written comments received at the Board office by that time and those written comments received in connection with oral testimony at the public hearing. The Board requests, but does not require, that persons who submit written comments to the Board reference the title of the rulemaking proposal in their comments to facilitate review.

Written comments shall be submitted to the following address:

Board of Forestry and Fire Protection
Attn: Matt Dias
Assistant Executive Officer
P.O. Box 944246
Sacramento, CA 94244–2460

Written comments can also be hand delivered to the contact person listed in this notice at the following address:

Board of Forestry and Fire Protection
Room 1506–14
1416 9th Street
Sacramento, CA

Written comments may also be sent to the Board via facsimile at the following phone number:

(916) 653–0989

Written comments may also be delivered via e-mail at the following address:

board.public.comments@fire.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Public Resources Code Sections 4526 and 4551. Reference: Public Resources Code Sections 4511, 4525.5, 4527, 4528, 4551.5, 4553, and 4581.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to the Z’berg–Nejedly Forest Practice Act of 1973, Public Resources Code Section 4511, *et seq.* the State Board of Forestry and Fire Protection (Board) is authorized to construct a system of forest practice regulations applicable to timber management on state and private timberlands, including but not limited to timber operations conducted under an Emergency Notice.

Pursuant to this statutory authority, the Board previously adopted regulations contained in 14 CCR § 1052 that addressed the required contents of an Emergency Notice that is submitted to the Director. A component of these requirements pertains to documentation that focuses upon the protection of archaeological resources for Emergency Notices greater than 3 (three) acres in size by preparing a Confidential Archaeological Letter (CAL). The CAL is defined in 14 CCR § 895.1.

Pursuant to its authority, Board has also adopted 14 CCR § 929.1 [949.1; 969.1], which specifically addresses the manner in which a Registered Professional Forester (RPF) shall conduct an inquiry focused on gathering information for archaeological resources within project areas. An element of this process requires that Native American contacts be provided notification of the preparation of an Emergency Notice.

In the recent past it was discovered that timber operations under the Emergency Notice process did not supply the Native American contacts with sufficient time during the inquiry process to relay information to the RPF on the location(s) of culturally sensitive resources. In instances where RPFs were fully compliant with existing regulations the mandated timeline for notification of Native American contacts resulted in the Director processing the submitted Emergency Notice and timber operations commencing prior to Native American contacts being able to respond to RPFs.

This rulemaking proposal would therefore introduce a notification for Native American contacts process that supplants the existing process for Emergency Notices. This new process would include a notification where the RPF would contact the required Native American contacts via a written inquiry on the potential existence of culturally sensitive resources within the project boundary and wait for the expiration of a defined 7–

(seven-) day period prior to submission of the Emergency Notice to the Director for consideration of processing. Additionally, the RPF would be required to include all responses from Native American contacts in regards to the location of culturally sensitive resources within the Emergency Notice area when submitted to the Director. The option remains within the regulatory amendment for the Director to waive the 7- (seven-) day waiting period, or a portion thereof, if the RPF is able to demonstrate that all Native American contact groups were appropriately notified and all responses have been incorporated in the Emergency Notice prior to submittal to the Director.

The regulatory proposal also eliminates the need for a submittal of the Emergency Notice to all Native American contacts as currently required. The newly devised CAL, as redefined by the regulatory amendment in 14 CCR § 895.1, includes all information that is currently contained in the Emergency Notice and therefore supplying the Emergency Notice to the Native American contacts was determined to be duplicative and unnecessary.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED ADOPTION, AMENDMENT, OR REPEAL OF THE REGULATION

The rulemaking proposal simply develops a new notification process for Native American contacts to inquire about the known existence of archaeological resources within the boundary of an Emergency Notice project area. As previously stated, it also requires the RPF to include all pertinent responses by the Native American contacts that result from the notification process within the Emergency Notice prior to submittal to the Director. As a result, it is possible that *CAL FIRE* and project proponents observe an increased efficiency in the implementation of Emergency Notices that contain archaeological resources. It is typically the case that in instances where archaeological resources are disclosed through Native American contact inquiries that operations within the area of the archaeological site(s) cease and consultations between *CAL FIRE*, the RPF, and potentially the Native American contacts must occur to determine site location(s) and the necessary and appropriate mitigations. With the full disclosure of the known archaeological inventory being submitted along with the Emergency Notice, as is required under this rulemaking, it is possible that in some cases the initial evaluation of the Emergency Notice would eliminate the need for additional field visits and drafting of associated consultation reports by *CAL FIRE*.

In the instance where a RPF has not adequately planned, or conducted the appropriate outreach, it is

possible that time could be lost where operations under the current regulations would be able to occur, while under the proposed regulatory amendments they would not. Therefore, the loss of time, or estimated expense, would be more attributable to planning efforts of the RPF involved with the project rather than implementation of the regulation.

Lastly, archaeological resources in which the location is known by Native American contacts will be disclosed in a timely manner through the proposed rulemaking process. As a result, protection measures will be developed prior to the commencement of timber operations, which will result in a higher level of protection of these culturally sensitive resources.

IS THE PROPOSED REGULATION INCONSISTENT OR INCOMPATIBLE WITH EXISTING STATE REGULATIONS

The Board and Department of Forestry and Fire Protection have considered the consistency and compatibility of the rule proposal with existing state regulations. The proposed rulemaking is intended to modify existing Forest Practice Rule requirements previously adopted by the Board and implemented by the Department. Adoption and implementation of the State's Forest Practice Rules is solely the responsibility of the Board and Department, respectively. The two agencies therefore conclude the proposed rulemaking is entirely consistent and compatible with existing state regulations.

DISCLOSURES REGARDING THE PROPOSED ACTION AND RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The results of the economic impact assessment prepared pursuant to GC § 11346.3(b)(1)A–D for this proposed regulation indicate that it will not result in an adverse economic impact upon the regulated public or regulatory agencies. 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.

A benefit will likely be realized by Native American contacts from the additional time allotted for response to notifications sent by RPFs requesting information on the location of archaeological resources that may be located within an Emergency Notice area.

The Board has made an initial determination that there will be no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Cost impacts on representative private persons or businesses:

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.

Effect on small business:

The Board has determined small businesses are unlikely to notice any effect from the proposed rulemaking. The nominal timeline associated with the pre-consultation process outlined in the regulatory proposal would not result in a significant effect on small business productivity or result in capital expenditures. Additionally, the most efficient RPFs working for or owning small businesses would be able to conduct adequate outreach to Native American contacts in a timely fashion, and through demonstration of this timely outreach, have any remaining portion of the waiting period waived by the Director.

Mandate on local agencies and school districts:

The proposed regulation does not impose a mandate on local agencies and school districts.

Costs or savings to any State agency:

Though some cost savings to state timber review agencies may occur, such savings are not expected to be significant.

Cost to any local agency or school district which must be reimbursed in accordance with the applicable Government Code (GC) sections commencing with GC § 17500:

The proposed regulation does not impose a reimbursable cost to any local agency or school district.

Other non-discretionary cost or savings imposed upon local agencies:

The proposed regulation will not result in the imposition of non-discretionary costs or savings to local agencies.

Cost or savings in federal funding to the State:

The proposed regulation will not result in costs or savings in federal funding to the State.

Significant effect on housing costs:

The proposed regulation will not significantly affect housing costs.

Conflicts with or duplication of Federal regulations:

The proposed regulations neither conflict with, nor duplicate Federal regulations. There are no comparable Federal regulations for timber harvesting on State or private lands.

BUSINESS REPORTING REQUIREMENT

The regulation does not impose a business reporting requirement.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code § 11346.5(a)(13), the Board must determine that no reasonable alternative it considers or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed 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.

