



# California Regulatory Notice Register

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

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**PROPOSED ACTION ON REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES COMMISSION**

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

**CONFLICT-OF-INTEREST CODES**

**AMENDMENT**

**MULTI-COUNTY:** Southern California Public Power Authority

A written comment period has been established commencing on March 25, 2016, and closing on May 9, 2016. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

At the end of the 45-day comment period, the proposed conflict-of-interest code(s) will be submitted to the Commission's Executive Director for her review, unless any interested person or his or her duly authorized representative requests, no later than 15 days prior to the close of the written comment period, a public hearing before the full Commission. If a public hearing is requested, the proposed code(s) will be submitted to the Commission for review.

The Executive Director of the Commission will review the above-referenced conflict-of-interest code(s), proposed pursuant to Government Code Section 87300, which designate, pursuant to Government Code Section 87302, employees who must disclose certain investments, interests in real property and income.

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Direc-

tor of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than May 9, 2016. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

**COST TO LOCAL AGENCIES**

There shall be no reimbursement for any new or increased costs to local government which may result from compliance with these codes because these are not new programs mandated on local agencies by the codes since the requirements described herein were mandated by the Political Reform Act of 1974. Therefore, they are not "costs mandated by the state" as defined in Government Code Section 17514.

**EFFECT ON HOUSING COSTS AND BUSINESSES**

Compliance with the codes has no potential effect on housing costs or on private persons, businesses or small businesses.

**AUTHORITY**

Government Code Sections 82011, 87303 and 87304 provide that the Fair Political Practices Commission as the code-reviewing body for the above conflict-of-interest codes shall approve codes as submitted, revise the proposed code and approve it as revised, or return the proposed code for revision and re-submission.

**REFERENCE**

Government Code Sections 87300 and 87306 provide that agencies shall adopt and promulgate conflict-of-interest codes pursuant to the Political Reform Act and amend their codes when change is necessitated by changed circumstances.

**CONTACT**

Any inquiries concerning the proposed conflict-of-interest code(s) should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

**AVAILABILITY OF PROPOSED CONFLICT-OF-INTEREST CODES**

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the re-

spective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

## **TITLE 2. VICTIM COMPENSATION AND GOVERNMENT CLAIMS BOARD**

### **VICTIM COMPENSATION PROGRAM REGULATIONS**

Title 2, §§ 649, 649.1, 649.3, 649.4, 649.18, 649.46, 649.49, 649.50, 649.51, 649.52, 649.57, 649.60, 649.62

The Victim Compensation and Government Claims Board (Board) proposes to amend the regulations described below after considering all comments, objections and recommendations regarding the proposed action.

### **PUBLIC HEARING**

The Board has not scheduled a public hearing on this proposed action; however, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

### **WRITTEN COMMENT PERIOD**

Any interested individual, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Board. The written comment period closes at 5:00 p.m. on May 9, 2016. The Board will consider only comments received at the Board's office by that time. Submit written comments to:

Tanya Bosch, Regulations Analyst  
Victim Compensation and Government  
Claims Board  
P.O. Box 350  
Sacramento, CA 95812

Comments may also be submitted by facsimile (FAX) at (916) 491-6441 or by e-mail to [regulations@vcgcb.ca.gov](mailto:regulations@vcgcb.ca.gov).

### **AUTHORITY AND REFERENCE**

Government Code sections 13920 and 13974 authorize the Board to adopt this proposed regulation. The proposed regulatory action is intended to implement, interpret and make specific Government Code sections 13950-13966.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Government Code section 13950 requires the Victim Compensation and Government Claims Board (Board) to "assist residents of the State of California in obtaining compensation for the pecuniary losses they suffer as a direct result of criminal acts." The regulations governing the California Victim Compensation Program (CalVCP) are vital tools necessary to fulfill the Board's mission. Consequently, when the statutes affecting CalVCP are amended, the regulations must also be revised. These proposed revisions are largely intended to conform to the legislative changes enacted with the passage of AB 1140.

AB 1140 also mandated that CalVCP develop a regulation defining what evidence other than crime reports may be considered when determining if a claimant was the victim of sexual assault. Furthermore, because AB 1140 eliminated the eligibility exemption for claimants participating in a qualifying crime and now exempts claimants only for involvement, revisions are necessary to codify CalVCP's definition of involvement. Finally, some revisions to current regulations are necessary to reflect CalVCP's improved financial condition and correct clerical errors.

It is anticipated the proposed regulations will benefit victims of crime by clarifying how applications will be analyzed for specific crimes, particularly those involving sexual assaults. The proposed regulations will also make the eligibility determination process more transparent and promote consistency. Finally, the proposed regulations will benefit applicants by conforming to newly enacted legislation.

The Board evaluated whether there were any other regulations in this area and found that these are the only regulations affecting benefits available to applicants solely based on their status as victims of crime. Only CalVCP awards benefits under the federal Victims of Crime Act. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

TECHNICAL, THEORETICAL, AND/OR  
EMPIRICAL STUDY, REPORTS,  
OR DOCUMENTS

The Board did not rely upon any technical, theoretical or empirical studies, reports or documents in proposing the adoption of these regulations.

REASONABLE ALTERNATIVES TO THE  
REGULATION AND THE AGENCY'S REASONS  
FOR REJECTING THOSE ALTERNATIVES

The Board has determined that there are no other reasonable alternatives to this rulemaking action.

REASONABLE ALTERNATIVES TO THE  
PROPOSED REGULATORY ACTION THAT  
WOULD LESSEN ANY ADVERSE IMPACT ON  
SMALL BUSINESS

The Board has no evidence indicating any potential adverse impacts to small business are expected as a result of this proposed action.

EVIDENCE SUPPORTING FINDING OF NO  
SIGNIFICANT STATEWIDE ADVERSE  
ECONOMIC IMPACT DIRECTLY  
AFFECTING BUSINESS

The Board has no evidence indicating any potential significant adverse impact on business as a result of this proposed action.

RESULTS OF THE ECONOMIC IMPACT  
ANALYSIS/ASSESSMENT

The purpose of the proposed regulations is only to clarify eligibility and conform to applicable statutes. Because CalVCP is a program which offers limited benefits for a limited group of individuals, it does not directly impact jobs or the wider economy.

The Board has determined that the selected alternative will not affect:

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

None of the proposed revisions impact jobs because they apply only to CalVCP applications.

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

Because the proposed revisions do not impact the creation or elimination of jobs, there is no impact on the

creation of new businesses or elimination of existing businesses in California.

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

Because the proposed revisions do not impact the creation or elimination of jobs, there is no impact on the expansion of businesses currently doing business within the State of California.

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

Because the proposed regulations apply only to victims of crime, there is no impact on worker safety or the state's environment. However, as mentioned in the INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW section above, the proposed regulations will benefit the health and welfare of California residents by increasing benefits for some CalVCP applicants and by making the eligibility process more transparent.

*Disclosures Regarding the Proposed Action. The Board has made the following initial determinations:*

Mandate on local agencies and school districts: None.

Cost or savings to any state agency: None.

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

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

Cost 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 individual 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.

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.

Significant effect on housing costs: None.

SMALL BUSINESS DETERMINATION

The Board has determined that the proposed regulations do not affect small businesses because the regulations only apply to individuals who apply to CalVCP.

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

The Board invites interested individuals to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

### CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Tanya Bosch  
Victim Compensation and Government  
Claims Board  
P.O. Box 350  
Sacramento, CA 95812  
Telephone: (916) 491-3851

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

Mary Lundeen  
Victim Compensation and Government  
Claims Board  
P.O. Box 350  
Sacramento, CA 95812  
Telephone: (916) 491-3751

Please direct requests for copies of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Tanya Bosch at the above address.

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

The Board 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 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 Rea-

sons. Copies may be obtained by contacting Tanya Bosch at the P.O. Box or the 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 Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the original proposed text, it will make the modified text available to the public at least 15 days before the Board adopts the regulation as revised. Please send requests for copies of the modified regulation to the attention of Tanya Bosch at the P.O. Box indicated above. The Board 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 Tanya Bosch at the above P.O. Box 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.vcgcb.ca.gov](http://www.vcgcb.ca.gov).

## TITLE 3. FOOD AND AGRICULTURE

**NOTICE IS HEREBY GIVEN** that the Department of Food and Agriculture (herein after referred to as “Department”) is proposing to take the action described in the Informative Digest. A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person beginning **March 25, 2016** and ending at 5 p.m. **May 9, 2016**. Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department, 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 suffi-

ciently 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 407, 9932, 10324, 10326, 10327, 10386 and 10610, Food and Agricultural Code, and to implement, interpret or make specific sections 403, 408, 461, 520, 521, 527, 5006, 9101, 9166–9168, 9531, 9532, 9561–9564, 9569, 9570, 9573, 9574, 9701, 10301–10311, 10321–10323, 10325, 10341, 10342, 10351–10359, 10381–10385, 10387, 10401, 10403–10407, 10421, 10423, 10492–10496, 10511, 10512, 20013, 21081–21084, and 56181 of said Code, the Department proposes to make various changes to Title 3 of the California Code of Regulations, as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Food and Agricultural Code section 9561 authorizes the State Veterinarian to establish regulations to prevent or eradicate any condition that could cause risk to animals or the health and safety of the citizens of this State.

Food and Agricultural Code section 9562 further authorizes the State Veterinarian to quarantine or restrict the movement of animals or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans. Section 9570 authorizes the Department to establish requirements for the interstate and intrastate movement of livestock. Together sections 9562 and 9570 authorize the State Veterinarian to order the quarantine of diseased animals and establish requirements for the interstate and intrastate movement of livestock or animal products to minimize the risk of an illness that could kill or seriously damage other animals or humans.

Food and Agricultural Code section 9932 authorizes the State Veterinarian to develop regulations to prevent bovine tuberculosis from entering and spreading within the State.

Food and Agricultural Code section 10326 provides that the Director may adopt regulations to prevent the spread of bovine brucellosis through limitations on movement of bovine animals or through such tests or vaccinations or other means as he may find and determine to be necessary.

Food and Agricultural Code section 10610 authorizes the Secretary of the Department to adopt regulations to control and eradicate cattle diseases through limitations on intrastate and interstate movement, and by requiring permits, diagnostic testing, vaccinations, or other appropriate methods of treatment and control.

This proposal adopts specified requirements (cattle and bison only) of the United States Department of Agriculture's (USDA) Animal Disease Traceability rule (9 Code of Federal Regulations (CFR) Part 86, effective March 11, 2013) which establishes official identification and documentation requirements for the traceability of livestock (cattle and bison, horses and other equine species, poultry, sheep and goats, swine, and captive cervids) moving between all states, and modifies those requirements as necessary to facilitate movement and husbandry practices unique to California's beef and dairy cattle industries.

This proposal additionally relocates existing importation, movement and identification regulations for cattle and bison pursuant to specific livestock diseases (bovine brucellosis and tuberculosis, and trichomonosis) into those proposed new animal disease traceability requirements; and deletes outdated requirements, replacing them with updated requirements to reflect current industry practices to enhance existing prevention, control and eradication disease programs.

#### FORMS INCORPORATED BY REFERENCE

- Report of Heifer Calves Vaccinated — Brucellosis, AHB Form 76–026 (Rev. 10/15).
- Pasture to Pasture Permit, AHB Form 76–074 (Rev. 10/15).
- One–Time Event Permit, AHB Form 76–074A (Rev. 10/14).
- Application for Designated Pen Status to Feed Tuberculosis or Brucellosis Exposed Cattle, AHB Form 76–197 (Rev. 4/15).
- Application for a Terminal Feedlot, AHB Form 76–198 (Rev. 4/15).
- Official Bovine Trichomonosis Test Report Form, AHB Form 76–199 (Rev. 10/15).
- Bovine Trichomonosis Test Report Continuation Form, AHB Form 76–199A (Rev. 10/15).
- Application for Slaughter Pen Status, AHB Form 76–200 (Rev. 4/15).
- Approved Tagging Site Agreement, AHB Form 76–201 (Rev. 10/14).
- Report of Heifers Spayed After Arrival, AHB Form 76–203 (Rev. 10/15).
- Report of Official Ear Tags Distributed or Applied, AHB Form 76–210 (Est. 10/15).

### ANTICIPATED BENEFITS OF THE PROPOSAL

The benefits of this proposal include the enhanced ability to trace animal disease more quickly and efficiently than at present with fewer private entities needing to be included in the investigations. Regionalizing and compartmentalizing animal health issues as a result of an improved traceability system further reduces the risk of disease spread from known infected animals through the timely location of other animals that may have been infected or exposed however not yet exhibiting signs of disease. As a result, successful and timely traceability enables the reestablishment of foreign and domestic livestock markets with minimal delay which will ultimately benefit public and private entities. Because many livestock diseases also have serious human health implications, benefits of this proposal to the health and welfare of California residents include a reduction or elimination of the potential spread to or cause of human health illnesses due to livestock disease events.

### CONSISTENCY AND COMPATIBILITY WITH EXISTING REGULATIONS

The Department has evaluated whether there are any other existing state regulations pertaining to the identification of cattle and bison, and has found that these are the only regulations for this purpose. Therefore, the Department has determined the proposed regulations are not inconsistent or incompatible with existing regulations. This proposal amends existing disease control regulations to incorporate federal and State efforts to establish official identification and documentation requirements for the traceability of cattle moving into and within California.

### COMPARABLE FEDERAL REGULATIONS

There are federal regulations under 9 CFR Part 86 which specify the requirements of the USDA's Animal Disease Traceability rule. The Department is modifying those requirements as necessary to facilitate unique movement and husbandry practices of California's cattle industry in accordance with Food and Agricultural Code sections 407, 9932, 10324 and 10610.

### FISCAL IMPACT ESTIMATES

Cost to any local agency or school district for which Government Code Sections 17500 et seq. require reimbursement: None.

Fiscal impacts on public agencies including costs/savings to State agencies or costs/savings in Federal funding to the State: None.

Non-discretionary cost/savings to local agencies: None.

Local Mandate: None.

Business Impact: The Department has made the initial determination that the proposed regulatory action may have significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. Businesses potentially impacted by this action include:

- Approximately 1,500 dairies in California.
- Approximately 10,925 beef operations in California.
- An undetermined number of Approved Tagging Sites, premises with slaughter pens and terminal feedlots.

The Department is basing this initial determination on the fact that this regulatory proposal will impose new animal identification requirements potentially impacting the above-listed businesses in an effort to enhance animal disease traceability for the protection of livestock and public health. Specifically, businesses potentially affected include those moving dairy cattle within the State, vaccinating cattle against brucellosis, owning bulls changing ownership; Approved Tagging Sites, feedlots with designated pens, business owners of a premises with slaughter pens or terminal feedlots; California licensed veterinarians; and businesses receiving cattle, applying official identification to cattle or moving cattle within the State. Due to potential cost impacts of this proposal, these businesses may choose to not market or move cattle within the State.

Additionally, California businesses will be required to comply with the paperwork and reporting requirements as follows:

- *Paperwork requirement:* The Department is proposing the keeping of specified records for purposes of disease control and disease traceability in compliance with and complementary to the USDA's Animal Disease Traceability rule (9 CFR Part 86) and federal interstate movement requirements. Businesses engaged in the following activities may be impacted by the requirements to maintain specified records for five (5) years:
  - Applying vaccination eartags; applying new, additional or replacing official identification tags or devices; distributing official identification devices and owning animals vaccinated for brucellosis must maintain specified information about the event.

- Receiving livestock shall maintain official documents with supporting documents.
- USDA accredited and state-licensed veterinarians issuing Certificates of Veterinary Inspection must maintain the Certificates of Veterinary Inspection with supporting documents.
- Approved licensed dealers, approved livestock facilities, Approved Tagging Sites, registered feedlots and livestock markets must keep any Certificates of Veterinary Inspection or alternate documentation with supporting documents for the movement of livestock entering the facility.
- Owners or managers of feedlots with designated pens, terminal feedlots and premises with slaughter pens must maintain all cattle movement records.
- USDA accredited and state-licensed veterinarians or other persons or entities distributing official eartags or any person applying official eartags to animals on behalf of the owner must maintain specified information documenting the event.

The Department believes the paperwork requirements of this proposal do not adversely affect businesses engaged in cattle husbandry or marketing in California. The Department believes the five-year recordkeeping requirement is necessary and reasonable as any needed investigation into a livestock or human health illness or disease outbreak would require inquiry into records up to, but no longer than, the period of five (5) years. These requirements are not anticipated to incur increased costs to businesses as recordkeeping is an existing standard business practice for persons involved in cattle husbandry or marketing in California; in most cases, the maintaining of records for a period of two (2) years is an existing federal requirement. The maintenance and reference to records and related documents provides an additional mechanism for disease traceability that is critical to solving and ceasing livestock and human health illness or disease events which will protect the health and welfare of the public.

- *Reporting Requirement:* The Department is proposing the reporting of specified information for the purposes of disease control and traceability as follows:
  - Veterinarians using vaccines for brucellosis calthood vaccination and eartags used for identification must report specified information to the Department within 14 days. The Department provides veterinarians with the Report of Heifer Calves Vaccinated — Brucellosis, AHB Form 76-026 (Rev.

10/15), to report specified information about the vaccination event, however use of the form is not a requirement.

- USDA accredited and state-licensed veterinarians or other persons or entities distributing official eartags, or any person applying official eartags to animals on behalf of the owner must report to the Department the name and address of the veterinary clinic or facility distributing or applying tags; name of veterinarian or person distributing or applying tags; and veterinary license number, if applicable; reporting year and reporting quarter (March, June, September, or December); starting and ending tag numbers; date of tag distribution or application; and premises or owner name; physical address, city, zip and telephone number where tags were distributed to or location of animals when tagged. The Department makes available on our Internet website or by contacting the Animal Health Branch, the Report of Official Ear Tags Distributed or Applied, AHB Form 76-210 (Est. 10/15), for reporting the above information, however use of this form is not a requirement.
- Any licensed veterinarian, any person operating a diagnostic laboratory, or any person who has been informed, recognizes or should recognize, by virtue of education, experience, or occupation, that any animal or animal product is or may be affected by, has been exposed to, or may be transmitting or carrying any condition specified in the “List of Reportable Conditions for Animals and Animal Products,” must report to the Department all known information required by the Department within the time specified in the “List of Reportable Conditions for Animals and Animal Products” pursuant to Title 3, California Code of Regulations, section 797. The List is available from the Department’s Internet website or by contacting the Animal Health Branch.
- California-licensed veterinarians spaying heifers after arrival in California must report specified information about the event using the Report of Heifers Spayed After Arrival, AHB Form 76-203 (Rev. 10/15), and submit the record either by mail or electronically to the Department’s Animal Health Branch within seven (7) days after spaying the animals.

- Owners/operators of Approved Tagging Sites must report to the Department within 30 days, any change in management at the facility.

The Department believes the reporting requirements of this proposal do not adversely affect businesses engaged in cattle husbandry or marketing in California. The Department believes the reporting of specified information is necessary and reasonable as information reported to the Department will assist investigations into any livestock or human health illness or disease outbreak. These reporting requirements are not anticipated to adversely incur increased costs to businesses as the reporting requirements can occur on forms provided by the Department, or in some instances where allowable, businesses may choose to use their own form to report the required information, any of which may be returned (reported) to the Department electronically or by U.S. Postal Service, or in some cases where specified, the reporting of information can take place over the telephone. Any business owner choosing to report the required information through the use of forms sent via the U.S. Postal Service, will incur standard business mailing expenses, of which the Department is unable to determine the economic impacts of because we cannot foresee the number of instances these costs will occur. The required reporting of information on forms or other means provides an additional mechanism for disease traceability that is critical to solving and ceasing livestock and human health illness or disease events which will protect the health and welfare of the public.

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

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

**Cost Impacts on Representative Private Persons or Businesses:** The estimated dollar cost for implementation of new and amended provisions proposed by the Department is estimated at \$469,651 annually for California's dairy industry (~1,500 dairies) as a result of the requirement for the official identification of all dairy cattle (both male and female) when leaving their birth premises, and \$232,750 for California's beef industry (~10,925 beef operations) as a result of the requirement for trichomonosis testing at change of own-

ership, including the application of the trichomonosis tag. The Department is also proposing recordkeeping and reporting requirements for persons or business moving and marketing cattle in California, however has determined there are no adverse increased costs associated with these actions. Therefore, the total estimated dollar cost as a result of this action is \$702,401 annually for California's beef and dairy industries.

Effect on Housing Costs: None.

Effect on Small Businesses: The Department's proposal may affect small businesses.

## RESULTS OF THE ECONOMIC IMPACT ANALYSIS

The Department has determined that this regulatory proposal:

- May have a significant impact on the creation of new businesses or elimination of existing businesses within the State and the expansion of businesses currently doing business within the State.
- May have significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.
- Will not create or eliminate jobs or occupations.
- Does not impact multiple industries.
- Impacts persons marketing cattle in the State.

This initial determination is based on the fact that the proposed regulation imposes new requirements on beef and dairy producers marketing and moving cattle within California. Due to the identified cost impacts, producers may choose to not market or move cattle within the State.

This proposal benefits the health and welfare of California residents by enhancing the Department's ability to trace animal disease more quickly and efficiently, and reduce or eliminate its potential spread into a greater number of livestock populations and ultimately, to prevent human health disease events or illnesses. This proposal does not specifically impact worker safety or the State's environment as it amends existing disease control requirements and implements new animal disease traceability requirements for cattle moving into and within California.

The above determinations are based on the fact this regulatory proposal is necessary to reorganize and update existing disease control regulations, and implement interstate and intrastate movement requirements for purposes of animal disease traceability in accordance with Food and Agricultural Code sections 407, 9932, 10324 and 10610.

BUSINESS REPORTING REQUIREMENT

The Department is proposing the reporting of specified information for businesses engaging in the marketing and movement of cattle within the State for purposes of disease control and traceability. These reporting requirements do not adversely affect businesses engaged in cattle husbandry or marketing in California, however, are necessary for the health, safety and welfare of the people in the State as information reported to the Department will provide valuable information during traceback investigations into any livestock or human health illness or disease outbreak event.

These reporting requirements are not anticipated to adversely incur increased costs to businesses as the reporting requirements can occur on forms provided by the Department, or in some instances where allowable, the public may choose to use their own form to report the required information, any of which may be returned (reported) to the Department electronically or by U.S. Postal Service, or in some cases where specified, the reporting of information can take place over the telephone. Any person choosing to report the required information through the use of forms sent via the U.S. Postal Service, will incur standard business mailing expenses, of which the Department is unable to determine the economic impacts of because we cannot foresee the number of instances these costs will occur. The required reporting of information on forms or other means provides an additional mechanism for disease traceability that is critical to solving and ceasing livestock and human health illness or disease events which will protect the health and welfare of the public.

Therefore, the Department finds that it is necessary for the health, safety and welfare of the people of this State that the proposed regulations, which require a report, apply to businesses.

DOCUMENTS RELIED UPON IN PREPARING REGULATIONS

- Federal Register, Volume 78, Number 6, January 9, 2013, pages 2071–2075.
- Animal Health Branch district office map.
- CA brucellosis vaccination tag sample.
- CA Electronic Identification Device sample.
- United States Bovine Brucellosis Affected Herd Investigations and Designated Surveillance Areas map, September, 2015.
- Cattle Health Advisory Task Force Meeting Minutes dated April 22, 2015.

- California Cattlemen’s Association petition letter dated December 16, 2013 and Notice of Decision on Petition for Rulemaking, California Regulatory Notice Register 2014, Volume No. 5–Z, pages 209–210.
- California Cattlemen’s Association petition letter dated January 16, 2015 and Notice of Decision on Petition for Rulemaking, California Regulatory Notice Register 2015, Volume No. 10–Z, pages 411–413.
- WA Department of Agriculture — tag order form, trichomonosis tag sample and Bovine Trichomonosis in Washington State brochure.
- California Animal Health and Food Safety laboratory system Trichomonas Submission Form and Trichomonas/*Tritrichomonas foetus* testing protocol.
- USDA Process Verified Program, GVD 1001 Procedure, October 26, 2015.
- USDA Quality Systems Verification Program GVD 1002, March 4, 2004.
- USDA, Animal Disease Traceability, General Standards, January 2, 2015, Version 2.4.
- USDA, APHIS, Regulatory Impact Analysis & Final Regulatory Flexibility Analysis, July 2012.
- UC Davis, Veterinary Medicine, California Animal Health and Food Safety Laboratory System, Select List of Tests Performed on Beef Cattle at CAHFS.
- 2012 Census of Agriculture — State Data, USDA, National Agricultural Statistics Service.

CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. This proposal is necessary to reorganize and update existing disease control regulations, and implement interstate and intrastate movement requirements for purposes of animal disease traceability in accordance with Food and Agricultural Code sections 407, 9932, 10324 and 10610.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the hearing (if a hearing is requested) or during the written public comment period.

**INITIAL STATEMENT OF REASONS  
AND INFORMATION**

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

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the Initial Statement of Reasons, and all information upon which the proposal is based, may be obtained by contacting the persons named below or by accessing the Department of Food and Agriculture's website as indicated below in this Notice.

**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 persons named below.

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

**CONTACT PERSONS**

Inquiries concerning the substance of the proposed regulations, or any written comments concerning this proposal are to be addressed to the following:

Rachelle Kennedy, Research Scientist I  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
Animal Health Branch  
Mailing: 1220 N Street  
Sacramento, CA 95814  
(916) 900-5043  
E-mail: [rachelle.kennedy@cdfa.ca.gov](mailto:rachelle.kennedy@cdfa.ca.gov)

The backup contact person is:

Thamarah Rodgers, Associate Analyst  
Department of Food and Agriculture  
Animal Health and Food Safety Services  
Mailing: 1220 N Street  
Sacramento, CA 95814  
(916) 698-3276  
E-mail: [thamarah.rodgers@cdfa.ca.gov](mailto:thamarah.rodgers@cdfa.ca.gov)

Website Access: Materials regarding this proposal can be found by accessing the following Internet address: <http://www.cdfa.ca.gov/ahfss/regulations.html>.

**TITLE 3. DEPARTMENT OF FOOD  
AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on December 30, 2015. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 27, 2016.

This notice is being provided to be in compliance with Government Code Section 11346.4.

**PUBLIC HEARING**

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to 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 amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on May 9, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
Department of Food and Agriculture  
Plant Health and Pest Prevention Services  
1220 N Street  
Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
916.654.1017  
916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

Anticipated Benefits from This Regulatory Action

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

AMENDED TEXT

This regular rulemaking action expanded the quarantine area for ACP in Madera County and into Fresno County by approximately 84 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 52,993 square miles.

DISCLOSURES REGARDING THE  
PROPOSED ACTION

*The Department has made the following initial determinations:*

- Mandate on local agencies or school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code

Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

The Department 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 a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There is one retail nursery in the affected area. There are 14 citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding above information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

#### *Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

#### Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State's economic health and this amendment will help protect this source of revenue.

#### ALTERNATIVES CONSIDERED

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

#### AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

#### REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

#### CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is: Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the sub-

stance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department 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. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE**

The Department of Food and Agriculture (Department) amended subsection 3435(b) of the regulations in Title 3 of the California Code of Regulations pertaining to Asian Citrus Psyllid (ACP) Interior Quarantine as an emergency action which was effective on December 21, 2015. The Department proposes to continue the regulation as amended and to complete the amendment process by submission of a Certificate of Compliance no later than June 20, 2016.

This notice is being provided to be in compliance with Government Code Section 11346.4.

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to 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 amendment to the Department. Comments may be submitted by mail, facsimile (FAX) at 916.654.1018 or by email to [Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov). The written comment period closes at 5:00 p.m. on May 9, 2016. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Sara Khalid  
 Department of Food and Agriculture  
 Plant Health and Pest Prevention Services  
 1220 N Street  
 Sacramento, CA 95814  
[Sara.Khalid@cdfa.ca.gov](mailto:Sara.Khalid@cdfa.ca.gov)  
 916.654.1017  
 916.654.1018 (FAX)

Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this state and determine the probability of its spread and the feasibility of its control or eradication (FAC 5321).

Existing law also provides that the Secretary may establish, maintain and enforce quarantine, eradication and other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5322).

*Anticipated Benefits from This Regulatory Action*

Existing law, FAC Section 403, provides that the department shall prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds.

Existing law, FAC Section 407, provides that the Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of this code that she is directed or authorized to administer or enforce.

Existing law, FAC Section 5321, provides that the Secretary is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication.

Existing law, FAC Section 5322, provides that the Secretary may establish, maintain, and enforce quarantine, eradication, and such other regulations as are in her opinion necessary to circumscribe and exterminate or prevent the spread of any pest which is described in FAC Section 5321.

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. This amendment provides the necessary regulatory authority to prevent the artificial spread of a serious insect pest which is a mandated statutory goal.

The amendment of this regulation benefits the citrus industries (nurseries, fruit growers, wholesalers, retailers, exporters) and the environment by having a quarantine program to prevent the artificial spread of ACP over long distances. Almost all of the commercial citrus fruit and nursery stock production is located outside this proposed quarantine boundary area.

The national and international consumers of California citrus benefit by having high-quality fruit available at lower cost. It is assumed that any increases in production costs will ultimately be passed on to the consumer.

The amendment of this regulation benefits homeowners who grow citrus for consumption and host material which is planted as ornamentals in various rural and urban landscapes.

FAC Section 401.5 states, “the department shall seek to protect the general welfare and economy of the state and seek to maintain the economic well-being of agriculturally dependent rural communities in this state.” The amendment of this regulation is preventing the artificial spread of ACP to uninfested areas of the State.

Huanglongbing (HLB) is generally distributed in Florida due to ACP being generally distributed there. The University of Florida Institute of Food and Agricultural Sciences Extension calculated and compared the impact of having and not having HLB present in Florida and concluded HLB had a total impact of \$3.64 billion and eliminated seven percent of the total Florida workforce. The overall California economy benefits by the amendment of this regulation which is intended to prevent ACP from becoming generally distributed in California and resulting in a similar effect on our economy as to what happened in Florida. This is now critical as HLB has been introduced into California.

There is no existing, comparable federal regulation or statute regulating the intrastate movement.

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency that can implement plant quarantines. As required by Government Code Section

11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is not inconsistent or incompatible with existing state regulations.

**AMENDED TEXT**

This regular rulemaking action expanded the quarantine area for ACP in Kern County by approximately 114 square miles. The effect of the amendment of this regulation is to provide authority for the State to perform quarantine activities against ACP within this additional area. The total area which would be under regulation is now approximately 52,909 square miles.

**DISCLOSURES REGARDING THE PROPOSED ACTION**

*The Department has made the following initial determinations:*

Mandate on local agencies or school districts: None.

Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None and no nondiscretionary costs or savings to local agencies or school districts.

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

The Department 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 a representative private person or business: Most businesses will not be affected. There are zero citrus production nurseries in the affected area that will be impacted. There are zero retail nurseries in the affected area. There are four citrus growers in the proposed area. There is no additional cost to growers who take their fruit to a packinghouse inside the current quarantine area. Growers choosing a packinghouse outside the quarantine area have three options: 1. Conduct pre-harvest treatments with an approved pesticide while fruit is still on the trees; 2. Field-clean the fruit to remove leaves and stems during harvest; 3. Send the fruit to a packinghouse within the quarantine area to be cleaned. Pre-harvest treatments cost growers approximately \$60 per acre, and the fruit is required to be covered with a tarp while in transit. Tarps range in price from \$2,500–\$3,000 apiece. Field-cleaning the fruit will cost the grower approximately \$150–\$320 per acre depending on the citrus variety. Field-cleaned fruit does not require a tarp for transport and can be moved within or from the quarantined area. Cleaning at a packinghouse within the quarantine area will cost the grower

approximately \$300–\$400 per acre, and the fruit must remain within the quarantine area, although the loads do not need to be covered with a tarp. There are zero citrus packinghouses located within this quarantine area.

Based on the preceding above information, it was determined that due to the amendment of Section 3435(b), the agency is not aware of any cost impact on a representative business or private person. For the vast majority of businesses within the regulated area, no additional costs will be incurred.

*Small Business Determination*

The Department has determined that the proposed regulations may affect small business.

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California; or
- (3) Affect the expansion of businesses currently doing business within California.