CONTACT PERSON

Requests for copies of the proposed text of the regulations, the *Initial Statement of Reasons*, modified text of the regulations and any questions regarding the substance of the proposed action may be directed to:

Board of Forestry and Fire Protection
 Attn: Matt Dias
 Assistant Executive Officer
 P.O. Box 944246
 Sacramento, CA 94244-2460
 Telephone: (916) 653-8031

The designated backup person in the event Mr. Dias is not available is Mr. George Gentry, Executive Officer of the California Board of Forestry and Fire Protection. Mr. Gentry may be contacted at the above address or by phone at (916) 653-8007.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Board has prepared an *Initial Statement of Reasons* providing an explanation of the purpose, background, and justification for the proposed regulations. The statement is available from the contact person on request. When the *Final Statement of Reasons* has been prepared, the statement will be available from the contact person on request.

A copy of the express terms of the proposed action using UNDERLINE to indicate an addition to the California Code of Regulations and ~~STRIKETHROUGH~~ to indicate a deletion is also available from the contact person named in this notice.

The Board will have the entire rulemaking file, including all information considered as a basis for this

proposed regulation, available for public inspection and copying throughout the rulemaking process at its office at the above address.

All of the above referenced information is also available on the Board web site at:

http://www.fire.ca.gov/BOF/board/board_proposed_rule_packages.html

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice.

If the Board 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 Board adopts the regulations as revised. Notice of the comment period on changed regulations, and the full text as modified, will be sent to any person who:

- a) testified at the hearings,
- b) submitted comments during the public comment period, including written and oral comments received at the public hearing, or
- c) requested notification of the availability of such changes from the Board of Forestry and Fire Protection.

Requests for copies of the modified text of the regulations may be directed to the contact person listed in this notice. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

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, 205.1, 219, 220 and 316 of the Fish and Game Code, and Statutes 2013, Chapter 233, Section 1, and to implement, interpret or make specific sections 200, 201, 202, 203.1, 205, 205.1, 207, 210, 215, 219, 220 and 316 of the Fish and Game Code, Statutes 2013, Chapter 233, Section 1, and Title 50, Code of Federal Regulations, Subpart E of Part 300, sections 300.60, 300.61, 300.62, 300.63 and 300.66, proposes to amend Section 28.20, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pacific halibut along the United States west coast is jointly managed through authorities of the International Pacific Halibut Commission (IPHC), Pacific Fishery Management Council (Council), and the National Marine Fisheries Service (NMFS), in conjunction with west coast state agencies. The Council coordinates west coast management of all recreational and commercial Pacific halibut fisheries in U.S. waters through the Pacific Halibut Catch Sharing Plan (CSP), which constitutes a framework for recommending annual management measures. NMFS is then responsible for specifying the final measures in federal regulation [Title 50, Code of Federal Regulations (CFR), Subpart E of Part 300 and the Federal Register]. These federal regulations (rules) are applicable in the Federal Exclusive Economic Zone (3 to 200 miles offshore) off Washington, Oregon and California.

For species managed under federal fishery management plans or regulations, the Commission has usually taken concurrent action to conform State recreational regulations to federal regulations that have been adopted through an open and deliberative federal rulemaking process.

Under a new California law [Fish and Game Code Section 205.1 (Statutes of 2013, Chapter 233)], the Commission now has authority to establish — through regulation — an automatic process to conform State sport fishing regulations applicable in State waters (zero to three miles offshore) to federal regulations for federally managed species, which include Pacific halibut.

Current State regulations [Section 28.20, Title 14, California Code of Regulations (CCR)] authorize recreational fishing for Pacific halibut in California waters from May 1 to October 31. The daily bag limit is one fish per angler and there is no minimum size limit.

The proposed amendments to the regulations would replace the current text of Section 28.20, Title 14, CCR, with new language that would describe the process through which State sport fishing regulations for Pacific halibut will conform to federal sport fishing regulations for Pacific halibut in federal waters of the ocean off California.

Benefits of the Regulation

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of wildlife.

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

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational Pacific halibut fishing.

The proposed regulations are neither inconsistent nor incompatible with existing State regulations. The Legislature has delegated authority to the Commission to adopt sport fishing regulations in general (Fish and Game Code, sections 200, 202 and 205); Pacific halibut sport fishing regulations specifically (Fish and Game Code, Section 316); and an automatic process to conform State sport fishing regulations to federal regulations for federally managed species, including Pacific halibut (Fish and Game Code, Section 205.1). The proposed regulations are consistent with regulations for sport fishing in marine protected areas (Section 632, Title 14, CCR) and with general sport fishing regulations in Chapters 1 and 4 of Subdivision 1 of Division 1, Title 14, CCR. Commission staff has searched the California Code of Regulations and has found no other State regulations related to the recreational take of Pacific halibut.

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 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.

NOTICE IS ALSO GIVEN that any person interested may present statements, orally or in writing, relevant to this action at a hearing to be held in the River Lodge Conference Center, 1800 Rivenwalk Drive Fortuna California on Wednesday, June 4, 2014, at 8:00 a.m. or as soon thereafter as the matter may be heard. It is requested, but not required, that written comments be submitted on or before May 22, 2014 at the address given below, or by fax at (916) 653-5040, or by e-mail to FGC@fgc.ca.gov. Written comments mailed, faxed or e-mailed to the Commission office, must be received before 5:00 p.m. May 30, 2014. All comments must be received no later than June 4, 2014, at the hearing in Fortuna, California. 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 (rulernaking 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 reg-

ulatory process to Sonke Mastrup or Sherrie Fonbuena at the preceding address or phone number. **Craig Shuman, Regional Manager, Department of Fish and Wildlife, phone (805) 568-1246, 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 Business, Including the Ability of California Businesses to Compete with Businesses in Other States:

The proposed action will not have a significant adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states because the regulatory action does not substantially alter existing conditions.

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

The Commission does not anticipate any impacts on the creation or elimination of jobs in California.

The Commission does not anticipate any impacts on the creation of new businesses, the elimination of existing businesses, or the expansion of businesses in California.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities to participate in sport fisheries fosters conservation through education and appreciation of wildlife.

The Commission anticipates benefits to the environment by the sustainable management of California’s Pacific halibut resources.

The Commission does not anticipate any benefits to worker safety.

Additional benefits of the proposed regulations are concurrence with federal law, and promotion of businesses that rely on recreational Pacific halibut fishing.

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

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

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

This action would result in potential savings to the State in the form of reduced annual rulemaking activities and associated personnel and monetary costs incurred to accomplish those activities needed to align State and federal regulations.

- (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 16. CALIFORNIA ARCHITECTS BOARD

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action 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 office of the California Architects Board, 2420 Del Paso Road, Sequoia Room, Sacramento, California, at 2:00 p.m., on May 12, 2014. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 12, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal 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 or oral 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 5526 and 5552.5 of the Business and Professions Code, and to implement, interpret or make specific sections 5550 and 5552.5 of said Code, the Board is considering changes to Division 2 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

A. Informative Digest

Section 5526 of the Business and Professions Code authorizes the Board to adopt, amend, modify, or repeal rules and regulations as are reasonably necessary to carry into effect the provisions of the Architects Practice Act. Section 5550 authorizes the Board to establish qualifications required to become eligible for examination.

B. Policy Statement Overview/Anticipated Benefits of Proposal

Amend CCR Section 109 — Filing of Applications

The existing regulation references a previous edition of the National Council of Architectural Registration Boards' Intern Development Program Guidelines. This proposal would update the version of the IDP Guidelines referenced in the regulation to the December 2013 edition and remove any confusion for candidates as to which guidelines they must follow.

C. Consistency and Compatibility with Existing State Regulations

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

INCORPORATION BY REFERENCE

National Council of Architectural Registration Boards' Intern Development Guidelines, December 2013 Edition.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

The Board has made an initial determination that the proposed regulatory action would have no significant

statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: N/A.

Cost Impact on Representative Private Person or Business:

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

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses as it only affects architect applicants.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/Businesses:

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

Benefits of Regulation:

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and the state's environment: This regulatory proposal will update the requirements of architectural applicants to the national standard thereby benefitting the health, safety, and welfare of California residents.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS
AND INFORMATION

The Board has prepared an initial statement of the 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 any document incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California Architects Board at 2420 Del Paso Road, Suite 105, Sacramento, California 95834 or by telephoning the contact person listed below.

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

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

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below (or by accessing the website listed below).

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Timothy Rodda
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7217
Fax No.: (916) 575-7283
E-mail Address: timothy.rodde@dca.ca.gov

The backup contact person is:

Name: Marccus Reinhardt
Address: 2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7212
Fax No.: (916) 575-7283
E-mail Address: marccus.reinhardt@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.cab.ca.gov.

TITLE 16. CALIFORNIA ARCHITECTS
BOARD/LANDSCAPE ARCHITECTS
TECHNICAL COMMITTEE

NOTICE IS HEREBY GIVEN that the California Architects Board (Board) is proposing to take the action 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 office of the **California Architects Board, Landscape Architects Technical Committee, 2420 Del Paso Road, Suite 105, Sacramento, California 95834, on May 12, 2014 at 11:00 a.m.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on **May 12, 2014** or must be received by the Board at the hearing.

The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal 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 the contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: As a result of legislative reorganization, the Landscape Architects Technical Committee (LATC), established on January 1, 1998, replaced the former Board of Landscape Architects and was placed under the purview of the Board. Pursuant to the authority vested by Section 5630 of the Business and Professions Code (BPC) and to implement, interpret, or make specific Sections 5650 and 5651 of the BPC, the Board is considering changes to Division 26 of Title 16 of the California Code of Regulations (CCR) as follows:

INFORMATIVE DIGEST

- A. Informative Digest/Policy Statement Overview
BPC Section 5630 authorizes the Board to adopt, amend, modify, or repeal rules and regulations that govern the examination of applicants for licenses to practice landscape architecture in California. BPC Sections 5650 and 5651 entitle any person who meets the qualifications set forth in the article to an examination for a license to practice landscape architecture subject to the rules and regulations governing examinations.

16 CCR Section 2610 (Application for Examination) requires candidates who wish to register for the Landscape Architect Registration Examination (LARE), the national licensing examination, to file their application with the LATC 70 days prior to their requested examination date. This requirement was established in 1998 when the licensing examination was partially administered by the LATC, and it allowed the LATC preparation time before the administration of the examination. In December 2009, the Council of Landscape Architectural Registration Boards (CLARB) began administering all sections of the LARE, eliminating the need for LATC to have additional preparation time prior to the examination date, and making 70 days an unnecessary amount of lead time to have applications received by. Currently, LATC needs approximately four to six weeks to process an application for eligibility. This proposal would change the 70-day registration requirement to 45 days.

B. Anticipated Benefits of Proposal

This proposal would increase the amount of time that candidates have to apply for the LARE, and change the registration deadline to be consistent with LATC's current application processing timeframe. This proposal also has the potential to expedite the pathway to licensure for prospective licensees.

C. Consistency and Compatibility with Existing State Regulations

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and it is neither inconsistent nor incompatible with existing state regulations.

FISCAL IMPACT ESTIMATES

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

None.

Nondiscretionary Costs/Savings to Local Agencies

None.

Local Mandate

None.

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Require Reimbursement

None.

Business Impact

The Board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The following studies/relevant data were relied upon in making the above determination:

None.

Cost Impact on Representative Private Person or Business

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

Effect on Housing Costs

None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulation would not affect small businesses because it only affects candidates for examination and licensure.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS

Impact on Jobs/New Businesses

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

Benefits of Regulation

The Board has determined that this regulatory proposal will have the following benefits to health and welfare of California residents, worker safety, and state's environment:

None.

CONSIDERATION OF ALTERNATIVES

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

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The Board has prepared an initial statement of the 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 California Architects Board, Landscape Architects Technical Committee at 2420 Del Paso Road, Suite 105, Sacramento, California 95834, or by contacting the individuals listed below.

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

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: John Keidel
Address: California Architects Board
Landscape Architects
Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7233
Fax No.: (916) 575-7283
E-mail Address: John.Keidel@dca.ca.gov

The backup contact person is:

Name: Trish Rodriguez
Address: California Architects Board
Landscape Architects
Technical Committee
2420 Del Paso Road, Suite 105
Sacramento, CA 95834
Telephone No.: (916) 575-7230
Fax No.: (916) 575-7283
E-mail Address: Trish.Rodriguez@dca.ca.gov

Website Access: Materials regarding this proposal can be found at www.latc.ca.gov.

**TITLE 16. DENTAL BOARD OF
CALIFORNIA**

NOTICE IS HEREBY GIVEN that the Dental Board of California (Board) is proposing to take the action 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:

**Department of Consumer Affairs
2005 Evergreen Street, 1st Floor Hearing Room
Sacramento, California 95815
Tuesday, May 13, 2014
10:00 a.m.**

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on Monday, May 12, 2014 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal 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 or oral 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 Section 1614 of the Business and Professions Code, to implement, interpret or make specific Sections 726, 729, 1680, and 1687 of the Business and Professions Code, and Section 44010 of the Education Code, the Board is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

The Board currently regulates approximately 102,000 licensees, consisting of approximately 45,600 dentists (DDS), approximately 54,700 registered dental assistants (RDA), and 1,700 registered dental assistants in extended functions (RDAEF). In addition, the Board has the responsibility for setting the duties and functions of approximately 50,000 unlicensed dental assistants. The Board's highest priority is the protection of the public when exercising its licensing, regulatory, and disciplinary functions. The primary methods by which the Board achieves this goal are: issuing licenses to eligible applicants; investigating complaints against licensees and disciplining licensees for violations of the Dental Practice Act (Act); monitoring licensees whose licenses have been placed on probation; and managing the Diversion Program for licensees whose practice may be impaired due to abuse of dangerous drugs or alcohol.

Pursuant to Business and Professions Code (BPC) Section 1614, the Board is authorized to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to enable the Board to carry into effect the provisions of the Dental Practice Act.

The main purpose of this proposal is to amend California Code of Regulations, Title 16, Section 1018 to require an Administrative Law Judge (ALJ) to order revocation of a license when issuing a proposed decision that contains any findings of fact that: (1) a licensee engaged in any act of sexual contact with a patient, client, or customer; or, (2) the licensee has been convicted of or committed a sex offense. This proposal would prohibit the proposed decision issued by the ALJ under such circumstances from containing an order staying the revocation of the license or placing the licensee on probation.

Furthermore, this proposal specifies that the terms "sexual contact" has the same meaning as defined in Business and Professions Code Section 729(c) and the term "sex offense" has the same meaning as defined in Education Code Section 44010.

ANTICIPATED BENEFITS

The benefit from these proposed regulations will be to provide maximum protection to the California consumers against licensees who are found to be in violation of the laws relating to sexual misconduct. These benefits are a direct result of the Board's statutorily mandated priority (BPC Section 1601.2). The protection of the public is the highest priority of the Board in exercising licensing, regulatory, and disciplinary functions. This proposal will ensure that individuals who

have violated the laws relating to sexual misconduct will be effectively disciplined in a manner that will protect the public.

CONSISTENCY & COMPATIBILITY WITH
EXISTING STATE REGULATIONS

After conducting a review for any regulations that would relate to or affect this area, the Board has evaluated this regulatory proposal and it is not inconsistent or incompatible with existing state regulations. The Board is the only state entity that regulates the practice of dentistry through a licensure process in the interest of public protection; therefore, the Board is the only entity that may require an ALJ to order revocation of a license when issuing a proposed decision that contains any findings of fact that: (1) a licensee engaged in any act of sexual contact with a patient, client, or customer; or, (2) the licensee has been convicted of or committed a sex offense and prohibit such proposed decision from containing an order staying the revocation of the license or placing the licensee on probation.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

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

Business Impact:

Board has made the initial determination that the proposed regulation would not have a significant, state-wide adverse economic impact directly affecting business, including the inability of California businesses to compete with businesses in other states.