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents. The Department believes the amendment of this regulation benefits the welfare of California residents by protecting the economic health of the entire citrus industry. In 2010 the estimated value was \$2.1 billion for citrus fruit and \$28.5 million for citrus nursery stock without all the upstream buyers and downstream retailers included (*Reference: John Gilstrap of California Citrus Nursery Board for citrus nursery stock value and USDA–National Agricultural Statistics Service 2010 data for citrus fruit*). This is a needed source of revenue for the State’s economic health and this amendment will help protect this source of revenue.

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend Section 3435(b) pursuant to the authority vested by Sections 407, 5301, 5302 and 5322 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 5301, 5302 and 5322 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed is Sara Khalid, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654–1017, FAX (916) 654–1018, E-mail: Sara.Khalid@cdfa.ca.gov. In her absence, you may contact Laura Petro at (916) 654–1017. Questions regarding the substance of the proposed regulation should be directed to Sara Khalid.

INTERNET ACCESS

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/plant/Regulations.html](http://www.cdfa.ca.gov/plant/Regulations.html)).

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Department has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department 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. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

## TITLE 4. CALIFORNIA HORSE RACING BOARD

### NOTICE OF PROPOSAL TO AMEND RULE 1433, APPLICATION FOR LICENSE TO CONDUCT A HORSE RACING MEETING RULE 1845, AUTHORIZED BLEEDER MEDICATION

The California Horse Racing Board (Board/CHRB) proposes to amend the regulations described below after considering all comments, objections or recommendations regarding the proposed action.

#### PROPOSED REGULATORY ACTION

The Board proposes to amend Rule 1433, Application for License to Conduct a Horse Racing Meeting, to require that racing associations include a furosemide agreement when submitting an application for license. The agreement shall be made between the racing association, the horsemen's organization, and trainers' organization, and shall provide for race-day furosemide administration procedures. The Board proposes to amend Rule 1845, Authorized Bleeder Medication, to enact the Racing Medication and Testing Consortium (RMTC) recommendations for third-party administration of race-day furosemide. The RMTC is a national horse racing organization whose mission is to develop and promote uniform rules, policies and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and protect the interests of the racing public. In 2011 the RMTC formed a race-day medication task force, which concluded that to preserve race-day furosemide and eliminate concerns regarding the efficacy of furosemide to control exercise-induced pulmonary hemorrhage (EIPH), a national uniform medication policy must include third-party administration of furosemide only. In 2013 the Racing Commissioners International (RCI) incorporated the RMTC recommendations in a Model Rule. The RCI Model Rule requires that furosemide be the only medication authorized for administration on race day, and limits furosemide administration to no later than four hours prior to post time for the race in which the horse is entered. Furosemide may only be administered by third-party veterinarians or veterinary technicians who are prohibited from working as private veterinarians or technicians on the racetrack or with participating licensees. The proposed amendment to Rule 1845 will bring the Board's rules in line with the national movement to address the issue of

race-day medication. The Board proposes to modify the text of Rule 1845 to provide that the only authorized medication for the control of EIPH shall be furosemide. (EIPH refers to the presence of blood in the airways of the lung in association with exercise. EIPH is common in horses undertaking intense exercise.) The proposed amendment provides the steps required to register a horse on the authorized bleeder medication list. Once registered, the proposed amendment states when the horse, if entered to race, must arrive on the grounds, and provides that the horse shall be placed in a pre-race security stall identified by the posting of the form Detention Stall sign CHRB-234 (New 01/16). The proposed amendment to Rule 1845 states how and in what dosage furosemide shall be administered to the horse. The amendment to Rule 1845 states that furosemide may only be administered by a furosemide veterinarian, or a California registered veterinary technician under the direct supervision of the furosemide veterinarian. The furosemide veterinarian and the veterinary technician shall be employees of the racing association. Prior to the administration of furosemide, the furosemide veterinarian, or the Official Veterinarian or Racing Veterinarian, must consult with the trainer, owner or the owner's veterinarian, regarding the condition of the horse. Additionally, the furosemide veterinarian must examine the horse sufficient to establish a veterinary-client-patient-relationship within the meaning of California Code of Regulations (CCR), Title 16, section 2032.1 (California Veterinary Medical Board regulations). The proposed amendment to Rule 1845 provides that the owner, trainer, or a licensed employee of the trainer, shall be present to observe the furosemide administration; what actions to take in the event of an adverse reaction or other emergency related to the administration of furosemide; and that the syringe used to administer furosemide shall be retained by the Board until all testing of the horse is completed. The amendment to Rule 1845 sets the specific gravity of the post-race urine sample, and states that quantitation of furosemide in serum or plasma shall be performed if the urine sample is not available, or the specific gravity of the urine sample is below a specified level. The proposed amendment to Rule 1845 requires that the owner(s) of a registered horse shall pay all costs associated with the administration of furosemide; consent to the procedures in the regulation; and agree that the pre-race examination conducted under the direction of the Official Veterinarian shall constitute a veterinary-client-patient relationship within the meaning of the CCR, Title 16, section 2032.1. In addition, the proposed amendment to Rule 1845 modifies the CHRB form 194 (Rev. 01/16) Authorized Bleeder Medication Request (CHRB 194) by changing the title of the form to: "Authorized Bleeder Medication and Medical History Request." A new sec-

tion has been added to the form 194 to allow the owner's veterinarian to provide the medical history relevant to the administration of authorized bleeder medication for the horse listed on the form.

The forms Bleeder Treatment Report CHRB-36 (New 08/04), CHRB-194, and Detention Stall sign CHRB-234 (New 01/16) are incorporated by reference into Rule 1845, as it would be cumbersome, unduly expensive or otherwise impractical to publish the documents in the CCR.

The proposed amendment to Rule 1845 also provides that the horsemen's organization, trainers' organization and racing association shall enter into an agreement to provide for race-day administration of furosemide. The agreement shall be submitted to the Board for approval.

#### PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, May 19, 2016**, or as soon after that as business before the Board will permit, at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

#### WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representatives, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m. on May 9, 2016**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Harold Coburn, Regulation Analyst  
 California Horse Racing Board  
 1010 Hurley Way, Suite 300  
 Sacramento, CA 95825  
 Telephone (916) 263-6026  
 Fax: (916) 263-6022  
 E-Mail: [haroldc@chr.ca.gov](mailto:haroldc@chr.ca.gov)

#### AUTHORITY AND REFERENCE

Rule 1433:

Authority cited: Sections 19420 and 19440, Business and Professions Code.

Reference: Sections 19480, 19481, 19481.3 and 19562, Business and Professions Code.

Business and Professions Code sections 19920 and 19440 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19480, 19481, 19481.3 and 19562, Business and Professions Code.

Rule 1845:

Authority cited: Sections 19440 and 19562, Business and Professions Code.

Reference: Sections 19580 and 19582, Business and Professions Code.

Business and Professions Code sections 19940 and 19562 authorize the Board to adopt the proposed regulation, which would implement, interpret or make specific sections 19580 and 19581, Business and Professions Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that the Board shall have jurisdiction and supervision over meetings in this State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings. Business and Professions Code section 19440 states the Board has all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19480 states the Board may issue to any person who makes application in writing, who has complied with the provisions of horse racing law, a license to conduct a horse racing meeting at the track specified in the application; provided, the Board determines that the issuance will be in the public interest. Business and Professions Code section 19481 provides that in performing its responsibilities, the Board shall establish safety standards governing equipment for horse and rider. Business and Professions Code section 19481.3 states every racing association and racing fair licensed by the Board shall maintain, staff, and supply an on-track first aid facility, that may be either permanent or mobile, and which shall be staffed and equipped as directed by the Board. Business and Professions Code section 19562 provides that the Board may prescribe rules, regulations, and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of

horse racing in California. Business and Professions Code section 19582 states violations of Section 19581, as determined by the Board are punishable as set forth in regulations adopted by the Board. The Board may classify violations of section 19581 based on each class of prohibited drug substances, prior violations within the previous three years, and prior violations within the violator's lifetime. The Board may provide for the suspension of a license for not more than three years, except as provided in subdivision (b), or a monetary penalty of not more than one hundred thousand dollars, or both, and disqualification from purses, for a violation of Section 19581. The actual amount of the monetary penalty imposed pursuant to this paragraph shall be determined only after due consideration has been given to all the facts, circumstances, acts, and intent of the licensee, and shall not be solely based on the trainer-insurer rule, as established in Sections 1843 and 1887 of Title 4 of the CCR. The punishment for second and subsequent violations of section 19581 shall be greater than the punishment for a first violation of section 19581 with respect to each class of prohibited drug substances, unless the administrative law judge, in findings of fact and conclusions of law filed with the Board, concludes that a deviation from this general rule is justified. A third violation of section 19581 during the lifetime of the licensee, determined by the Board to be at a class I or class II level, may result in the permanent revocation of the person's license. The administrative law judge shall, after consideration of the circumstances surrounding a violation specified in paragraph (1), file a decision with the Board that includes findings of fact and conclusions of law. Any person whose license is suspended or revoked pursuant to this section shall not be entitled to receive any material benefit or remuneration in any capacity or from any business activity permitted or allowed by the license during any period of its suspension or revocation. The penalties provided by this section are in addition to any other civil, criminal, and administrative penalties or sanctions provided by law, and do not supplant, but are cumulative to, other penalties or sanctions.

Rule 1433 incorporates by reference the forms Application for License to Conduct a Horse Racing Meeting, CHR17-17 (Rev. 01/16) (CHR17-17), and Application for License to Conduct a Horse Racing Meeting of a California Fair, CHR17-18 (Rev. 01/16) (CHR17-18); therefore, any revisions to the application forms would necessitate an amendment of the Rule 1433.

The forms CHR17-17, and CHR17-18, are incorporated by reference into Rule 1433, as it would be cumbersome, unduly expensive or otherwise impractical to publish the documents in the California Code of Regulations.

The Board proposes to amend Rule 1433 to change section 23 of the form CHR17-17, and section 22 of the form CHR17-18 to require that the applicant racing association/racing fair attach a furosemide agreement, including the name of the furosemide veterinarian. In implementing its program for third-party administration of furosemide, the Board determined that it is necessary to require that the horsemen's organization, trainers' organization and racing association/racing fair enter into an agreement regarding the conduct of the racing association's/racing fair's program for the administration of race-day furosemide. The agreement shall be submitted to the Board for approval at the time of application for license to conduct the race meeting. Sections 23 of the form CHR17-17, and 22 of the form CHR17-18 are both titled "Declarations," and are the items where the Board states its requirements regarding documents to be attached to the application, such as labor and horsemen agreements, and service contracts. The requirement to attach a furosemide agreement was placed under sections 23 of the form CHR17-17, and 22 of the form CHR17-18 for purposes of consistency.

Furosemide is a diuretic administered to horses to treat EIPH, which is a condition wherein pulmonary bleeding occurs when capillaries in horses' lungs burst due to the exertion of severe exercise, or from racing. EIPH and the associated side effects cause poor racing performance. EIPH cumulatively damages lungs, and as damage accumulates the incidence and severity of bleeding increases. Untreated EIPH places both horse and rider at risk of injury. In 2011 a committee of the RMTC studying the administration of furosemide and adjunct bleeder medications presented its recommendations to the RMTC board, which resulted in the development of a Model Rule for RCI consideration. In 2013 the RCI incorporated the RMTC recommendations in a Model Rule, which requires that furosemide be the only medication authorized for administration on race day, and limits furosemide administration to no later than four hours prior to post time for the race in which the horse is entered. The RCI Model Rule also requires that furosemide administration be performed only by third-party veterinarians or veterinary technicians who are prohibited from working as private veterinarians or technicians at the racetrack or with participating licensees. As of January 2014, thirteen states had adopted regulations requiring third-party administration of furosemide: Colorado, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, North Dakota, Virginia and West Virginia. The proposed amendment to Rule 1845, Authorized Bleeder Medication, will bring the Board's regulations in line with the RMTC/RCI recommendations regarding the third-party administration of furosemide.

The proposed amendment to Rule 1845 will modify the opening paragraph of the regulation to state that furosemide shall be the only authorized bleeder medication for the control of EIPH. EIPH occurs in horses, and is characterized by bleeding into the lungs or out the nose during exercise. It is believed horses experience EIPH because during exercise they have unusually high blood pressure in the vessels that lead from the heart to the lungs and this high pressure causes the walls of the vessels to break and release blood into the airways. The blood can impair breathing and lead to exercise intolerance. Some bleeding occurs in most horses that engage in strenuous exercise, but it becomes a problem when there is enough blood to prevent the horse from performing. Furosemide is a diuretic that has been shown to be effective in reducing EIPH. Theoretically, if horses are given furosemide, the drug draws water away from the lungs and keeps the blood pressure from getting too high, preventing the lesions in the vessels and the blood from getting into the lungs. In 2011, the RMTC, the National Thoroughbred Racing Association, and the American Association of Equine Practitioners formed industry working groups to develop model rule recommendations, including recommendations governing the regulatory administration of furosemide. The consensus reached by the RMTC committee became the basis for an RCI Model Rule which allows only furosemide for the control of EIPH on race day. Under the RMTC recommendations, and the RCI Model Rule, adjunct bleeder medications are eliminated. The proposed amendment to Rule 1845 will bring California in line with the RCI Model Rule by designating furosemide as the only authorized bleeder medication for the control of EIPH. The opening paragraph of Rule 1845 has also been modified to state that furosemide shall only be administered by a single intravenous injection, in a dosage of not less than 150 milligrams and not more than 500 milligrams, on the grounds of the racetrack where the horse will race, and no later than four hours prior to the post time of the race for which the horse is entered. The proposed regulation states that furosemide shall only be administered to a horse that is registered on the authorized bleeder medication list. These provisions are not new to the regulation, but were moved to the opening paragraph from the previous subsection 1845(e); they are also consistent with the RCI Model Rule.

The amended subsections 1845(a) through (a)(2) state how a horse is registered on the authorized bleeder medication list. Subsection (a)(1) provides that the trainer and the owner's veterinarian must determine furosemide is medically necessary to control EIPH and is not otherwise contraindicated for the horse. Subsection 1845(a) currently provides that either the trainer or a veterinarian may determine if it is in the horse's "best

interest" to run on bleeder medication. The proposed amendment provides a higher standard by requiring that the trainer and the owner's veterinarian must determine furosemide is medically necessary to control EIPH and is not otherwise contraindicated for the horse. This is necessary, because in addition to the control of EIPH, furosemide is also associated with improved performance. Under the current rule, a trainer's determination that running on furosemide is in the best interest of a horse may not be based on medical necessity. The proposed amendment requires that the trainer and the owner's veterinarian must be in agreement that furosemide is a medical necessity to control EIPH, and is not otherwise contraindicated for the horse. This will mean that the horse has actually been observed bleeding, and/or that an endoscopic examination has been performed. It will further require that the trainer and the owner's veterinarian determine furosemide will not be harmful to the horse, and its benefits outweigh any risk. These provisions are necessary to prevent a horse from being placed on the bleeder medication list without a medical determination that it is actually exhibiting EIPH.

Currently, under Rule 1845, the form CHRB 194, which is incorporated by reference in Rule 1845, is used to notify the Official Veterinarian of the trainer's or veterinarian's decision to place the horse on the bleeder medication list. Subsection (a)(2) has been amended to provide that prior to entry for race, the Official Veterinarian must approve the CHRB 194. The requirement for the Official Veterinarian's approval will mean that he or she must agree with the medical determination made by the trainer of the horse and the owner's veterinarian before the horse may be placed on the bleeder list. The title of the CHRB 194 has been changed to read "Authorized Bleeder Medication and Medical Records Request." This has been done to reflect the requirement that the horse's medical history, relevant to the administration of authorized bleeder medication, must be provided. This is in accordance with section 2032.1 of Title 16, of the CCR dealing with Veterinarian-Client-Patient Relationships. This regulation requires veterinarians who perform any act requiring a license upon any animal to prepare a legible, written record concerning the animal which shall contain a history or pertinent information as it pertains to each animal.

The form CHRB 194 is incorporated by reference into Rule 1845, as it would be cumbersome, unduly expensive or otherwise impractical to publish the document in the CCR.

The existing subsections 1845(b) and 1845(c) have been renumbered as 1845(i)(1) and (i)(2). The change was necessary for purposes of consistency and clarity.

The existing subsection 1845(d) has been renumbered as subsections 1845(b) through (b)(2)(C). Rule 1845 currently requires that furosemide be adminis-

tered no later than four hours prior to the race in which the horse is entered. Although the majority of horses that will receive furosemide are stabled on the grounds of the racing association, this is not always the case. Some horses are shipped in the day of the race. Subsections 1845(b) and (b)(1) state that once registered, any horse that shall be administered furosemide shall arrive on the grounds of the racetrack where it shall race no later than five hours prior to post time. The five-hour requirement is necessary to provide adequate time for the horse to be brought on-track and placed in its pre-race security stall prior to the administration of furosemide.

Subsections 1845(b)(2) through (b)(2)(B) state the horse shall be assigned to a pre-race security stall. The horse shall remain in the security stall until it is taken to the receiving barn or the paddock to be saddled or harnessed for the race. While in the security stall, the horse shall be under the constant care, custody and view of the trainer or a licensed person assigned by the trainer. The trainer shall be responsible for the condition of the horse while it remains in the security stall. These provisions are not new, as they exist in the current Rule 1845(d). Pre-race security stalls are a component of the pre-race security measures that help to minimize or eliminate the administration of illegal drugs to racehorses. In practice, one or more of a trainer's assigned stalls are designated with Detention Stall signs CHRB-234 (New 01/16). The signs identify a horse entered on the day's race card.

The form Detention Stall sign CHRB-234 (New 01/16) is incorporated by reference into Rule 1845, as it would be cumbersome, unduly expensive or otherwise impractical to publish the document in the CCR.

Board Rule 1887, Trainer to Insure condition of Horse, provides that the trainer is the absolute insurer of and responsible for the condition of the horses entered in a race. Subsection 1845(b)(2)(B) reiterates this concept by requiring that the horse in the pre-race security stall must be under the care, custody and constant view of the trainer, or of a licensed person assigned by the trainer. Placing the horse entered to race in a pre-race security stall and providing constant monitoring of the horse is an important element in the Board's efforts to ensure race-day security. These measures are necessary to guarantee the integrity of horseracing and the protection of the public.

Racehorses are athletes. They must train regularly to be at their competitive peak. Trainers formulate specific training schedules that ensure each horse will perform at its best on race day. Under-training may lead to cramps, strains and injuries during the race. Subsection 1845(b)(2)(C) allows a trainer to engage a horse, that would otherwise be confined to a security stall, in pre-race on-track warm-ups with the permission of the Official Veterinarian.

Before the furosemide veterinarian may administer furosemide to the horse, a veterinary-client-patient relationship must be established within the meaning of CCR, Title 16, section 2032.1. The provisions of subsections 1845(c)(1) through (c)(2), which are meant to establish a veterinary-client-patient relationship, were developed in conjunction with the California Veterinary Medical Board (CVMB) in response to the CVMB's concerns that third-party administration of furosemide would violate the veterinary-client-patient relationship. A new subsection 1845(c)(1) provides that such a relationship may be established if the trainer, owner, or the owner's veterinarian has consulted with the furosemide veterinarian regarding the condition of the horse. The furosemide veterinarian must also examine the horse. Alternatively, under a new subsection 1845(c)(2), the trainer, owner or owner's veterinarian may consult with the Official Veterinarian or Racing Veterinarian, and the furosemide veterinarian examines the horse. Under subsection 1845(c)(2) the consulting Official Veterinarian or Racing Veterinarian must also directly supervise the furosemide veterinarian or California registered veterinary technician who administers the furosemide. The direct supervision is necessary because the furosemide veterinarian would not have consulted with the owner, the trainer or the owner's veterinarian.

A revised subsection 1845(d) states the person who administers furosemide shall notify the official veterinarian of the treatment not later than two hours before post time. The notification shall be made on the form Bleeder Treatment Report CHRB-36 (New 08/04), which is incorporated by reference in Rule 1845. The revision to subsection 1845(d) clarifies who shall report the administration of furosemide, when such administration shall be reported, and which form shall be used to make the report.

The form Bleeder Treatment Report CHRB-36 (New 08/04) is incorporated by reference into Rule 1845, as it would be cumbersome, unduly expensive or otherwise impractical to publish the document in the CCR.

A new subsection (d)(1) states that the owner, trainer or a licensed employee of the trainer shall be present and observe the furosemide administration. This provision is necessary so that there will be no question that the furosemide was properly administered by the furosemide veterinarian or the California registered veterinary technician. This is also in keeping with subsection 1845(b)(2)(B) which states that the horse shall be under the constant care, custody and view of the trainer or a licensed person assigned by the trainer. The trainer shall be responsible for the condition of the horse while it remains in the security stall.

A new subsection 1845(e) provides that the horsemen's organization, trainers' organization and racing

association shall enter into an agreement regarding race-day furosemide administration. (The current subsection 1854(e) has been amended and renumbered as new subsections 1845(c) through 1845(d).) The agreement shall be submitted to the Board for approval at the time of application for license to conduct the race meeting. This is necessary to ensure that all concerned parties are in agreement regarding the conduct of the racing association's program to administer third-party furosemide. The requirement to submit the agreement with the application to conduct a race meeting will provide the Board with the ability to vet the document and to ask any questions during the hearing for approval of license. Under Rule 1432, Board May Demand Information, the Board may require any racing association intending to make application for license to conduct a horse racing meeting to furnish the Board with such information as it may require in determining the association's eligibility or qualifications to conduct a race meeting.

The new subsection 1845(e)(1) states that the furosemide veterinarian, or a California registered veterinary technician under the direct supervision of the furosemide veterinarian shall administer furosemide. The furosemide veterinarian or California registered veterinary technician who administers furosemide shall be employed by the racing association. In addition, the furosemide veterinarian and California registered veterinary technician shall not have a current business relationship, or a prior veterinarian-client-patient relationship, with participating licensees within 180 days of the date he or she is employed to administer furosemide. These provisions are necessary to meet the goals of "third-party" administration of furosemide, which are to get private veterinarians out of the stall on race day, and to ensure that only veterinarians (or California registered veterinary technicians) employed by the racing association administer furosemide. To make certain the furosemide veterinarians and/or the California registered veterinary technicians do not have an interest in the business of licensees, they are prohibited from having worked as private veterinarians or technicians on the racetrack, or with participating licensees, within 180 days of the date they are designated to administer furosemide. Limiting the administration of furosemide to the furosemide veterinarian and the California registered veterinary technician is necessary to assure competitors and the wagering public alike that the only drug or medication horses will receive on race day is furosemide, and the only veterinarian/technician treating the horse is a third-party veterinarian/technician.

New subsections 1845(e)(2) and (e)(3) provide definitions for "furosemide veterinarian" and "owner's veterinarian." The definitions are necessary to provide clarity regarding the different roles the veterinarians

have with regards to the health and welfare of the race horse. The definitions also clarify who employs the veterinarians.

Subsection 1845(f) provides that the horse authorized to be administered furosemide shall receive 250 mg of furosemide intravenously unless an alternative dose between 150 mg and 500 mg has been determined after consultation between the trainer, owner, or owner's veterinarian and the furosemide veterinarian. The current Rule 1845 allows for furosemide administration between 150 mg and 500 mg. The proposed amendment to Rule 1845 sets a standard furosemide dose of 250 mg. This is a nationally recognized default dose. However, not every horse will require a standard dose of furosemide. Therefore, to provide the parties with the flexibility to act in the best interest of the horse, subsection 1845(f) allows for the administration of between 150 mg and 500 mg of furosemide. The range of 150 mg to 500 mg is consistent with the RCI Model Rule recommendations for administration of furosemide.

A new subsection 1845(g) requires that in the event of an adverse reaction or other emergency related to the administration of furosemide, the furosemide veterinarian or California registered veterinary technician who administered the furosemide shall attend the horse until the arrival of the owner's veterinarian. This provision is necessary to ensure the horse is in the care of a veterinarian or medical technician at all times, and will allow the owner's veterinarian to confer with the party who administered furosemide regarding the horse's reaction to the furosemide administration.

The current subsection 1845(e) provides that a representative of the Board may request that the veterinarian administering the bleeder medication surrender the syringe used in the administration of furosemide for possible testing. A new subsection 1845(h) requires that the syringe used to administer furosemide shall be provided to, and retained by the Board until all testing of the horse is completed. This is necessary to ensure that each syringe used to administer furosemide is in the custody of the Board and available for testing, as needed. If there is a positive test finding, the Board may order, or the owner or trainer may request that the syringe be analyzed for prohibited substances. This is consistent with Board Rule 1859.25, Split Sample Testing, which provides the owner or trainer the opportunity to request, and pay a fee to have the split sample of the Board's official test sample tested by an independent Board-approved laboratory if the Board's official test sample is found to contain a prohibited drug substance. Subsection 1845(e) states the results of the test may be used in any action before the Board. This is consistent with current practice under Rule 1859.25, as the results of the split sample shall be reported to the Executive Director, the Board and the Equine Medical Director, and may be used if

and when the Board files an official complaint or accusation.

The current subsections 1845(b) and (c) have been renumbered for purposes of clarity and consistency and appear in the amended text as subsections 1845(i) through (i)(2). These subsections give the required specific gravity of post-race urine samples, which shall not be below 1.010. (Specific gravity is a measurement of how concentrated the urine is; the density of the fluid.) They also provide that if the urine sample is not available, or if it is determined to be below 1.010, quantitation of furosemide in serum or plasma shall be performed. Concentrations may not exceed 100 nanograms of furosemide per milliliter of serum or plasma. These levels are the same as those in the current 1845 text. These levels are also consistent with the requirements of the RCI Model Rule recommendations.

Subsection 1845(f) of the current Rule 1845 has been renumbered as subsection 1845(j) of the amended text. The subsection remains essentially unchanged from the current version of Rule 1845. Any changes that have been made to subsection 1845(j) are for the purposes of clarity and consistency. Subsection 1845(j) states how a horse may be removed from the official authorized bleeder medication list, and the periods of time the horse must remain off the list before it can be re-registered on the list. The criteria for placing a horse back on the authorized bleeder medication list has been changed from a determination by the official veterinarian that not placing the horse on the list would be “detrimental to the welfare of the horse” to a requirement that the official veterinarian must find it is medically necessary for the horse. This is consistent with changes made to subsection 1845(a)(1), which require that the trainer and the owner’s veterinarian must find that furosemide is medically necessary for the horse.

Subsection 1845(g) of the current Rule 1845 has been renumbered for purposes of clarity and consistency as subsection 1845(k) of the revised text. The subsection provides the period of time a horse will be ineligible to race if the official veterinarian observes it bleeding externally from one or both nostrils during or after a race or workout, and determines such bleeding is a direct result of EIPH. These periods of time remain unchanged; however, an exemption to these periods of ineligibility for horses voluntarily administered authorized bleeder medication without an external bleeding incident has been stricken. Under the proposed amendment it must be determined that furosemide is medically necessary for the horse; this would preclude the “voluntary” administration of the medication without a bleeding incident.

A new subsection 1845(l)(1) provides that the owner of the horse shall pay all costs associated with the administration of furosemide. A new subsection

1845(l)(2) provides that the owner shall pay administrative costs as set under the race-day furosemide agreement entered into by the horsemen’s organization, trainers’ organization and the racing association. This is consistent with current practice. Owners currently pay all veterinary medical costs associated with the care and upkeep of their horses, including the administration of race-day furosemide.

A new subsection (l)(3) provides that the owner shall consent to the procedures in Rule 1845, and shall agree that the pre-race examination conducted under the direction of the official veterinarian or racing veterinarian constitutes a veterinary-client-patient relationship within the meaning of Title 16, section 2032.1, of the CCR. Although Rule 1846, Racing Soundness Examination, provides that the horse may be examined as late as two hours before post time, most racing soundness examinations occur in early morning, well before the first post time. (The first post time in a thoroughbred race meeting is typically between 12:30 p.m. and 1:30 p.m.) The examinations are conducted by the official veterinarian or the racing veterinarian. This provision will ensure a veterinary-client-patient relationship has been established for the purposes of the administration of race-day furosemide by the furosemide veterinarian.

#### POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Board Rule 1433, Application for License to Conduct a Horse Racing Meeting, will amend the forms CHRB-17, and CHRB-18 to require that the applicant racing association or racing fair submit a furosemide agreement, including the name of the furosemide veterinarian. In implementing its program for third-party administration of furosemide, the Board determined that it is necessary to require that the horsemen’s organization, trainers’ organization and racing association/racing fair enter into an agreement regarding the conduct of the racing association’s/racing fair’s program for the administration of race-day furosemide. The agreement shall be submitted to the Board for approval at the time of application for license to conduct the race meeting.

The proposed amendment to Board Rule 1845 will enact the RMT/RCI recommendations for third-party administration of furosemide. The Board proposes to modify the text of Rule 1845 to provide that the only authorized medication for the control of EIPH shall be furosemide. The proposed amendment provides the steps required to register a horse on the authorized bleeder medication list. Once registered, the proposed amendment states when, how and in what dosage furosemide shall be administered to the horse. The amendment to Rule 1845 requires that furosemide may only be admin-

istered by a furosemide veterinarian, or a California registered veterinary technician under the direct supervision of the furosemide veterinarian. Prior to the administration of furosemide, either the furosemide veterinarian, or the official veterinarian or racing veterinarian and the furosemide veterinarian, must consult with the trainer, owner or the owner's veterinarian, regarding the condition of the horse, and the furosemide veterinarian must examine the horse sufficient to establish a veterinary-client-patient-relationship within the meaning of CCR, Title 16, section 2032.1. The proposed amendment to Rule 1845 provides that the owner, trainer, or a licensed employee of the trainer, shall be present to observe the furosemide administration. The proposed amendment requires the horsemen's organization, trainers' organization and racing association to enter into an agreement to provide for race-day furosemide administration. The amendment to Rule 1845 states that furosemide shall be administered by a furosemide veterinarian or a California registered veterinary technician under the supervision of the furosemide veterinarian, and that such persons shall be the employee of the racing association. The furosemide veterinarian and the California registered veterinary technician shall not have had a business relationship or prior veterinarian-client-patient relationship with participating licensees within 180 days of the date he or she is employed to administer furosemide. The proposed amendment to Rule 1845 sets the standard dose of furosemide; states what actions to take in the event of an adverse reaction or other emergency related to the administration of furosemide; and that the syringe used to administer furosemide shall be retained by the Board until all testing of the horse is completed. The amendment to Rule 1845 sets the specific gravity of the post-race urine sample, and states that quantitation of furosemide in serum or plasma shall be performed if the urine sample is not available, or the specific gravity of the urine sample is below a specified level. The proposed amendment to Rule 1845 requires that the owner(s) of a registered horse shall pay all costs associated with the administration of furosemide as well as reasonable administrative costs as set under the race-day furosemide agreement; consent to the procedures in the regulation; and agree that the pre-race examination conducted under the direction of the Official Veterinarian shall constitute a veterinary-client-patient relationship within the meaning of the CCR, Title 16, section 2032.1. In addition, the proposed amendment to Rule 1845 modifies the CHRB 194 by changing the title of the form to: "Authorized Bleeder Medication and Medical History Request." A new section has been added to the CHRB 194 to allow the veterinarian designated by the horse owner(s) or trainer to provide the medical his-

tory relevant to the administration of authorized bleeder medication for the horse listed on the form.

These measures are necessary to ensure the integrity of horse racing and the protection of the public. The proposed amendment to Rule 1845 will have the benefit of assuring competitors and horse racing fans alike that the only medication horses entered to race will receive on race day is furosemide, and the only veterinarian that shall administer furosemide to the horse prior to a race is the furosemide veterinarian or the California registered veterinary technician under the direction of the furosemide veterinarian. The proposed amendment will have the benefit of promoting fairness and helping to protect the health and safety of horse and rider. The proposed amendment will not have an impact with regards to protecting the environment, the promotion of social equity, or transparency in business and government.