The Board has determined that the following types of businesses may be affected by the proposal:

- Businesses owned by licensees of the Board who face disciplinary action due to sexual misconduct.
- Businesses that employ licensees of the Board who face disciplinary action due to sexual misconduct.

A business owned by a licensee whose license is revoked may incur a significant fiscal impact. Businesses that employ a licensee whose license is revoked may incur a significant fiscal impact. The Board does not maintain data relating to the number or percentage of licensees who own a business; therefore, the number or percentage of businesses that may be impacted cannot

be predicted. The Board only has authority to take administrative action against a license and not a business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of revocation cannot be projected. Businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

The Board has not considered proposed alternatives that would lessen any adverse economic impact on businesses and invites you to submit such proposals. Submissions may include the following considerations:

- (A) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to businesses.
- (B) Consolidation or simplification of compliance and reporting requirements for businesses.
- (C) The use of performance standards rather than prescriptive standards.
- (D) Exemption or partial exemption from the regulatory requirements for businesses.

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

Cost Impact on Representative Private Person or Business:

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Board are:

► Impact on Licensees Whose License is Revoked:

The Board currently regulates approximately 102,000 licensees, consisting of approximately 45,600 dentists (DDS), approximately 54,700 registered dental assistants (RDA), and 1,700 registered dental assistants in extended functions (RDAEF). The average salary of a DDS in California is approximately \$150,000 per year and the annual salary of a RDA in California is approximately \$35,000 per year.

This proposal would impact individual licensees of the Board whose license has been revoked as a result of committing a violation relating to sexual misconduct (i.e. engaging in sexual contact with a patient, client, or customer, or having been convicted of or committed a sex offense as defined). Revocation of a license means that the individual would no longer be able to legally practice which would result in a loss of income earned by an individual when the license was valid. The Board estimates that approximately one (1) licensee will have their licenses revoked annually as a result of committing a violation relating to sexual misconduct. Licensees who are

in compliance with the law will not incur any fiscal impact.

Effect on Housing Costs: None.

EFFECT ON SMALL BUSINESS

The Board has determined that the proposed regulations would not affect small businesses.

A small business owned by a licensee whose license is revoked may incur a fiscal impact. Small businesses that employ a licensee whose license is revoked may incur a fiscal impact. The Board does not maintain data relating to the number or percentage of licensees who own a small business; therefore, the number or percentage of small businesses that may be impacted cannot be predicted. The Board only has authority to take administrative action against a license and not a small business. Accordingly, the initial or ongoing costs for a small business owned by a licensee who is the subject of revocation cannot be projected. Small businesses operated by licensees who are in compliance with the law will not incur any fiscal impact.

RESULTS OF ECONOMIC IMPACT ASSESSMENT/ANALYSIS:

Impact on Jobs/Businesses:

The Board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California. This determination was made because the proposed changes are not sufficient to create or eliminate jobs or businesses.

The Board has determined that this regulatory proposal will have the following benefits to the health and welfare of California residents, worker safety, and state's environment:

The proposed regulations will aid in the Board's ability to provide maximum protection to the California consumers against licensees who are found to be in violation of the laws relating to sexual misconduct. These benefits are a direct result of the Board's statutorily mandated priority (BPC Section 1601.2). The protection of the public is the highest priority of the Board in exercising licensing, regulatory, and disciplinary functions. This proposal will ensure that individuals who have violated the laws relating to sexual misconduct will be effectively disciplined in a manner that will protect the public.

This regulatory proposal does not affect worker safety because this proposal is not relative to worker safety.

This regulatory proposal does not affect the state's environment because this proposal is not relevant to the state's environment.

CONSIDERATION OF ALTERNATIVES

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.

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

The Board has prepared an initial statement of the 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 Board at 2005 Evergreen Street, Suite 1550, Sacramento, California 95815 or by accessing the Board's website at <http://www.dbc.ca.gov/lawsregs/index.shtml>.

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

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

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

CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Sarah Wallace, Legislative & Regulatory Analyst
 Address: Dental Board of California
 2005 Evergreen Street,
 Suite 1550
 Sacramento, CA 95815
 Telephone No.: (916) 263-2187
 Fax No.: (916) 263-2140
 E-mail Address: Sarah.Wallace@dca.ca.gov

The backup contact person is:

Name: Karen M. Fischer, MPA,
 Executive Officer
 Address: Dental Board of California
 2005 Evergreen Street,
 Suite 1550
 Sacramento, CA 95815
 Telephone No.: (916) 263-2300
 Fax No.: (916) 263-2140
 E-mail Address: Karen.Fischer@dca.ca.gov

Website Access: Materials regarding this proposal can be found at the Board's Web site at: <http://www.dbc.ca.gov/lawsregs/index.shtml>.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**CALIFORNIA ENDANGERED SPECIES ACT
 CONSISTENCY DETERMINATION NO.
 2080-2014-005-04**

Project: Nonessential Experimental Population Designation and 4(d) Take Provisions for Reintroduction of Central Valley Spring-Run Chinook Salmon to the San Joaquin River Below Friant Dam

Background

On December 31, 2013, the Secretary of Commerce published regulations in the Federal Register designating a nonessential experimental population of Central Valley spring-run Chinook salmon (*Oncorhynchus tshawytscha*) and protective regulations pursuant to section 1533(d) of the federal Endangered Species Act (ESA) in portions of the San Joaquin River California. 78 Fed. Reg. 79632-69633 (December 31, 2013); 50 C.F.R. § 223.301(b) (2013). In doing so, the National Marine Fisheries Service (NMFS) established take prohibitions and exceptions for the nonessential experimental population for particular activities inside the

experimental population's geographic range and limited take exceptions outside the experimental population's geographic range.

The designated experimental population of spring-run Chinook salmon is a species designated as threatened pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(2)(C).) The designation and take provisions specify protective measures, prohibitions, exceptions to the prohibitions, and management restrictions in the San Joaquin River, which, as described herein, the Director of the California Department of Fish and Wildlife (CDFW) determines meet the requirements of Fish and Game Code § 2080.4(b).

The Regulation Includes Protective Measures, Prohibitions, Exceptions to the Prohibitions, and Management Restrictions

Subject to the express exceptions set forth in 50 C.F.R. § 223.301(b)(3), the regulation applies all take prohibitions listed under ESA sections 9(a)(1)(A)–(B) and 9(a)(1)(D)–(G).¹ 50 C.F.R. § 223.301(b)(3). These prohibitions include activities resulting in direct intentional take or harm, including angling, or illegal activities that result in incidental take or harm, and apply to all Central Valley spring-run Chinook salmon in the experimental population area that have intact adipose fins as well as those that are adipose fin-clipped.

The regulation also provides exceptions to those prohibitions. Take that is unintentional, not due to negligent conduct, and incidental to, and not the purpose of, carrying out an otherwise lawful activity is not prohibited. Take that is intentional, or incidental to unlawful activities or negligent conduct is prohibited. 78 Fed. Reg. 79626. In addition, any taking of Central Valley spring-run Chinook salmon is not prohibited if it is: (a) by an employee or designee of NMFS, the United States Fish and Wildlife Service, other federal resource management agencies, CDFW, or any other governmental entity if in the course of their duties it is necessary to aid a sick, injured, or stranded fish; dispose of a dead fish; or salvage a dead fish that may be useful for scientific study; (b) for scientific research or enhancement purposes by a person or entity with a valid section ESA 10(a)(1)(A) permit issued by NMFS and a valid take authorization from CDFW; and (c) for scientific research purposes by CDFW subject to certain criteria. 50 C.F.R. § 223.301(b)(4).

¹ NOAA has previously issued regulations pursuant to 16 U.S.C. § 1533(d) (hereinafter "4(d)") and applicable to Central Valley spring-run Chinook salmon. 50 C.F.R. § 223.203. See, 16 U.S.C. § 1533(d) (providing that "[w]henver any species is listed as a threatened species pursuant to subsection (c) of this section, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species.")

Further, the regulation provides a limited exception to the take prohibition outside of the experimental population area. These limited exceptions pertain to any taking of Central Valley spring-run Chinook salmon in the lower San Joaquin River and its tributaries, including the Merced River, downstream from its confluence with the Merced River to Mossdale County Park in San Joaquin County, for which the avoidance of the taking would impose more than de minimus water supply reductions, additional storage releases, or bypass flows on unwilling persons or entities diverting or receiving water pursuant to applicable State and Federal laws. 50 C.F.R. § 223.301(b)(5)(i). The limited exception also applies to any taking of Central Valley spring-run Chinook salmon by the Central Valley Project (CVP) and State Water Project (SWP) that originates from reintroduction to the San Joaquin River, for which the avoidance of the taking would impose more than de minimus water supply reductions, additional storage releases, or bypass flows on unwilling persons or entities diverting or receiving water pursuant to applicable State and Federal laws. 50 C.F.R. § 223.301(b)(5)(ii)(A).

To implement this last exception, the regulation provides that NMFS will prepare a technical memorandum to describe the methodology to ensure that Central Valley spring-run Chinook salmon originating from reintroduction to the San Joaquin River do not cause more than de minimus water supply reductions, additional storage releases, or bypass flows associated with the operations of the CVP and SWP under any ESA § 7 biological opinion or § 10 permit that is in effect at the time for operations to the CVP and SWP. 50 C.F.R. § 223.301(b)(5)(ii)(8). Prior to January 15 of each year as the reintroduction proceeds, NMFS will update the technical memorandum and, if required by the methodology, determine the share of take at the CVP and SWP facilities that originates from the reintroduction to the San Joaquin River. *Id.* This share of take of Central Valley spring-run Chinook salmon reintroduced to the San Joaquin River will be deducted from or otherwise used to adjust the operational triggers and incidental take statements associated with any biological opinion that is in effect at the time for operations of the CVP and SWP facilities. *Id.*

These protective measures, prohibitions, exceptions to prohibitions, and management restrictions contain all reasonably feasible measures to avoid and minimize the impacts of any taking allowed by the regulation.

NMFS' designation of the experimental population and establishment of protective measures, prohibitions, exceptions to prohibitions, and management restrictions arise in the context of a settlement agreement reached in federal court action in *Natural Resources Defense Council (NRDC) et al. v. Kirk Rodgers et al.* The U.S. Department of the Interior, U.S. Department

of Commerce, Natural Resources Defense Council, and the Friant Water Users Authority (now known as the Friant Water Authority) signed that settlement agreement. The settlement agreement established the San Joaquin River Restoration Program (SJRRP) and identified two major goals of the SJRRP: 1) a Water Management Goal, and 2) a Restoration Goal, which is “to restore and maintain fish populations in ‘good condition’ in the main stem of the San Joaquin River below Friant Dam to the confluence of the Merced River, including naturally reproducing and self-sustaining populations of salmon and other fish.”

Pursuant to a Memorandum of Understanding between the settling parties, CDFW, and other state agencies (State Agency MOU), CDFW agreed to assist the settling parties in the settlement’s implementation, consistent with the its authorities, resources, and broader regional resource strategies.

In 2009, as part of the Omnibus Public Land Management Act, Congress enacted the San Joaquin River Restoration Settlement Act (Pub. L. 111–11, 123 Stat. 1349) (SJRRSA), which ratified the settlement’s terms. In addition, the SJRRSA provides that the reintroduction “shall be [conducted] pursuant to § 10(j)” of the ESA. In addition, Sec. 10011(c): (1) defines “third party” to mean persons or entities diverting or receiving water pursuant to applicable State and Federal laws and shall include the Central Valley Project contractors outside of the Friant Division of the Central Valley Project and the State Water Project; (2) provides that the Secretary of Commerce shall issue a final rule pursuant to section 4(d) of the ESA governing the incidental take of reintroduced California Central Valley Spring Run Chinook salmon prior to the reintroduction; and (3) states that the final 4(d) rule shall provide that the reintroduction will not impose more than de minimus: water supply reductions, additional storage releases, or bypass flows on unwilling third parties due to such reintroduction. The regulations NMFS published here to these statutory requirements and enable the SJRRP to proceed.

CDFW also notes that many federal and state laws and regulations continue to aid in the establishment and survival of the experimental population through the protection of aquatic and riparian habitat. 78 Fed. Reg. 79624 (noting, for example, that the regulation does not affect the applicability of sections 404, 401, and 402 of the Clean Water Act, the Magnuson–Stevens Fishery Conservation and Management Act, California Fish and Game Code §§ 1600 et seq., or the California Environmental Quality Act). After considering the continued applicability of these federal and state statutes in the context of the SJRRSA, CDFW concurs with NMFS’ determination that the regulation includes all reason-

ably feasible measures to avoid and minimize the impacts of any taking allowed by the regulation.

These protective measures, prohibitions, exceptions to prohibitions, and management restrictions will further the conservation of the spring run Chinook salmon and their restoration in the San Joaquin River and will not jeopardize their continued existence or recovery.

The Fish and Game Code provides that “conservation” means “to use, and the use of, all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary.” Notably, past and recent status reviews have concluded that CV spring-run Chinook salmon have been largely extirpated in this area. 78 Fed. Reg. 79627. In making the determination as to whether release of an experimental population of Central Valley spring-run Chinook salmon into the San Joaquin River, the Secretary of Commerce must determine whether doing so would further the conservation of the species. In making this determination, NMFS considered: (1) the effects of gathering broodstock on the extant populations of the ESU; (2) the potential for the released population to survive in the foreseeable future; and (3) the potential contribution of an experimental population to the recovery of the Central Valley spring-run Chinook salmon ESU. See 78 Fed. Reg. 79623–796235. See also, Environmental Assessment for Nonessential Experimental Population Designation and 4(d) Take Provisions for Reintroduction of Central Valley Spring-run Chinook Salmon to the San Joaquin River Below Friant Dam, pages 4–6 to 4–9.

Importantly, a status review of the species every 5 years will develop information to assess the measures’ efficacy and, if necessary, will trigger revision to the regulation through the rulemaking process. 78 Fed. Reg. 79627–79628. In addition, the continued applicability of Section 7(a)(2) of the ESA provides that each federal agency, through consultation shall ensure that any action authorized, funded, or carried out by such agency is not likely to jeopardize the continued existence of any endangered species or threatened species. 16 U.S.C. § 1536(a)(2). In light of those considerations, NMFS concluded, and CDFW concurs, release of the experimental population would further the conservation and will not jeopardize the restoration of Central Valley spring-run Chinook salmon.

Determination

The Secretary of Commerce has published regulations in the Federal Register specifying management restrictions, protective measures, prohibitions, and exceptions to the prohibitions for the designated experimental population of spring run Chinook salmon in the

San Joaquin River. As described above, the Director has determined, in writing, that the management restrictions, protective measures, prohibitions and exceptions to prohibitions contained in the regulations meet the requirements in Fish and Game Code section 2080.4 subdivision (b) and, consequently no further authorization or approval is necessary under Chapter 1.5 of the Fish and Game Code for any person to incidentally take members of the experimental population, if the activity that results in incidental take of the designated experimental population is authorized by the regulations published in the Federal Register.

By: /s/

Date: 3/18/14

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

**DEPARTMENT OF FISH AND
WILDLIFE**

Consistency determination (2080–2014–005–04) for the nonessential experimental population designation and 4(d) take provisions for reintroduction of Central Valley spring–run Chinook salmon to the San Joaquin River below Friant Dam (2080–2014–005–04)

On December 31, 2013, the Secretary of Commerce published regulations in the Federal Register designating a nonessential experimental population of Central Valley spring–run Chinook salmon (*Oncorhynchus tshawytscha*) and protective regulations pursuant to section 4(d) of the federal Endangered Species Act (ESA) in portions of the San Joaquin River, California. (78 Fed. Reg. 79622–79633 (December 31, 2013); 50 C.F.R. § 223.301(b).) The designation and associated take provisions (hereafter, “Regulations”) specify protective measures, prohibitions, exceptions to the prohibitions, and management restrictions for the San Joaquin River designated experimental population of spring–run Chinook salmon, a species listed as threatened pursuant to the California Endangered Species Act

(CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(2)(C).)