Evaluation of Consistency and Compatibility with Existing State Regulations: During the process of developing the proposed amendments, the Board has conducted an evaluation for any related regulations and has determined that Rule 1433 is the only regulation dealing with an application for license to conduct a horse racing meeting, and that Rule 1845 is the only regulation dealing with authorized bleeder medication with regards to horse racing in California. Therefore the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### FORMS INCORPORATED BY REFERENCE

- A. Rule 1845:  
Form CHRB-36, New 08/04, California Horse Racing Board Bleeder Treatment Report;  
Form CHRB-194, Rev. 08/0401/16, Authorized Bleeder Medication and Medical Records Request;  
Form CHRB-234, New 01/16, Detention Stall
- B. Rule 1433:  
Form CHRB-18, Rev. 2/15/16, Application for License to Conduct a Horse Racing Meeting of a California Fair;  
Form CHRB-17, Rev. 2/15/16, Application for License to Conduct a Horse Racing Meeting

#### DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.  
Cost or savings to any state agency: none.

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

Other non-discretionary costs or savings imposed upon local agencies: none.

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

The Board has made an initial determination that the proposed amendment to Rule 1433 and Rule 1845 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: none.

Cost impact on representative private persons or businesses: The proposal to amend Rule 1433 and Rule 1845 will have an initial cost impact on horse racing associations to conduct the program for third-party administration of furosemide. Based on the cost estimates provided by thoroughbred racing associations, the average cost to operate the program will be \$1,595 per race-day. However, Rule 1845 provides that horse owners shall pay all costs associated with materials used in the administration of furosemide, as well as reasonable administrative costs as set under the race-day furosemide agreement entered into by the horsemen's organization, trainers' organization and the racing association. This should result in the reimbursement of the racing associations' costs of operating the program. The cost impact to horse owners will be an average of \$25.64 per race-day administration of furosemide. The cost impact is based on the average number of thoroughbred horses running on furosemide divided into the average cost per day to the racing association. Some horse owners may experience a reduction in cost, as the current cost to horse owners for race-day furosemide ranges from \$20 to \$35.

Significant effect on housing costs: none.

#### RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1433 and Rule 1845 will not (1) create or eliminate jobs within California; (2) create new businesses or eliminate existing businesses within California; or (3) affect the expansion of businesses currently doing business within California. The amendment to Rule 1433 and Rule 1845 promotes the integrity of horse racing and the protection of the public. The proposed amendment to Rule 1433 and Rule 1845 will have the benefit of assuring competitors and horse racing fans alike that the only medication horses will receive on race day is furosemide, and the only veterinarian treating the horse in the hours prior to a race is the furosemide veterinarian or the California registered veterinary technician under the direction of the furosemide veterinarian. The proposed amendment will have the benefit of helping to protect the health and safety of horse and rider.

Effect on small businesses: none. The proposal to amend Rule 1433 and Rule 1845 does not affect small businesses because horse racing is not a small business under Government Code section 11342.610.

#### CONSIDERATION OF ALTERNATIVES

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

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

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action and requests for copies of the proposed text of the regulation, the initial statement of reasons, the modified text of the regulation, if any and other information upon which the rulemaking is based should be addressed to:

Harold Coburn, Regulation Analyst  
California Horse Racing Board  
1010 Hurley Way, Suite 300  
Sacramento, CA 95825  
Telephone (916) 263-6026  
Fax: (916) 263-6022  
E-Mail: [haroldc@chrb.ca.gov](mailto:haroldc@chrb.ca.gov)

If the person named above is not available, interested parties may contact:

Andrea Ogden,  
Policy, Regulations and Legislation  
Telephone: (916) 263-6033

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date 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 rea-

sons. Copies may be obtained by contacting Harold Coburn, or the alternative contact person at the address, phone number or e-mail address listed above.

**AVAILABILITY OF MODIFIED TEXT**

After holding a hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulation substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly marked, shall be made available to the public for at least 15 days prior to the date on which the Board adopts the regulation. Requests for copies of any modified regulations should be sent to the attention of Harold Coburn at the address stated above. The Board will accept written comments on the modified regulation for 15 days after the date on which it is made available.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

Requests for copies of the final statement of reasons, which will be available after the Board has adopted the proposed regulation in its current or modified form, should be sent to the attention of Harold Coburn at the address stated above.

**BOARD WEB ACCESS**

The Board will have the entire rulemaking file available for inspection throughout the rulemaking process at its web site. The rulemaking file consists of the notice, the proposed text of the regulation and the initial statement of reasons. The Board's web site address is: [www.chrb.ca.gov](http://www.chrb.ca.gov).

**TITLE 5. BOARD OF EDUCATION**

**AMENDMENT TO CALIFORNIA CODE OF REGULATIONS, TITLE 5, REGARDING PUPIL INSTRUCTION: COURSES WITHOUT EDUCATIONAL CONTENT**

**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 9, 2016, at 1430 N Street, Room 1801, Sacramento, California. The room is wheelchair accessible. At the hearing, any person may present statements or arguments, orally or in writing, relevant to the proposed action described in the Informative Digest. The SBE requests, but does not require, that persons who make oral comments at the public hearing also submit a written summary of their statements. No oral statements will be accepted subsequent to this public hearing.

**WRITTEN COMMENT PERIOD**

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

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

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

Comments must be received by the Regulations Coordinator prior to 5:00 p.m. on May 9, 2016. All written comments received by CDE staff during the public comment period are subject to disclosure under the Public Records Act.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

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

**AUTHORITY AND REFERENCE**

Authority: Sections 51228.1 and 51228.2, Education Code. References: Sections 51228.1 and 51228.2, Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

In 2015, the Legislature passed Assembly Bill (AB) 1012 (Chapter 703, Statutes of 2015), which prohibits school districts that maintain any of grades 9 to 12, inclusive, from assigning any pupil enrolled in a school in the district to any course period without educational content or to a course that the pupil previously completed and received a grade determined by the school district to be sufficient to satisfy the requirements and prerequisites for admission to the California public institutions of postsecondary education and the minimum requirements for receiving a diploma of graduation from a high school for more than one week in any semester unless specified conditions have occurred.

Effective beginning the 2016–17 school year, AB 1012 requires that the principal or assistant principal of a school must state in a written document to be maintained at the applicable school that, for the relevant school year, no pupils are assigned to courses without educational content or previously completed courses unless the school has met the specified conditions.

These regulations amend California Code of Regulations, title 5 by creating a new subchapter for “Pupil Instruction” to set forth the procedures governing placement of students in the aforementioned courses, including the form of the written statement.

*Anticipated Benefits of the Proposed Regulation*

The proposed new regulations will provide specific direction for school districts to follow to comply with conditions of the written statement required by the new legislation.

*Determination of Inconsistency/Incompatibility with Existing State Regulations*

The CDE reviewed all state regulations relating to pupil instruction 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 businesses: The SBE is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on housing costs: None.

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

RESULTS OF THE ECONOMIC  
IMPACT ANALYSIS

The SBE concludes that it is unlikely that these regulations will: 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: The proposed regulations will benefit school districts and the public by ensuring that pupil course placement is on compliance with the Education Code.

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:

Terri McFarland, Deputy General Counsel  
 Legal Division  
 California Department of Education  
 1430 N Street, Suite 5318  
 Sacramento, CA 95814-5901  
 Telephone: 916-319-0860

Suite 5318, Sacramento, CA, 95814-5901; telephone, 916-319-0860. It is recommended that assistance be requested at least two weeks prior to the hearing.

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

**TITLE 5. EDUCATION AUDIT  
 APPEALS PANEL**

*Supplement to Audits of K-12 Local Education  
 Agencies  
 Fiscal Year 2015-16*

**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.

The Education Audit Appeals Panel (EAAP) proposes to amend the Audit Guide regulations as described below after considering all comments, objections, and recommendations regarding the proposed action.

**PUBLIC HEARING**

**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>.

A public hearing regarding this proposal is not currently scheduled. Not later than 15 days prior to the close of the written comment period, any interested person, or his or her authorized representative, may make a written request for a public hearing pursuant to Government Code section 11346.8, and a public hearing will be held. Requests for a public hearing should be addressed to Timothy Morgan.

**WRITTEN COMMENT PERIOD**

**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.

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action. The written comment period closes at **5:00 p.m. on Monday, May 9, 2016**. EAAP will consider only written comments received by that time. Written comments for EAAP's consideration should be directed to:

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.

Timothy Morgan  
 Education Audit Appeals Panel  
 1770 L Street, Suite 1100  
 Sacramento, CA 95814  
 Fax: (916) 445-7626  
 e-mail: [tmorgan@eaap.ca.gov](mailto:tmorgan@eaap.ca.gov)

**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 Hillary Wirick, Administrative Support and Regulations Adoption Unit, 1430 N Street,

**AUTHORITY AND REFERENCE**

Authority cited: Section 14502.1, Education Code.  
 Reference: Sections 14501, 14502.1, 14503 and 41020 of the Education Code.

**INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW**

This rulemaking, and the emergency adoption already made, amends title 5, California Code of Regula-

tions, section 19810 to make reference to the supplemental audit guide. It also adopts the supplemental audit guide for 2015–16 which makes clarifying revisions and addresses legislative changes in the conditions of apportionment of school funding.

This rulemaking meets the requirements of Education Code section 14502.1, which mandates that an annual audit guide be adopted by the EAAP. The purpose of the audit guide is to define terms and specify procedures to guide accountants in the conduct of statutorily required financial and compliance audits of K–12 local education agencies. The Controller, pursuant to Education Code section 14502.1, has proposed amendments to supplement the audit guide for fiscal year 2015–16. The proposed changes derive from the Controller’s proposals and also contain changes designed to clarify audit steps.

EAAP does not anticipate that these proposed amendments would create specific benefits for the protection of public health and safety, worker safety, or the environment, the prevention of discrimination, the promotion of fairness or social equity, nor the increase in openness and transparency in business and government. EAAP has determined that the proposed amendments will ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements. In developing the rulemaking, EAAP evaluated the proposed changes to regulations and determined that they are not inconsistent or incompatible with existing regulations, state or federal.

A description of proposed changes to section 19810, and a discussion of revisions to the audit guide, follow.

**Title 5, Division 1.5  
Chapter 3. Audits of California K–12 Local  
Education Agencies  
Article 2. Audit Reports**

**§ 19810. Annual Audit Guides.**

The “2015–16 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting,” (July 1, 2015 ~~March 1, 2016~~), adopted by the Education Audit Appeals Panel, is incorporated by reference. The guide provides the audit steps, reporting requirements, and other guidance, for the required annual financial and compliance audits, subject to auditor judgment where alternative or additional audit steps may be appropriate. The annual guide is superseded by a supplemental audit guide, if needed, adopted before March 1 of each fiscal year. Each annual guide and any applicable supplement are available on [www.eaap.ca.gov/audit-guide](http://www.eaap.ca.gov/audit-guide), with paper or electronic copies available on request.

Note: Authority cited: Sections 14502.1 and 47612, Education Code; California Constitution, Article XIII, Section 36, subdiv. (e), subpara 7, and Article XIII A, Section 1, subdiv. (b), subparas 3(C) and 3(D). Reference: California Constitution Article XIII B, Section 1.5; and Sections 8482.3(e)(5), 2574(b)(3)(C), 14501, 14502.1, 14503, 15286, 41020, 42238.02(b)(3)(B), 47612.5, 47634.2 and 48000, Education Code.

**AUDIT GUIDE AMENDMENTS**

The proposed supplemental 2015–16 Audit Guide includes the following changes:

- *Section R Educator Effectiveness* adds audit steps to address new legislation which provided funding for teacher effectiveness, subject to specific requirements of the LEAs (Assembly Bill 104, Statutes of 2015, and Senate Bill 103, Statutes of 2015).
- *Section U Proper Expenditure of Education Protection Account Funds* is revised to make a technical adjustment to remove the word “disbursed” to make the audit step a determination of whether funds have been properly expended.
- *Section W Unduplicated Local Control Funding Formula Pupil Counts* is revised to exclude any transitional kindergarten student who had their 5th birthday after Dec. 2. New legislation allows enrollment in TK prior to a child’s 5th birthday, however, the child will not generate average daily attendance or be included in the unduplicated pupil count until the child is 5 (Assembly Bill 104, Statutes of 2015). Further, a technical correction is made to exclude juvenile court schools from audit testing, as all juvenile court school students are deemed eligible for the supplemental and concentration grants provided for targeted disadvantaged students.
- *Section Z Immunizations* is revised to exclude independent study and special education pupils from the audit testing for compliance with vaccine requirements (Senate Bill 277, Statutes of 2015).

**DOCUMENT INCORPORATED BY REFERENCE**

2015–16 Guide for Annual Audits of K–12 Local Education Agencies and State Compliance Reporting, rev. July 1, 2015 ~~March 1, 2016~~.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

1. Mandate on local agencies and school districts: None.

2. Cost to any local agency or school district which must be reimbursed: None.
3. Cost or savings to any state agency: None.
4. Other non-discretionary cost or savings imposed upon local agencies: None.
5. Cost or savings in federal funding to the state: None.
6. Significant effect on housing costs: None.
7. Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
8. Results of the Economic Impact Assessment:
  - (a) Adoption of these regulations will not:
    - create or eliminate jobs within California;
    - create new businesses or eliminate existing businesses within California; or
    - affect the expansion of businesses currently doing business within California.
  - (b) Benefit of the proposed regulation to the health and welfare of California residents, worker safety, or the State’s environment and quality of life: As stated under the “Informative Digest/Policy Statement Overview” above, the proposed regulations will update and improve audit procedures of K–12 local education agencies, which would ultimately benefit the welfare of California residents by ensuring that local education agencies are in compliance with regulatory requirements.
9. Cost impact on a representative private person or business: EAAP is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
10. Business report requirements: None.
11. Effect on small businesses: The proposed regulations will have no effect on small businesses because they do not materially alter the requirements for LEA audits.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5(a)(13), EAAP must determine that no reasonable alternative it has considered or that has otherwise been identified and brought to the EAAP’s attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to af-

ected private persons and equally effective in implementing the statutory policy or other provision of law.

**CONTACT PERSONS**

Inquiries concerning the substance of the proposed action, requests for a copy of the proposed text of the regulations, the Initial Statement of Reasons, the modified text of the regulations, if any, and other technical information upon which the rulemaking is based, and questions on the proposed administrative action may be directed to Timothy Morgan, Staff Attorney III, at (916) 445-7745 or by e-mail: [tmorgan@eaap.ca.gov](mailto:tmorgan@eaap.ca.gov), or Mary C. Kelly, Executive Officer, at (916) 445-7745.

**AVAILABILITY OF RULEMAKING FILE**

The entire rulemaking file will be available for inspection and copying throughout the rulemaking process at EAAP’s office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, the initial statement of reasons, and the Economic Impact Assessment. A copy may be obtained by contacting Timothy Morgan at the above address.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

Following the comment period, a hearing, if requested, and consideration of all timely and relevant comments received, EAAP may adopt the proposed regulations substantially as described in this notice. If EAAP makes modifications that are sufficiently related to the originally proposed text, the modified text (with changes clearly indicated) will be available to the public for at least 15 days before EAAP adopts the regulations as revised. Requests for copies of any modified regulations should be sent to the attention of Timothy Morgan at the address stated above. EAAP will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF DOCUMENTS ON THE INTERNET**

Copies of the Notice of Proposed Rulemaking, Initial Statement of Reasons, text of the regulations in underline and strikeout, any changed or modified text, and the Final Statement of Reasons will be accessible through the EAAP website: [www.eaap.ca.gov](http://www.eaap.ca.gov).

**TITLE 7. BOARD OF PILOT COMMISSIONERS**

NOTICE IS HEREBY GIVEN that the Board of Pilot Commissioners for the Bays of San Francisco, San Pa-

blo, and Suisun (Board) proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

Amendments are proposed to the following sections of the California Code of Regulations, Title 7, Harbors and Navigation, Division 2:

- § 211.5. Commission Investigator Minimum Standards.
- § 213. Pilot Trainees.
- § 215. Pilot and Inland Pilot Training.
- § 218. Duties of Port Agent.