Pursuant to California Fish and Game Code section 2080.4, if CDFW determines the management restrictions, protective measures, prohibitions and exceptions to prohibitions contained in the regulations will further the conservation of the species, contain all reasonably feasible measures to avoid and minimize the impacts of any taking, and will not jeopardize the continued existence or recovery of the species, no further authorization or approval is necessary under CESA to incidentally take spring run Chinook salmon as identified in, and in accordance with, the regulations published in the Federal Register.

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
MARCH 28, 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 strikeout 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

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<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

<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
Chlorodibromomethane <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
Chlorothalonil	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

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<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
p-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
Dienestrol <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

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
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

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
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 ₁	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

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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
<u>Megestrol acetate</u>	<u>595-33-5</u>	<u>March 28, 2014</u>
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

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Methyl iodide	74-88-4	April 1, 1988
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
α -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

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Nitrofurazone	59-87-0	January 1, 1990
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

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Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine 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- <i>p</i> -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
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>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
Spirolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997

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Sterigmatocystin	10048-13-2	April 1, 1988
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>	106-49-0	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

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Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
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
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

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 <u>Delisted December 13, 2013</u>	developmental	994-05-8	December 18, 2009
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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
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, female, 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, male	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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
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, male	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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
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
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
<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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
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 isobutyl ketone (MIBK)	male	591-78-6	August 7, 2009
Methyl isocyanate (MIC)	developmental	108-10-1	March 28, 2014
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
<i>α</i> -Methyl styrene	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
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
<i>p,p'</i> -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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Phenacetamide	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
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

Type of

<u>Chemical</u>	<u>Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
	female		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	male	2451-62-9	August 7, 2009
<u>Delisted December 13, 2013</u>			
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	female, male	106-87-6	August 1, 2008
(4-Vinyl-1-cyclohexene diepoxide)			
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: March 28, 2014

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
MARCH 28, 2014**

**CHEMICAL LISTED EFFECTIVE
MARCH 28, 2014
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER:
MEGESTROL ACETATE**

Effective **March 28, 2014**, the Office of Environmental Health Hazard Assessment (OEHHA) is adding megestrol acetate to the list of chemicals known to the State to cause cancer for purposes of Proposition 65¹.

The listing of megestrol acetate is based on a formal requirement by a state or federal agency that the chemical be identified or labeled as causing cancer² as provided under the Act. Megestrol acetate has been identified or labeled to communicate a risk of cancer in accordance with formal requirements by the U.S. Food and Drug Administration. Regulations governing the listing

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

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

of chemicals under the “formally required to be labeled or identified” mechanism are published in Title 27, California Code of Regulations, section 25902.

The documentation supporting OEHHHA’s determination that the criteria for administrative listing have been satisfied for megestrol acetate is included in the Notice of Intent to List A Chemical by the “Formally Required to Be Labeled or Identified” Mechanism: Megestrol Acetate, published in the February 7, 2014 issue of the California Regulatory Notice Register (Register 2014, No 6–Z). No public comments were received.

A complete, updated chemical list is published in this issue of the *California Regulatory Notice Register* and is available on the OEHHHA website at www.oehha.ca.gov.

In summary, the following chemical is listed under Proposition 65 as known to the State to cause cancer:

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism ³
Megestrol acetate	595–33–5	cancer	FR

³ Listing Mechanism: FR — “formally required to be labeled or identified” mechanism (Health and Safety Code section 25249.8(b) and Title 27 Cal. Code of Regs., section 25902).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT
SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986
(PROPOSITION 65)**

**NOTICE TO INTERESTED PARTIES
MARCH 28, 2014**

**CHEMICAL LISTED EFFECTIVE
MARCH 28, 2014
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE REPRODUCTIVE TOXICITY:
METHYL ISOBUTYL KETONE (MIBK)**

Effective **March 28, 2014**, the Office of Environmental Health Hazard Assessment (OEHHHA) is adding methyl isobutyl ketone (MIBK) to the list of chemicals known to the State to cause reproductive toxicity for purposes of Proposition 65¹.

The listing of methyl isobutyl ketone is based on formal identification by the U.S. Environmental Protec-

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

tion Agency (U.S. EPA), an authoritative body², that the chemical causes reproductive toxicity (developmental endpoint). 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 methyl isobutyl ketone is included in the Notice of Intent to List posted on OEHHHA’s website and published in the September 6, 2013 issue of the California Regulatory Notice Register (Register 2013, No. 36–Z). OEHHHA received one public comment on the Notice of Intent to List. That comment and OEHHHA’s response to it 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 OEHHHA website at http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html. In summary, methyl isobutyl ketone is being listed under Proposition 65 as known to the State to cause reproductive toxicity, as follows:

Chemical	CAS No.	Toxicological Endpoints	Listing Mechanism ³
Methyl isobutyl ketone (MIBK)	108–10–1	Developmental toxicity	AB (U.S. EPA)

DECISION NOT TO PROCEED

AIR RESOURCES BOARD

**NOTICE OF DECISION NOT TO PROCEED
AND CANCELLATION OF MARCH 20, 2014
HEARING TO CONSIDER A PROPOSED
REGULATION ON THE
COMMERCIALIZATION OF NEW
ALTERNATIVE DIESEL FUELS**

By notice published October 25, 2013, in the California Regulatory Notice Register, Register 2013, No. 43–Z, the Air Resources Board (ARB/Board) announced it would conduct a public hearing on December 12, 2013, then postponed to March 20, 2014, to consider the proposed adoption of California Code of Regulations, title 13, new sections 2293, 2293.1, 2293.2,

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

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

2293.3, 2293.4, 2293.5, 2293.6, 2293.7, 2293.8, 2293.9, and Appendix A. Existing sections 2290, 2291, 2292.1, 2292.2, 2292.3, 2292.4, 2292.5, 2292.6, and 2292.7 were proposed to be grouped under new subarticle 1 (Specifications for Current Alternative Motor Vehicle Fuels). Existing sections 2293 and 2293.5 would be proposed to be renumbered to 2294 and 2295, and would be grouped under a new subarticle 3 (Ancillary Provisions).

Since the postponement of the December 12, 2013, Board hearing, staff has developed proposed alternatives to the noticed regulation, and held a public workshop on February 13, 2014, to consider a revised regulatory proposal. Given the significant number of stakeholder comments received regarding the revised proposal at the workshop, ARB has decided not to proceed with the noticed rulemaking as proposed. By taking this action, staff will be provided additional time to further develop a regulatory proposal that addresses all major outstanding issues and to allow additional vetting through a public process with stakeholders.

PLEASE BE ADVISED the proposed regulation on the Commercialization of New Alternative Diesel fuels will no longer be on the calendar for the March 20, 2014, hearing. The proposed rulemaking action has been withdrawn. Pursuant to Government Code section 11347, publication of this Notice of Decision Not to Proceed hereby terminates the rulemaking action originally noticed on October 25, 2013, in the California Regulatory Notice Register.

A new rulemaking action for the commercialization of alternative diesel fuels will be re-noticed for public hearing in the summer of 2014, providing stakeholders 45 days to provide comments. For the convenience of interested parties, all comments that were received under the notice published in the October 25, 2013, California Regulatory Notice Register, Register 2013, No. 43-Z, will be included in the administrative record of the future rulemaking action. Consistent with Government Code section 11349(a)(3), to the extent these comments pertain to the future noticed proposed regulation, they will be summarized and responded to in the final statement of reasons issued by the Board.

BOARD OF PHARMACY

By notice dated September 13, 2013, and published in the California Regulatory Notice Register, Register 2013, No. 37-Z, the California State Board of Pharmacy announced it would conduct a public hearing to consider proposed addition of Section 1747.2 to California Code of Regulations, Title 16.

PLEASE BE ADVISED the proposed rulemaking action has been withdrawn. Pursuant to Government Code section 11347, publication of this Notice of Deci-

sion Not to Proceed hereby terminates the rulemaking action originally noticed on September 13, 2013, in the California Regulatory Notice Register.

For additional information, contact:

Debbie Damoth, Administration and Regulations Manager
 California State Board of Pharmacy
 1625 N. Market Blvd., Suite N219
 Sacramento, CA 95834
 Telephone: (916) 574-7935
 Fax: (916) 574-7917
 E-mail: Debbie.Damoth@dca.ca.gov

OAL REGULATORY DETERMINATION

OFFICE OF ADMINISTRATIVE LAW

DETERMINATION OF ALLEGED UNDERGROUND REGULATIONS (Summary Disposition)

(Pursuant to Government Code Section 11340.5 and Title 1, section 270, of the California Code of Regulations)

The attachments are not being printed for practical reasons or space considerations. However, if you would like to view the attachments please contact Margaret Molina at (916) 324-6044 or mmolina@oal.ca.gov.

DEPARTMENT OF CORRECTIONS AND REHABILITATION

Date: March 14, 2014
 To: Bryan Ransom
 From: Chapter Two Compliance Unit
 Subject: **2014 OAL DETERMINATION NO. 6(S)**
(CTU2014-0113-01)
 (Summary Disposition issued pursuant to Gov. Code, sec. 11340.5; Cal. Code Regs., tit. 1, sec. 270(f) Petition challenging as an underground regulation a Pilot Program for Security Threat Group Identification, Prevention, and Management Plan dated October 11, 2012.

On January 13, 2014, the Office of Administrative Law (OAL) received your petition asking for a determination as to whether the Pilot Program for Security Threat Group Identification, Prevention, and Management Plan (STG Pilot Program) issued by the California Department of Corrections and Rehabilitation (CDCR) constitutes an underground regulation. The challenged rule is in a memorandum dated October 11, 2012, and is attached hereto at Exhibit A.

In issuing a determination, OAL renders an opinion only as to whether a challenged rule is a “regulation” as defined in Government Code section 11342.600,¹ which should have been, but was not adopted pursuant to the Administrative Procedure Act (APA). Nothing in this analysis evaluates the advisability or the wisdom of the underlying action or enactment.

If a rule meets the definition of a regulation in Government Code section 11342.600, but was not adopted pursuant to the APA, it may be an “underground regulation” as defined in California Code of Regulations, title 1, section 250:

The following definitions shall apply to the regulations contained in this chapter:

- (a) “Underground regulation” means any guideline, criterion, bulletin, manual, instruction, order, standard of general application, or other rule, including a rule governing a state agency procedure, that is a regulation as defined in Section 11342.600 of the Government Code, but has not been adopted as a regulation and filed with the Secretary of State pursuant to the APA and *is not subject to an express statutory exemption from adoption pursuant to the APA.* [Emphasis added.]

The STG Pilot Program was adopted by CDCR pursuant to Penal Code section 5058.1, which states:

- (a) For the purposes of this section, “pilot program” means a program implemented on a temporary and limited basis in order to test and evaluate the

effectiveness of the program, develop new techniques, or gather information.

- (b) *The adoption, amendment, or repeal of a regulation by the director to implement a legislatively mandated or authorized pilot program or a departmentally authorized pilot program, is exempt from Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. . . .*
- (c) The adoption, amendment, or repeal of a regulation pursuant to this section becomes effective immediately upon filing with the Secretary of State.
- (d) A regulation adopted pursuant to this section is repealed by operation of law, and the amendment or repeal of a regulation pursuant to this section is reversed by operation of law, two years after the commencement of the pilot program being implemented, unless the adoption, amendment, or repeal of the regulation is promulgated by the director pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. For the purpose of this subdivision, a pilot program commences on the date the first regulatory change implementing the program is filed with the Secretary of State. [Emphasis added.]

CDCR issued the STG Pilot Program on October 11, 2012. It was filed with the Secretary of State and became operative on October 18, 2012, pursuant to Penal Code section 5058.1(c). It was submitted to OAL for filing with the Secretary of State and printing only pursuant to Penal Code section 5058.1(b). The STG Pilot Program is published as section 3999.13 of title 15 of the California Code of Regulations. The STG Pilot Program lapses by operation of law on October 18, 2014, pursuant to Penal Code 5058.1(d), unless formally adopted as a regulation pursuant to Chapter 3.5 (commencing with section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

Penal Code section 5058.1(b) provides that a departmentally authorized pilot program is exempt from the rulemaking provisions of the APA while it is in effect.

¹ “Regulation” means every rule, regulation, order, or standard of general application or the amendment, supplement, or revision of any rule, regulation, order, or standard adopted by any state agency to implement, interpret, or make specific the law enforced or administered by it, or to govern its procedure.

For the reasons discussed above, we find that the rule challenged by your petition is exempt from the rule-making provisions of the APA, and therefore, is not an underground regulation.²

The issuance of this summary disposition does not restrict your right to adjudicate the alleged violation of section 11340.5 of the Government Code.

/s/

Debra M. Cornez
Director

/s/

Elizabeth A. Heidig
Senior Counsel

Copy:

Dr. Jeffrey Beard
Tim Lockwood

**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.

² The rule challenged by your petition is the proper subject of a summary disposition letter pursuant to title 1, section 270 of the California Code of Regulations. Subdivision (f) of section 270 provides:

- (f)(1) If facts presented in the petition or obtained by OAL during its review pursuant to subsection (b) demonstrate to OAL that the rule challenged by the petition is not an underground regulation, OAL may issue a summary disposition letter stating that conclusion. A summary disposition letter may not be issued to conclude that a challenged rule is an underground regulation.
- (2) Circumstances in which facts demonstrate that the rule challenged by the petition is not an underground regulation include, but are not limited to, the following:
 - (A) The challenged rule has been superseded.
 - (B) The challenged rule is contained in a California statute.
 - (C) The challenged rule is contained in a regulation that has been adopted pursuant to the rulemaking provisions of the APA.
 - (D) The challenged rule has expired by its own terms.
 - (E) *An express statutory exemption from the rulemaking provisions of the APA is applicable to the challenged rule.* [Emphasis added.]

File# 2014-0307-01

CALIFORNIA HEALTH BENEFIT EXCHANGE
2014 Standard Benefit Plan Designs

The California Patient Protection and Affordable Care Act established the California Health Benefit Exchange (HBEX). HBEX is responsible for arranging and contracting with health insurance issuers to provide affordable, quality health insurance coverage to qualified individuals and qualified employers through the Exchange. In this emergency readopt, HBEX adopts the 2014 Standard Benefit Plan Designs, which standardizes the way health plans are designed.

Title 10

California Code of Regulations

ADOPT: 6458

Filed 03/17/2014

Effective 03/17/2014

Agency Contact: Brandon Ross (916) 228-8281

File# 2014-0206-01

CALIFORNIA HIGHWAY PATROL

North American Standard Out-of-Service

This regulatory action updates the version date for an incorporated by reference document, North American Standard Out-of-Service Criteria, and makes amendments to that document.

Title 13

California Code of Regulations

AMEND: 1239

Filed 03/13/2014

Effective 07/01/2014

Agency Contact: Kristi McNabb (916) 843-3400

File# 2014-0307-03

DEPARTMENT OF CORRECTIONS AND
REHABILITATION

Testing for Controlled Substances and Inmate Discipline

The California Department of Corrections and Rehabilitation (CDCR) amended sections 3290, and 3315 in Title 15 of the California Code of Regulations. This emergency regulatory action submitted to the Office of Administrative Law(OAL) pursuant to Penal Code section 5058.3 as operationally necessary, amends these sections to implement a department wide, standardized Mandatory Random Urinalysis Program and increase sanctions for drug use in prison. The regulations are intended to enhance the safety and security of inmates and staff by providing a stronger deterrent to the use of illicit drugs in prison; by standardizing and randomizing testing methods, and increasing sanctions; such as loss of pay in a paid job assignment.