### PUBLIC HEARING

The Board has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, not 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 Board. Comments may also be submitted by facsimile (FAX) at (415) 397-9463 or by e-mail to [bopc@ca.gov](mailto:bopc@ca.gov). The written comment period closes at **5:00 p.m. on May 9, 2016**. The Board will consider only comments received at the Board office by that time. Submit comments to:

Allen Garfinkle, Executive Director  
 Board of Pilot Commissioners for the Bays of  
 San Francisco, San Pablo, and Suisun  
 660 Davis Street  
 San Francisco, California 94111

### AUTHORITY AND REFERENCE

Harbors and Navigation Code (HNC) §§ 1154, 1156, 1171.5 and 1171.6 authorize the Board to adopt these proposed regulations. The proposed regulations implement, interpret, and make specific Harbors and Navigation Code §§ 1100, 1101, 1144, 1156, 1171, 1171.5, 1171.6, 1175, 1176, 1176.5, 1177, 1178, 1181, and Title 49, Code of Federal Regulations, Part 40.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

**§ 211.5. Commission Investigator Minimum Standards.** The Board utilizes the services of Commission Investigators to investigate and report on navigational incidents involving a vessel piloted by a Board-licensed pilot or instances of pilot misconduct. Existing regulations contained in § 211.5 set forth the minimum standards for Commission Investigators, and allow for a person to meet one or more of several requirement options to become a qualified investigator. The proposed regulations would decrease the required experience time period by one year for several of the existing minimum experience requirement options. The proposed regulations maintain the bachelor's degree requirement, but delete the requirement that the degree be from a maritime academy. The proposed regulations would also clarify the tonnage of a ship on which the investigator served as a licensed officer for one minimum requirement option, and reduce the maritime career rank of another minimum requirement option. Lastly, the proposed regulations clarify that the definition of a year applies to all work experiences having a time requirement in this section.

**§ 213. Pilot Trainees.** The Board operates a Pilot Trainee Training Program. This section of the existing regulations sets forth the requirements of and the process for entrance into the training program. The proposed regulations would make several amendments, including: adding a new requirement for program applicant participants to pay an entrance examination fee; deletion of regulations that applied to an examination given in 2014; deletion of references to the Office of Examination Resources of the Department of Consumer Affairs and stating the qualifications of the psychometricians who will provide examination assistance in program entrance examinations; and making other minor clarifying technical amendments.

HNC § 1171.6 requires the Board to establish an examination fee for applicants seeking admission to the Board's Pilot Trainee Training Program. Currently, applicants for admission to the training program do not pay an examination fee, which results in four identifiable problems. Charging an entrance examination fee will (i) deter applicants taking the Board's rigorous examination simply for test-taking practice; (ii) eliminate Board staff time wasted reviewing applications for those candidates who have no intention of entering the program; (iii) assist with maintaining the integrity of the bridge simulator examination component because applicants are serially tested one at a time in the simulator with the same simulation exercise, and a candidate who has no intention of attending the training program could share the contents of the simulation with another

participant who has yet to complete the simulation exercise; and, (iv) defray the costs of implementing the program entrance examination.

The proposed regulations would require that Pilot Trainee Training Program applicants pay a \$1,000 fee upon submittal of an application. The proposed regulations would require the Board to refund the entire application fee for any applicant who does not take the written examination, and refund \$500 of the application fee to any applicant who takes the written examination, but does not participate in the bridge simulator exercise. The Board determined that the \$1,000 program application fee is set at an appropriate level to not deter qualified applicants interested in participating in the training program, but to sufficiently deter applicants who only wish to take the program entrance examination for test-taking experience purposes, and would satisfactorily partially defray the cost to the Board of administering the examination.

The proposed regulations would delete existing regulations that applied only to the Pilot Trainee Training Program entrance examination given in 2014. That examination was completed in July, 2014.

Existing regulations contained in § 213(h) and (i) refer to the Office of Examination Resources (OER), an office within the Department of Consumer Affairs, in connection with training program examination administration assistance. OER still exists within the Department of Consumer Affairs, but under a new name — Office of Professional Examination Services (OPES). OPES is now unable to provide the Board with examination administration assistance. Other State entities employ psychometricians. However, the availability of psychometricians from another state department is unknown. The proposed regulations allow the Board maximum flexibility to obtain psychometric examination services from any state department, and, if not available from these sources, then the Board could obtain examination services from psychometricians employed by other governmental or private sector contractors meeting the same qualifications as the psychometricians employed by the state.

The proposed regulations would also make several minor clarifying technical amendments and add a description of the examination methodology, clarify several references to the simulator exercise as a bridge simulator exercise, clarify the passing score concept for both the written examination and the simulator exercise and the criteria it is based upon, and make one minor technical amendment to the listing of the examination minimum qualifications.

**§ 215. Pilot and Inland Pilot Training.** Section 215 of the existing regulations sets forth the requirements of a pilot training program. The pilot training program is also known as the pilot continuing education program,

and is separate and distinct from the training program provided to trainees in the Pilot Trainee Training Program. The proposed regulations would add fatigue management and radar navigation in low visibility/restricted waters to the list of required topics included in a combination course training taken by Board-licensed pilots every five years.

Fatigue management training is mandated by HNC § 1144, and is being included in § 215 for clarity purposes so that all of the required combination course topics are found in one section of the Board's regulations. The Board has determined that radar navigation in low visibility/restricted waters training should be included in the combination course training pursuant to a recommendation for Board consideration made by the United States Coast Guard in January 2015, which recommendation stemmed from its investigation of the OVERSEAS REYMAR incident.

The proposed regulations would also delete references in § 215 to "inland pilot," including in the title of the section, since that class of pilots has ceased to exist. The proposed regulations would make other minor technical amendments to the references in this section.

**§ 218. Duties of Port Agent.** Existing regulations in § 218 identify a Port Agent, who is a Board-licensed pilot selected by the other pilots, and set forth duties of the Port Agent. One of the several duties identified in the existing regulations involves the assigning of pilots to vessels, including the assigning of a supervisory pilot to specified vessels that are navigated by pilots who were recent graduates of the Pilot Trainee Training Program and were licensed by the Board in the previous 12, 18 or 24 months.

Since trainees in the Board's Pilot Trainee Training Program are routinely training on larger and larger ships, the proposed regulations would increase the size of dry cargo vessels that require the Port Agent to assign a supervising pilot when those vessels are navigated by a pilot licensed by the Board in the previous 12 or 18 months. This change will avoid unnecessarily doubling up on licensed pilots in situations where there is no measurable increase in public safety or safety to the environment by having two licensed pilots aboard a vessel. The proposed regulations would ensure that the Port Agent pilot assignments continue to effectively meet shipping industry demands for Board-licensed pilots.

#### *Anticipated Benefits of the Proposed Regulations*

The broad objective of the proposed regulations is to ensure that the Board continues to effectively administer its statutory duty to train, license and regulate pilots that navigate large vessels in its pilotage jurisdiction. Specific benefits of the proposed regulations will allow the Board to: retain a sufficient number of appropriately qualified Commission Investigators; effectively ad-

minister the Pilot Trainee Training Program entrance examination; provide Board-licensed pilots with appropriate and relevant continuing education; and ensure the Port Agent is effectively making pilot vessel assignments while attaining the dual goal of ensuring the safety of the public and the environment and meeting shipping industry demands for Board-licensed pilots.

Determination of Inconsistency/Incompatibility with Existing State Regulations

The Board has determined that the proposed regulations are not inconsistent or incompatible with existing regulations or statutes. After conducting a review for any regulations that would relate to or affect the regulatory sections proposed to be amended, the Board has concluded that these are the only regulations that concern Commission Investigators, the Pilot Trainee Training Program, pilot training and Port Agent duties.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following initial determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Cost impacts on a representative private person or business: The Board anticipates that fees for applicants participating in the Pilot Trainee Training Program examination will be \$500 for applicants taking the written examination component, and \$500 for applicants participating in the bridge simulator exercise component. Thus, for those program applicants taking both examination components, the total application fee will be \$1,000. Other than this direct cost to training program applicants, the Board does not anticipate the proposed regulations will impose any significant adverse economic impact to private persons or businesses.
- Significant effect on housing costs: None.

Results of the Economic Impact Analysis/Assessment

The Board has determined that the proposed regulations will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. Specifically, the proposed regulations will not affect the following:

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

Benefits of the Proposed Action: The proposed regulations will likely benefit California residents by ensuring that the Board effectively carries out its mission to license, train and regulate pilots by ensuring that: (1) the Board retains Commission Investigators that have appropriate skills, knowledge and abilities to effectively investigate maritime incidents and occurrences of pilot misconduct; (2) the Board attracts competent trainees to enter the Board's Pilot Trainee Training Program; (3) Board-licensed pilots are provided continuing education training covering essential training topic areas; and, (4) the Port Agent effectively makes pilot assignments.

Small Business Determination: The Board has determined that the proposed regulations affect small business.

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 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 provisions of law.

The Board invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations at the scheduled hearing, if one is held, or during 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 actions to the Board. Written com-

ments will be accepted by the Board until 5:00 p.m., on May 9, 2016. Submit comments to:

Allen Garfinkle, Executive Director  
Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun  
660 Davis Street  
San Francisco, California 94111  
[bopc@ca.gov](mailto:bopc@ca.gov)

CONTACT PERSON

Inquiries concerning the proposed administrative action may be directed to:

Name: Roma Cristia-Plant  
Email: [bopc@ca.gov](mailto:bopc@ca.gov)  
Phone: (415) 397-2253

The backup contact person for these inquiries is:

Name: Allen Garfinkle  
Email: [bopc@ca.gov](mailto:bopc@ca.gov)  
Phone: (415) 397-2253

Please direct requests for copies of the proposed text (Express Terms) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Ms. Cristia-Plant at the above address.

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

The Board has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the above address during normal business hours (9:00 a.m. to 5:00 p.m.). Please contact Roma Cristia-Plant at the above email address to arrange a date and time to inspect the files. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the regulations. Copies of these items are available upon request from the Board Contact Person designated in this Notice.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the 45-day public comment period, the Board may adopt the proposed regulations. As a result of public comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed reg-

ulations are appropriate. If the Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. The Board will provide notification of any such modifications to all persons whose comments were received during the public comment period, all persons whose comments (written or oral) were received at the public hearing (if one is held), and all persons who requested notice of such modifications. Otherwise, please send requests for copies of any modified regulations to the attention of Ms. Cristia-Plant at the above email address. The Board will accept written comments on the modified regulations for 15 days after the date on which the modified regulations are made available.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once the Board has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice.

BOARD INTERNET WEBSITE

The Board maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Rulemaking, the Initial Statement of reasons, and the text of the regulations in underline and strikeout can be accessed through the Board's website at [www.bopc.ca.gov](http://www.bopc.ca.gov).

**TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING**

**POST Approved Training Application 2-229, Request for Reissuance of POST Certificate 2-250, and Certificate Application — Reserve Peace Officer 2-256 Regulations 1014 and 1011**

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

**Public Comments Due by May 9, 2016, at 5:00 p.m.**

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-5271, or by letter to:

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

**AUTHORITY AND REFERENCE**

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

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

While reviewing forms cited in POST regulations, it was found that a form had failed to reach the Commission for approval. Because of this, the Office of Administrative Law (OAL) considers this a new form which requires Commission approval prior to resubmission to OAL. This search led to a full review of forms found in POST Regulations. Out of 14 forms cited, three were found in need of Commission approval. These are the forms that were approved by the Commission, *POST Approved Training Application 2-229, Request for Reissuance of POST Certificate 2-250, and Certificate Application — Reserve Peace Officer 2-256*; cited in Regulations 1004 and 1011.

Penal Code §13503(e) requires POST to develop and implement programs to increase the effectiveness of law enforcement. Penal Code §13510 requires that POST establish rules for minimum training standards for peace officers. Current regulations require any department which employs peace officers and/or Level I Reserve peace officers to have a POST-approved Field Training Program. Request for approval of a department's Field Training program or a request for an exemption shall be submitted on a *POST-Approved Field Training Program (FTP) or Police Training Program (PTP) Application, POST 2-229 (12/2012)*. Under Regulation 1011 Certificates, a reserve peace officer applicant (or an applicant's employing department) shall submit a completed *Certificate Application —*

*Reserve Peace Officer, POST 2-256 (10/2010)* to apply for a certificate. This form ensures a reserve peace officer meets the education and training requirements which will benefit public safety. Individuals who have lost or misplaced a professional certificate or who possess a damaged professional certificate may request a replacement and shall submit a *Request for Reissuance of POST Certificate, POST 2-250 (06/2014)*. The proposed action will incorporate by reference the three forms into regulations. The Commission has approved these forms which provide the information to meet regulation requirements for the field training program and certificates. The forms provide certification of a department's or individual's adherence to regulation requirements which will lead to officers who will be able to better protect California's citizens. The Commission is now taking it through the formal rulemaking process.

The specific benefits anticipated by the proposed changes to the regulations will be to provide better trained peace officers to protect and serve the public. This will also allow the three forms to continue towards the approval process by the Office of Administrative Law. There would be no effect to benefits in regard to worker safety, the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

During the process of developing these regulations and amendments, the Commission on Peace Officer Standards and Training has conducted a search of any similar regulations on this topic and has concluded that these regulations are neither inconsistent nor incompatible with existing State regulations.

**FORMS INCORPORATED BY REFERENCE**

Attachment B — *POST-Approved Field Training Program (FTP) or Police Training Program (PTP) Application, POST 2-229 (12/2012)*

Attachment C — *Request for Reissuance of POST Certificate, POST 2-250 (06/2014)*

Attachment D — *Certificate Application — Reserve Peace Officer, POST 2-256 (10/2010)*.

**ADOPTION OF PROPOSED REGULATIONS**

Following the public comment period, the Commission may adopt the proposal substantially as set forth without further notice, or the Commission may modify the proposal if such modifications remain sufficiently related to the text as described in the Informative Digest. If the Commission makes changes to the language before the date of adoption, the text of any modified language, clearly indicated, will be made available at least 15 days before adoption to all persons whose comments were received by POST during the public comment pe-

riod and to all persons who request notification from POST of the availability of such changes. A request for the modified text should be addressed to the agency official designated in this notice. The Commission will accept written comments on the modified text for 15 days after the date that the revised text is made available.

#### ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code Sections 17500-17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulation would have no effect on housing costs.

#### RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOV. CODE SEC. 11346.3(b)

The adoption of the proposed amendments of regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The benefits of the proposed amendments of regulations to the health and welfare of California residents would be to ensure minimum approval requirements for a department's Field Training Program and to certify reserve peace officers have the necessary education and training to effectively perform their duties. The proposed amendments will provide better trained peace officers to protect and serve the public. There would be no impact that would affect worker safety or the State's environment.

#### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), the Commission must determine that no reasonable alternative it considered, 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 provisions of the law.

#### CONTACT PERSONS

Questions regarding this proposed regulatory action may be directed to Patti Kaida, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630, at [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov), or (916) 227-4847. The backup contact is Darla Engler at [darla.engler@post.ca.gov](mailto:darla.engler@post.ca.gov) or (916) 227-3907. General questions regarding the regulatory process may be directed to Patti Kaida at [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting Patti Kaida at [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov), (916) 227-4847, or FAX (916) 227-5271.

To request a copy of the Final Statement of Reasons once it has been approved, submit a written request to Patti Kaida, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630.

#### TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement

of reasons, and the information the proposal is based upon from the Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605-1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

## TITLE 11. COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING

### Amend and Update the Training and Testing Specifications for Peace Officer Basic Courses Regulations 1005, 1007, and 1008

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

#### Public Comments Due by MAY 9, 2016, at 5:00 p.m.

Notice is also given that any interested person, or authorized representative, may submit written comments relevant to the proposed regulatory action by fax at (916) 227-6932 or by letter to:

Commission on POST  
Attn: Cheryl Smith  
860 Stillwater Road, Suite 100  
West Sacramento, CA 95605-1630

#### AUTHORITY AND REFERENCE

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

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code § 13510 requires that POST develop guidelines and a course of instruction and training for

law enforcement officers who are employed as peace officers, or who are not yet employed as a peace officer but are enrolled in a training academy for law enforcement officers. This proposed action will update the incorporated by reference document, Training and Testing Specifications for Peace Officer Basic Courses (revised 8/1/2016), to include revisions to grammar, punctuation, definitions, and minimum training standards.

The benefit anticipated by the proposed amendments to the regulations will be to update the training specifications for Peace Officer Basic Courses, which will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California.