Title 15
California Code of Regulations
AMEND: 3290, 3315
Filed 03/18/2014
Effective 03/18/2014
Agency Contact: Anthony Carter (916) 445-2220

File# 2014-0128-01
DEPARTMENT OF DEVELOPMENTAL SERVICES
Secured Perimeter and Delayed Egress Regulations

The Department of Developmental Services (DDS), submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-0604-01E, and re-adopted in OAL file no. 2013-1115-01EE. These filings adopted and amended sections of Title 17 of the California Code of Regulations to implement AB 1472, authorizing the installation of secured perimeters around adult residential facilities and group homes utilizing delayed egress devices, and the installation of delayed egress and secured perimeters in and around specified facilities.

Title 17
California Code of Regulations
ADOPT: 56068, 56069, 56070, 56071, 56072, 56073, 56074, 56620, 56621, 56622, 56623, 56624, 56625 AMEND: 56101
Filed 03/12/2014
Effective 03/12/2014
Agency Contact: Diana Nicolaou (916) 654-1760

File# 2014-0204-02
DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

The Department of Food and Agriculture submitted this timely certificate of compliance to make permanent the emergency regulations adopted in OAL file no. 2013-0808-03E. That action amended section 3423(b) of Title 17 of the California Code of Regulations to expand the Oriental Fruit Fly interior quarantine 130 square miles in Orange and Los Angeles counties.

Title 3
California Code of Regulations
AMEND: 3423(b)
Filed 03/18/2014
Effective 03/18/2014
Agency Contact: Lindsay Rains (916) 654-1017

File# 2014-0318-01
DEPARTMENT OF FOOD AND AGRICULTURE
Mediterranean Fruit Fly Interior Quarantine

This emergency regulatory action establishes the process for adding and removing quarantine areas for the Mediterranean fruit fly.

Title 3
California Code of Regulations
AMEND: 3406(b)
Filed 03/19/2014
Effective 03/19/2014
Agency Contact: Stephen S. Brown (916) 654-1017

File# 2014-0204-01
DEPARTMENT OF HEALTH CARE SERVICES
Drug Medi-Cal Rates (2011-2012)

This rulemaking by the California Department of Health Care Services (DHCS) makes permanent the amendments to section 51516.1, Title 22, of the California Code of Regulations adopted pursuant to emergency rulemaking OAL File No. 2013-0909-02E. Specifically, this rulemaking action makes permanent the updates to Medi-Cal reimbursement rates for substance abuse (Drug Medi-Cal) services for Fiscal Year 2011-2012 in section 51516.1 of Title 22 of the California Code of Regulations.

Title 22
California Code of Regulations
AMEND: 51516.1
Filed 03/17/2014
Effective 03/17/2014
Agency Contact: Lori Manieri (916) 650-6825

File# 2014-0206-02
DEPARTMENT OF PESTICIDE REGULATION
Second Generation Anticoagulant Rodenticides

This regulatory action amends two sections and adopts one section in Title 2 of the California Code of Regulations. This action designates the active ingredients brodifacoum, bromadiolone, difenacoum, and difethialone as California-restricted materials. Additionally this rulemaking adds additional use restrictions for second generation anticoagulant rodenticides and revises the definition of private applicator to reference the federal definition for agricultural commodity found in Title 40, Code of Federal Regulations section 171.2(5).

Title 3
California Code of Regulations
ADOPT: 6471 AMEND: 6000, 6400
Filed 03/18/2014
Effective 07/01/2014
Agency Contact:
Linda Irokawa-Otani (916) 445-3991

File# 2014-0203-01
FISH AND GAME COMMISSION
Private Lands Management

The Fish and Game Commission amended sections 601 and 702 of title 14 of the California Code of Regulations on Private Lands Wildlife Habitat Enhancement and Management Areas.

Title 14
 California Code of Regulations
 AMEND: 601, 702(a)(1)
 Filed 03/18/2014
 Effective 04/01/2014
 Agency Contact: Jon Snellstrom (916) 653-4899

03/10/14 AMEND: 3589(a)
 03/05/14 ADOPT: 1358.3
 02/26/14 AMEND: 3434(b)(c)(d)
 02/25/14 AMEND: 3417(b)
 02/25/14 AMEND: 3700(b)
 02/20/14 AMEND: 3423(b)
 02/20/14 AMEND: 3701, 3701.1, 3701.2, 3701.3,
 3701.4, 3701.5, 3701.6, 3701.7, 3701.8
 02/12/14 AMEND: 3700(c)
 02/10/14 AMEND: 3435(b)
 02/05/14 AMEND: 3435(b)
 01/27/14 AMEND: 3406(b)
 01/23/14 AMEND: 3591.11
 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

**CCR CHANGES FILED
 WITH THE SECRETARY OF STATE
 WITHIN October 16, 2013 TO
 March 19, 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

03/10/14 AMEND: 1900, 2002, 2003
 03/05/14 ADOPT: 630, 632.5, 632.11 AMEND:
 631, 631.5, 632, 632.6, 632.7, 632.8,
 632.9, 632.10 REPEAL: 632.5, 632.11
 02/10/14 AMEND: 58000
 01/27/14 AMEND: 56800
 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

Title 3

03/19/14 AMEND: 3406(b)
 03/18/14 ADOPT: 6471 AMEND: 6000, 6400
 03/18/14 AMEND: 3423(b)

Title 4

03/11/14 ADOPT: 1927.1
 03/10/14 ADOPT: 10080, 10081, 10082, 10083,
 10084, 10085, 10086, 10087
 02/03/14 ADOPT: 10170.16, 10170.17, 10170.18,
 10170.19, 10170.20, 10170.21,
 10170.22, 10170.23, 10170.24
 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

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 13-Z

11/21/13	AMEND: 1101, 1126, 1373.2, 1374, 1374.2, 1374.3, 1383.2 REPEAL: 1370, 1374.1	12/26/13	AMEND: 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.8, 9789.19
10/28/13	AMEND: 4001	12/16/13	ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208, 10208.1 AMEND: 10205, 10205.12
Title 5			
02/28/14	ADOPT: 19843, 19844, 19848, 19849, 19855 AMEND: 19815, 19816, 19816.1, 19817.2, 19819, 19820, 19824, 19828.4, 19840, 19845.2, 19850, 19851, 19852, 19853 REPEAL: 19839	12/02/13	AMEND: 15600, 15605
02/13/14	ADOPT: 80033	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
02/06/14	ADOPT: 15494, 15495, 15496, 15497	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
02/05/14	ADOPT: 80691, 80692	11/06/13	AMEND: 105
02/03/14	AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868	10/29/13	ADOPT: 344.76, 344.77
01/23/14	AMEND: 22000	Title 9	
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	01/28/14	ADOPT: 7005.5 AMEND: 7005 REPEAL: 7144, 7145, 7146, 7147
10/23/13	ADOPT: 80691, 80692	01/14/14	AMEND: 7214.1, 7220.7, 7227.2
10/17/13	ADOPT: 19847 AMEND: 19816, 19816.1, 19818, 19824, 19829, 19837.3	Title 9, 17	
10/16/13	REPEAL: 3052	11/05/13	ADOPT: 40000, 40010, 40020, 40030, 40040 (Title 17) REPEAL: 14200, 14210, 14220, 14230, 14240 (Title 9)
Title 7			
02/27/14	AMEND: 213	Title 10	
Title 8			
02/12/14	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, 9792.7, 9792.9, 9792.10, 9792.11, 9792.12, 9792.15	03/17/14	ADOPT: 6458
02/12/14	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	03/10/14	ADOPT: 6424, 6440
02/12/14	AMEND: 9780, 9780.1, 9783, 9783.1, 9785	03/06/14	ADOPT: 6420, 6422
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