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

All changes to curriculum begin with recommendations from law enforcement practitioners or in some cases via legislative mandates. POST then facilitates meetings attended by curriculum advisors and subject matter experts who provide recommended changes to existing curriculum. The completed work of all committees is presented to the POST Commission for final review and adoption. Upon adoption of the proposed amendments, academies and course presenters will be required to teach and test the updated curriculum. The proposed effective date is August 1, 2016.

#### DOCUMENT INCORPORATED BY REFERENCE

Training and Testing Specifications for Peace Officer Basic Courses, revised 8/1/2016.

#### ADOPTION OF PROPOSED REGULATIONS

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

ESTIMATE OF ECONOMIC IMPACT

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

Non-Discretionary Costs/Savings to Local Agencies: None.

Local Mandate: None.

Costs to any Local Agency or School District for which Government Code §§ 17500–17630 require reimbursement: None.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, including Small Business: The Commission on Peace Officer Standards and Training has made an initial determination that the amended regulations will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will not affect California businesses, including small businesses, because the Commission sets selection and training standards for law enforcement which does not impact California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses: The Commission on Peace Officer Standards and Training 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: The Commission on Peace Officer Standards and Training has made an initial determination that the proposed regulations would have no effect on housing costs.

RESULTS OF ECONOMIC IMPACT ASSESSMENT PER GOVERNMENT CODE § 11346.3(b)

The adoption of the proposed amendments of regulations will neither create, nor eliminate, jobs in the State of California, nor result in the elimination of existing businesses or create, or expand, businesses in the State of California.

The proposed amendments of regulations will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no impact that would affect worker safety or the state’s environment.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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.

CONSIDERATION OF ALTERNATIVES

To take this action, the Commission must determine that no reasonable alternative considered by the Commission, or otherwise identified and brought to the Commission, 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 than the proposed action.

CONTACT PERSON

Questions regarding this proposed regulatory action may be directed to Cheryl Smith, Commission on POST, 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630, at [cheryl.smith@post.ca.gov](mailto:cheryl.smith@post.ca.gov), or (916) 227–0544. The alternate contact is Mike Barnes at (916) 227–3454. General questions regarding the regulatory process may be directed to Patti Kaida at (916) 227–4847, [patti.kaida@post.ca.gov](mailto:patti.kaida@post.ca.gov), or by FAX at (916) 227–5271.

TEXT OF PROPOSAL

Individuals may request copies of the exact language of the proposed regulations and of the initial statement of reasons, and the information the proposal is based upon, from the Commission on POST at 860 Stillwater Road, Suite 100, West Sacramento, CA 95605–1630. These documents are also located on the POST Website at: <http://www.post.ca.gov/regulatory-actions.aspx>.

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

The rulemaking file contains all information upon which POST is basing this proposal and is available for public inspection by contacting the person(s) named above.

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

**TITLE 14. DEPARTMENT OF  
RESOURCES RECYCLING AND  
RECOVERY**

**Division 7: Department of Resources Recycling  
and Recovery  
Chapter 8: Used Oil Recycling Program  
Articles: 1–8  
Sections: 18600–18659.5**

**PROPOSED REGULATORY ACTION**

The California Department of Resources Recycling and Recovery (Department) proposes to amend California Code of Regulations, Title 14, Division 7, Chapter 8, Articles 1–8 commencing with Section 18600. The proposed regulation is intended to update the current Used Oil Recycling Program to conform to Senate Bill 546 (Chapter 353, Statutes of 2009), clarify procedures and processes, and allow for better fiduciary oversight of the Used Oil Recycling Fund.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulation to the Department. **The written comment period for this rulemaking closes at 4:00 p.m. on May 25, 2016.** The Department will also accept written comments during the public hearing described below. Please submit your written comments to:

Emily Wang  
Materials Management and Local Assistance  
Division  
California Department of Resources Recycling and  
Recovery  
P.O. Box 4025  
Sacramento, CA 95812–4025  
FAX: (916) 319–7628  
e-mail: [UsedOilHHW@CalRecycle.ca.gov](mailto:UsedOilHHW@CalRecycle.ca.gov)

**PUBLIC HEARING**

A public hearing to receive public comments has been scheduled for May 25, 2016. The hearing will be held at the

Joe Serna Jr., Cal EPA Building  
Coastal Hearing Room  
1001 I Street, 2nd Floor  
Sacramento, CA 95814

The hearing will begin at **9:00 a.m. on May 25, 2016**, and will conclude after all testimony is given. CalRecycle requests that persons making oral comments also submit a written copy of their testimony at the hearing. The hearing room is wheel chair accessible. If you have any questions, please contact [UsedOilHHW@calrecycle.ca.gov](mailto:UsedOilHHW@calrecycle.ca.gov).

**INFORMATIVE DIGEST**

The California Integrated Waste Management Act (Act), Public Resources Code (PRC) §40000 et. seq., gives the Department authority to provide for the protection of public health, safety, and the environment through waste prevention, waste diversion, and safe waste processing and disposal. PRC §40502 requires the Department to adopt rules and regulations to implement the Act.

The proposed new regulations cover CalRecycle’s responsibilities for the management of the Used Oil Recycling Program in California (Public Resources Code §§48600–48691). This rulemaking will update the Used Oil Recycling Program to conform to Senate Bill 546 (Chapter 353, Statutes of 2009), clarify procedures and processes, and allow for better fiduciary oversight of the Used Oil Recycling Fund. Substantive changes will impact the following areas of the Used Oil Recycling Program:

1. **Lubricating oil sellers:** Sellers of lubricating oil in volumes of 100 gallons or greater must tell their customers what entity paid the lubricating oil fee (described in section 48650 of the Public Resources Code) to CalRecycle for the volume of oil being sold (sellers must also include the year and quarter in which the initial fee was paid to CalRecycle). This is to ensure that all purchasers of lubricating oil know who paid the initial fee on their oil should they decide to file a refund claim.
2. **Refunds:** Persons requesting an oil fee refund must tell CalRecycle who paid the initial fee to CalRecycle, and in what quarter of what year that fee was paid to CalRecycle. This is to ensure that CalRecycle staff has the information needed to process a claim and to ensure a refund is only given for oil volumes on which a fee was paid.
3. **Manifest Receipts:** Haulers must identify how much lubricating and industrial oil they are hauling on their manifest receipts only if there is any volume of lubricating oil in the load they are transporting. Current regulations require haulers to report this information on all shipments of oil.
4. **Used Oil Rerefining Facilities:** A process for the certification of used oil rerefining facilities is created, including an appeals process.

5. **Out-of-state Used Oil Recycling Facilities:** A process for the registration of out-of-state used oil recycling facilities is created, including an appeals process.
6. **Certified Collection Centers:**
  - Advertising requirements are modified to allow online ads
  - Language requirements on signage provided by CalRecycle are reduced
  - An appeals process for sites denied certification is added
  - A process for de-certifying centers that are not meeting operator requirements is added
7. **Used Oil Incentive Claims:**
  - A requirement for Certified Collection Centers that collect both “Do-It-Yourself” and on-site oil to maintain logs is added to allow CalRecycle to appropriately identify how much oil qualifies for each incentive rate (\$0.40/gal for Do-It-Yourself, \$0.16/gal for on-site)
  - Operators of multiple sites may submit a single claim for multiple sites without petitioning CalRecycle for permission
  - An appeals process for claims is added
8. **Contaminated Oil Reimbursement Applications:** The application deadline is limited to one (1) year from the time of a contaminated oil incident.
9. **Refined Oil Incentive Claims:**
  - A process for filing and processing rerefined oil incentive claims is created, including an appeals process.
10. **Block Grants:** All references to Used Oil Block Grants are removed. These grants were statutorily eliminated by Senate Bill 546.
11. **Electric Utilities:** All references to electric utilities are removed to conform with Senate Bill 546.

Additionally, the proposed regulations will

- Remove all question-and-answer formatting
- Replace all references to “the Board” with “CalRecycle”
- Define terms to add clarification

Staff have met with stakeholders at informal public workshops to share and accept comments on the informal draft regulatory text. Approximately 10 people participated in the workshops in-person. Comments from the public were incorporated into the “Proposed Used Oil Regulations.”

Policy Statement Overview

Per PRC §48630, the Department has adopted a used oil recycling program to promote and develop alternatives to the illegal disposal of used oil. As such, CalRecycle administers fees on lubricating oil sold in California, created local grant programs, created a system of Certified Collection Centers statewide, and administers incentive programs for the collection of used oil.

Anticipated Benefits from this Regulatory Action/Determination of Inconsistency or Incompatibility with State Regulations

The proposed regulation provides for the protection of public health, safety, and the environment through the prevention of used oil releases into the environment. Incentives for collection sites of used oil as described in the regulations provide the public with safe locations to dispose of that oil. Proper data tracking and management of used oil will benefit the health and welfare of California residents, worker safety, and the state’s environment. Additionally, the administrative procedures associated with fee collection and incentive payment provide the fiscal oversight of funds associated with the Used Oil Recycling Program. As required by Government Code Section 11346.5(a)(3)(D), the Department has conducted an evaluation of this regulation and has determined that it is the only regulation dealing with the Used Oil Recycling Program and therefore is not inconsistent or incompatible with existing state regulations.

PLAIN ENGLISH REQUIREMENTS

Department staff prepared the proposed regulation pursuant to the standard of clarity provided in Government Code Section 11349 and the plain English requirements of Government Code Sections 11342.580 and 11346.2(a)(1). The proposed regulation is considered non-technical and is written to be easily understood by those parties that will use them.

AUTHORITY AND REFERENCES

Public Resources Code sections 40502, 42970, 42972 through 42979, 47203, and 48641, and Government Code Section 6253 provide authority for this regulation. The purpose of the proposed action is to implement, clarify, and update the regulations regarding the Used Oil Recycling Program. The following is a list of references cited in this proposed regulation: Public Resources Code sections 48600, 48601, 48613, 48616, 48618, 48619, 48620.2, 48623, 48624, 48630, 48631, 48641, 48650, 48650.5, 48651, 48651.5, 48652, 48653, 48656, 48657, 48660, 48660.5, 48661, 48662, 48670, 48671, 48672, 48673, 48674, 48675, 48680, 48690, and 48691.

Revenue and Taxation Code section 55061.

#### FEDERAL LAW OR REGULATIONS MANDATE

Federal law or regulations do not contain comparable requirements.

#### FINDINGS ON NECESSITY OF REPORTS

Department staff have determined that it is necessary for the health, safety, or welfare of the people of this state that proposed section 18622, which requires a report, apply to businesses.

This is to ensure that the amount of rerefined oil sold is reported such that CalRecycle can calculate the appropriate oil fee due on those volumes.

#### MANDATE/COSTS ON LOCAL AGENCIES AND COSTS TO STATE AGENCIES, FEDERAL FUNDING, OR SCHOOL DISTRICTS

Department staff have determined that the proposed regulation will result in no costs to any local agency or school districts requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, or other non-discretionary costs or savings imposed on local agencies, and no costs or savings in federal funding to the state. Department staff have determined that the proposed regulation imposes no mandate on local agencies or school districts.

Department staff estimate that there will be an annual cost of \$3,286 to CalRecycle to cover the additional personnel time needed to process used oil logs required by the proposed regulations. Department staff have determined that there are no costs or savings to any other state agency.

#### EFFECT ON HOUSING COSTS

Department staff made a determination that the proposed regulation will not have an effect on housing costs.

#### EFFECT ON BUSINESSES

Department staff made an initial determination that the proposed regulation will not have a significant state-wide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### EFFECT ON SMALL BUSINESSES

Department staff made an initial determination that the proposed regulation will have an impact on an estimated 58 small businesses in California. The regulations are estimated to have an annual cost of \$2,700 for each of those businesses, or a total annual cost of \$156,600 for all small businesses statewide. This cost impact is the result of the fee tracking requirement for lubricating oil sellers, and only applies to lubricating oil sellers who do not already have an inventory tracking system.

#### COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

Department staff has determined that the adoption of the proposed regulation will have a total annual cost of \$156,600 on businesses statewide. This cost impact is the result of the fee tracking requirement for lubricating oil sellers, and only applies to lubricating oil sellers who do not already have an inventory tracking system.

**Note: Based on Department of Finance's analysis, the cost impact does not constitute a Major Regulation**

#### RESULTS OF THE ECONOMIC IMPACT ANALYSIS

##### Effect on Creation or Elimination of Jobs, Existing, or New Business in the State of California

Department staff determined that the proposed regulatory action will not affect: 1) the creation or elimination of jobs within the state of California; 2) the creation of new businesses or the elimination of existing businesses within California; or 3) the expansion of businesses currently doing business with the state.

##### Benefits to the Health and Welfare of California Residents, Worker Safety, and the Environment

As stated under the Informative Digest above, the proposed regulation intends to provide for the protection of public health, safety, and the environment through the development and maintenance of a database of all household hazardous waste collection events, facilities and programs within the state. This database benefits waste prevention, waste diversion, and safe processing and disposal throughout the state.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out

the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the written comment period.

CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Emily Wang  
 Materials Management and Local Assistance  
 Division  
 California Department of Resources Recycling and  
 Recovery  
 P.O. Box 4025  
 Sacramento, CA 95812-4025  
 PHONE: (916) 322-2888  
 FAX: (916) 319-7628  
 e-mail: [UsedOilHHW@calrecycle.ca.gov](mailto:UsedOilHHW@calrecycle.ca.gov)

Back-up contact person to whom inquiries concerning the proposed administrative action may be directed:

Cheryl Williams  
 Materials Management and Local Assistance  
 Division  
 California Department of Resources Recycling and  
 Recovery  
 P.O. Box 4025  
 Sacramento, CA 95812-4025  
 PHONE: (916) 341-6456  
 FAX: (916) 319-7590  
 e-mail: [UsedOilHHW@calrecycle.ca.gov](mailto:UsedOilHHW@calrecycle.ca.gov)

AVAILABILITY OF STATEMENT OF REASONS  
 AND TEXT OF PROPOSED REGULATION

The Department will have the entire rulemaking file, and all information that provides the basis for the proposed regulation, available for inspection and copying throughout the rulemaking process at the above address. As of the date 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 Emily Wang at the address or e-mail address listed

above. For more timely access to the proposed text of the regulation, and in the interest of waste prevention, interested parties are encouraged to access the Department's Internet webpage at <http://www.calrecycle.ca.gov/Laws/Rulemaking/UsedOil/default.htm>. Additionally, the Final Statement of Reasons will be available at the above listed Internet address or you may contact the persons named above.

AVAILABILITY OF CHANGED OR  
 MODIFIED TEXT

The Department may adopt the proposed regulation substantially as described in this notice. If the Department makes modifications, which are sufficiently related to the originally proposed text, it will make the modified text — with changes clearly indicated — available to the public for at least 15 days before the Department adopts the regulation as revised. Requests for the modified text should be made to the contact person named above. The Department will transmit any modified text to all persons who testify at the public hearing; all persons who submit written comments at the public hearing; and all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. The Department will accept written comments on the modified regulation for 15 days after the date on which they are made available.

**TITLE 16. BOARD OF  
 OCCUPATIONAL THERAPY**

NOTICE IS HEREBY GIVEN that the California Board of Occupational Therapy (Board) is proposing to take the action described in the Informative Digest. Any person interested may submit statements or arguments relevant to the action proposed in writing. Written comments, including those sent by mail, facsimile, or email to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 9, 2016.

Any person that is interested may provide statements or arguments orally or in writing relevant to the action proposed at hearings to be held at:

Enloe Rehabilitation Center  
 Conference Room  
 340 W. East Avenue  
 Chico, CA 95926  
 Tuesday, April 19, 2016  
 5:30 p.m.

Kaiser Permanente  
 Conference Room F3, Ground Floor  
 4141 Geary Boulevard  
 San Francisco, CA 94118  
 Tuesday, April 26, 2016  
 5:30 p.m.

Kaiser Permanente  
 Woodland Hills Medical Center  
 5601 De Soto Avenue  
 Woodland Hills, CA 91367  
 Saturday, May 14, 2016  
 12:00 Noon

Loma Linda University  
 Nichol Hall, room A911  
 24951 N. Circle Drive  
 Loma Linda, CA 92354  
 Wednesday, April 20, 2016  
 3:00 p.m.

Sacramento City College  
 Mohr Hall, Room 21  
 3835 Freeport Boulevard  
 Sacramento, CA 95822  
 Friday, April 29, 2016  
 3:00 p.m.

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 Business and Professions Code Sections 122, 134, 144, 161, 163.5, 462, and 2570.20, and to implement, interpret or make specific Sections 144, 2570.5, 2570.9, 2570.10, 2570.11, and 2570.16, of said Code, the Board is considering changes to Division 39 of Title 16 as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT  
 OVERVIEW**

This proposed action will increase the initial license, renewal, delinquent renewal, and inactive renewal fees, for Occupational Therapists and Occupational Therapy Assistants as follows:

**Occupational Therapists**

<u>Fee Type</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Initial License	\$150	\$220 (fee is prorated)
Biennial Renewal	\$150	\$220
Delinquent Fee	\$75	\$100
Inactive Renewal	\$25	\$50

**Occupational Therapy Assistants**

<u>Fee Type</u>	<u>Current Fee</u>	<u>Proposed Fee</u>
Initial License	\$150	\$180 (fee is prorated)
Biennial Renewal	\$150	\$180
Delinquent Fee	\$75	\$100
Inactive Renewal	\$25	\$50

This proposed action will also establish a \$35 processing fee for license verification or endorsement requests, establish and set forth a \$35 fee for processing dishonored checks, and increase the fee for a duplicate license request from \$15 to \$25.

The necessity and need for this proposed regulatory action is to ensure future fiscal solvency of the Board. As a Special Fund agency the Board does not rely on General Fund monies for its operation. The Board supports itself through fees that it charges licensees and applicants. This proposed action is designed to align

Board revenue with future projected operating expenses.

Current budget projections indicate there will be insufficient funds to support Board operations after fiscal year 2018/19. Analysis of the Board's Fund Balance measured by Months in Reserve projects that at the end of the current fiscal year 2015/16, a 14.9 month reserve will exist. The reserve is projected to steadily decline in the following fiscal years to the point where there will be a -0.4 month reserve at the end of 2018/19.

Adoption and implementation of this proposed action would neutralize and correct the aforementioned Fund Balance decline and provide for a modest reserve for economic uncertainties.

Without sufficient funding levels the Board will not be able to carry out its paramount priority and objective to protect the health, safety, and welfare of California consumers.

After conducting a review for any regulations that would relate to or affect this area, the Board has concluded that these are the only regulations that concern fees for occupational therapy practitioners. This proposed regulatory action is consistent and compatible with existing state regulations.

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.

Non-discretionary 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: This regulation will not have a significant statewide adverse economic impact directly affecting businesses including the ability of California businesses to compete with businesses in other states.

RESULTS OF ECONOMIC IMPACT ANALYSIS

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.

The Board has determined that this regulatory proposal will primarily benefit California consumers by ensuring sufficient revenue levels are maintained for the Board to administer, coordinate, and enforce provisions of the Occupational Therapy Practice Act for the public’s health, safety, and welfare.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

Minor costs will be imposed on occupational therapy practitioners and any businesses that choose to pay or reimburse their employee’s renewal fees.

Existing licensing and biennial renewal fees for an occupational therapist are \$150. This proposed action

would increase these fees to \$220, representing a \$70 increase.

Existing licensing and biennial renewal fees for an occupational therapy assistant are \$150. This proposed action would increase these fees to \$180, representing a \$30 increase.

This action also proposes small fee increases for duplicate license requests, from the existing fee of \$15 to \$25, and a dishonored check fee from \$25 to \$35. Establishment of the language pertaining to a license verification/endorsement fee does not represent an increase to existing fees that the Board has been charging for this service previously categorized as a miscellaneous service to the public.

EFFECT ON HOUSING COSTS

None.

EFFECT ON SMALL BUSINESS

There is no cost impact on general small business. Minor costs will be incurred on small occupational therapy practices as outlined above under Cost Impact on Representative Private Person or Business.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no reasonable alternative considered by it 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 as 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.

TEXT OF PROPOSAL AND INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of reasons that sets forth the reasons for the proposed action and has all the information upon which the proposal is based.

Copies of the exact language of the proposed regulation, any documents incorporated by reference, and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained from the Board’s website as listed below or upon written request from the contact person listed below.

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

All the information upon which the proposed regulation is 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 Board's website as listed below.

CONTACT PERSON

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

Jeff Hanson  
California Board of Occupational Therapy  
2005 Evergreen Street, Suite 2250  
Sacramento, CA 95815  
(916) 263-2294 (Tel)  
(916) 263-2701 (Fax)  
cbot@dca.ca.gov

The backup contact person is:

Heather Martin  
(same contact information as above)

All materials regarding this proposal can be found on-line at:

[www.bot.ca.gov](http://www.bot.ca.gov) > **Laws and Regulations** > **Proposed Regulations**.

**TITLE 23. STATE WATER RESOURCES  
CONTROL BOARD**

**DIVISION 3. STATE WATER RESOURCES  
CONTROL BOARD AND REGIONAL WATER  
QUALITY CONTROL BOARDS  
CHAPTER 16. UNDERGROUND STORAGE  
TANK REGULATIONS**

*NOTICE IS HEREBY GIVEN* that the State Water Resources Control Board (State Water Board) proposes to amend, adopt, or repeal the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Water Board proposes to amend California Code of Regulations, title 23, division 3, chapter 16

(regulations), to clarify or make specific the method of reporting for existing reporting requirements. These amendments are consistent with existing requirements in Health and Safety Code section 25404, subdivision (e)(4) and California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, section 15100 et seq. Some of the proposed amendments require electronic submittal of data and documents via the internet using readily available technology.

PUBLIC HEARING

A public hearing has not been scheduled for this proposed action. However, as provided in Government Code section 11346.8, any interested person, or his or her duly authorized representative, may request a public hearing if the request is submitted in writing in the manner described below to the State Water Board no later than 15 days prior to the close of the written comment period. If a request for a public hearing is made, the State Water Board shall, to the extent practicable, provide notice of the time, date, and place of the hearing in accordance with Government Code section 11346.4 by mailing the notice to every person who has filed a request for notice with the State Water Board. In addition, as prescribed by Government Code section 11340.85, notice may be provided by means of electronic communication to those persons who have expressly indicated a willingness to receive notice by this means.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board. The written comment period closes on Tuesday, May 10, 2016 at 12:00 p.m. The State Water Board will only consider comments received by that time.

Please send comment letters to Ms. Jeanine Townsend, Clerk to the Board, by email at [commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov) (916) 341-5620 (fax), or by mail or hand delivery addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-2000 (by mail)  
1001 I Street, 24th Floor,  
Sacramento, CA 95814 (by hand delivery)

Please also indicate in the subject line, "**Comment Letter — Proposed UST Regulations.**" Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341-5600. Due to the li-

mitations of the email system, emails larger than 15 megabytes are rejected and cannot be delivered or received by the State Water Board. We request that comments larger than 15 megabytes be submitted under separate emails.

To be added to the mailing list for this rulemaking and to receive notification of updates of this rulemaking, you may subscribe to the listserve for “**Program Requirements and Guidance**” by going to <http://www.waterboards.ca.gov/resources/email/subscriptions/>. You may also call Ms. Laura Fisher at (916) 341-5870 or email her at [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov). **Persons who receive this notice by mail or electronic mail are already on the mailing list.**

#### AUTHORITY AND REFERENCE

Health and Safety Code section 25299.3 authorizes the State Water Board to adopt regulations to implement chapter 6.7 of division 20 of the Health and Safety Code. The proposed regulations implement, interpret, or make specific chapter 6.7 of division 20 of the Health and Safety Code, commencing with section 25280. References to specific code sections are identified in the proposed amendments to the regulations.

#### INFORMATIVE DIGEST/ POLICY STATEMENT OVERVIEW

The proposed regulations clarify or make specific existing reporting requirements under the UST Program by stating the method by which UST owners or operators and local agencies must submit specified information and documents to the State Water Board, Regional Water Quality Control Boards (Regional Water Boards), or the applicable local agency as defined in Health and Safety Code section 25283.

Specifically, certain existing reporting requirements are amended to require that the submittal be made electronically through the California Environmental Reporting System (CERS), consistent with Health and Safety Code section 25404, subdivision (e)(4). These provisions do not include any new reporting requirements; however, the existing reporting requirements are amended to make specific the method of reporting.

In addition to the requirements to submit specified information or documents through CERS, existing regulations also include requirements for submission of other information or documents that cannot be submitted through CERS and in certain instances must be submitted electronically through GeoTracker, the state

Geographic Information System mapping database. As amended, the regulations specify what information or documents must be submitted through GeoTracker, for the purpose of preventing confusion between GeoTracker and CERS requirements. These amendments are consistent with California Code of Regulations, title 23, division 3, chapter 30, section 3890 et seq. and do not change existing reporting requirements.

As amended, the regulations also provide that where a submittal method is not specified, the information or document may be provided by hand-delivery, mail, or facsimile or other electronic methods, unless otherwise directed by the State Water Board, Regional Water Board, or local agency that will receive the submittal. These amendments are for clarification purposes and do not change existing reporting requirements.

Finally, as explained in the statement of reasons, the State Water Board is proposing certain amendments to the regulations that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision (i.e., changes without regulatory effect). These amendments without regulatory effect include changes made for purposes of revising structure, syntax, cross-references, grammar, punctuation, or renumbering or relocating regulatory provisions.

Some of the proposed amendments require electronic submittal of data and documents via the internet using readily available technology. To assist those regulated businesses that do not have a computer with internet access, some local agencies have made computers available at their offices or other locations within their jurisdictions for regulated businesses to use to submit program information. In addition, some inspectors carry laptop or tablet computers with them when they inspect regulated businesses and assist regulated businesses to submit program information.

The proposed regulations will improve the health and welfare of California residents, worker safety, and the state’s environment because emergency response personnel and agencies will have instant electronic access to facility and chemical information needed to mitigate environmental hazards. In addition, the State Water Board, Regional Water Boards, and local agencies will be able to identify and correct potential sources of environmental risk more efficiently by analyzing the data in CERS.

The State Water Board evaluated whether there were any other regulations that would relate to or affect this area and found that these are the only regulations concerning reporting requirements of USTs. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

**LOCAL MANDATE**

This proposal does not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with section 17500) of division 4 of the Government Code.

**COST OR SAVINGS TO STATE AGENCIES**

The State Water Board has determined that there is no cost or savings to state agencies as a result of the proposed regulations.

**COST OR SAVINGS IMPOSED ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The State Water Board has determined that there is no cost or savings imposed on local agencies or school districts as a result of the proposed regulations, or other nondiscretionary costs or savings imposed on local agencies or school districts.

**COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE**

The State Water Board has determined that there is no cost or savings in federal funding to the state as a result of the proposed regulations.

**BUSINESS IMPACT/ SMALL BUSINESS**

The proposed regulations do not impose any new reporting requirements. The proposed regulations only amend the method of reporting for specified information and documents, consistent with existing requirements in Health and Safety Code section 25404, subdivision (e)(4) and California Code of Regulations, title 27, division 1, subdivision 4, chapter 1, section 15100 et seq., and for clarification purposes. Because the proposed regulations only implement requirements for the method of reporting, they will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Nor will the proposed regulatory action adversely affect small businesses in California because the new regulations only amend the method of reporting for specified information and documents. Some of the proposed amendments require electronic submittal of data and documents instead of the current method of filling out and mailing paper forms. Electronic submittal is via the internet using readily available technology. Local agencies are assisting those regulated businesses that do not

have a computer with internet access by making computers with internet access readily available for the businesses to use.

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

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

**RESULTS OF THE ECONOMIC IMPACT ANALYSIS**

The State Water Board has determined that the proposed regulatory action will have no effect on the creation or elimination of jobs within California. Nor will the proposed regulatory action have any effect on the creation of new businesses, the elimination of existing businesses, or the expansion of existing businesses doing business within California.

The proposed regulations will improve the health and welfare of California residents, worker safety, and the state's environment because emergency response personnel and agencies will have instant electronic access to facility and chemical information needed to mitigate environmental hazards. In addition, the State Water Board, Regional Water Quality Control Boards, and local agencies will be able to identify and correct potential sources of environmental risk more efficiently by analyzing the data in CERS.

**EFFECT ON HOUSING COSTS**

The State Water Board has determined that the proposed regulatory action will have no effect on housing costs.

**BUSINESS REPORTING REQUIREMENT**

The State Water Board finds that it is necessary for the health, safety, or welfare of the people of this state that the proposed regulation which requires a report apply to businesses.

**ALTERNATIVES**

The State Water Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the pro-

posed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

Interested persons may present statements or arguments with respect to alternatives to the proposed regulation during the written comment period or at a hearing, if a hearing is requested, on this matter.

**AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT OF PROPOSED REGULATION, AND THE RULEMAKING FILE**

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The statement includes the specific purpose for the regulations proposed for adoption and the rationale for the State Water Board's determination that adoption is reasonably necessary to carry out the purpose for which the regulations are proposed. All the information upon which the proposed regulations are based is contained in the rulemaking file. The Initial Statement of Reasons, the express terms of the proposed regulations, and the rulemaking file are available from the contact person listed below or at the website listed below.

**AVAILABILITY OF CHANGED OR MODIFIED TEXT**

After holding any hearing that is requested and considering all timely and relevant comments received, the State Water Board may adopt the proposed regulations substantially as described in this notice. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least fifteen (15) days before the State Water Board adopts the regulations as modified. A copy of any modified regulations may be obtained by contacting Ms. Laura Fisher, the primary contact person identified below. The State Water Board will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

**AVAILABILITY OF FINAL STATEMENT OF REASONS**

Upon its completion, a copy of the Final Statement of Reasons may be obtained by contacting either of the persons listed below. A copy may also be accessed on the State Water Board website identified below.

**CONTACT PERSONS**

Requests of copies of the text of the proposed regulations, the statement of reasons, or other information upon which the rulemaking is based, or other inquiries should be addressed to the following:

Name: Laura Fisher  
 Address: State Water Resources Control Board  
 Division of Water Quality  
 1001 "I" Street  
 Sacramento, CA 95814

Telephone No.: (916) 341-5870  
 E-mail address: [Laura.Fisher@waterboards.ca.gov](mailto:Laura.Fisher@waterboards.ca.gov)

The backup contact person is:

Name: Gabriel Herrera  
 Address: State Water Resources Control Board  
 Division of Water Quality  
 1001 "I" Street  
 Sacramento, CA 95814

Telephone No.: (916) 319-9128  
 E-mail address: [Gabriel.Herrera@waterboards.ca.gov](mailto:Gabriel.Herrera@waterboards.ca.gov)

The documents relating to this proposed action may also be found on the State Water Board's website at the following address: [http://www.waterboards.ca.gov/water\\_issues/programs/ust/](http://www.waterboards.ca.gov/water_issues/programs/ust/).

**TITLE MPP. DEPARTMENT OF SOCIAL SERVICES**

ORD#1015-12

**NOTICE OF PROPOSED CHANGES IN REGULATIONS OF THE CALIFORNIA DEPARTMENT OF SOCIAL SERVICES (CDSS)**

ITEM #1 California Work Opportunity and Responsibility to Kids (CalWORKs) Program:  
 Pregnant Women Only

The CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at a public hearing to be held on May 12, 2016, at the following address:

Office Building #8  
744 P St. Room 103  
Sacramento, California

CHAPTERS

CDSS Manual of Policies and Procedures (MPP), Eligibility and Assistance Standards Manual, Division 44 (Standards of Assistance), Chapter 44–200 (AU Composition and Need), Section 44–211 (Special Needs in CalWORKs).

The public hearing will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The purpose of the hearing is to receive public testimony, not to engage in debate or discussion. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail or by facsimile to the address/number listed below. All comments must be received by 5:00 p.m. on May 12, 2016.

Following the public hearing CDSS may thereafter adopt the proposals substantially as described below or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below:

CONTACT

Office of Regulations Development  
California Department of Social Services  
744 P Street, MS 8–4–192  
Sacramento, California 95814  
TELEPHONE: (916) 657–2586  
FACSIMILE: (916) 654–3286  
E-MAIL: [ord@dss.ca.gov](mailto:ord@dss.ca.gov)

INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW

These proposed regulations amend specific provisions in CDSS MPP that regulate eligibility for pregnant teens and special needs in the CalWORKs program.

Prior law allowed a pregnant woman with no other eligible child in the home to be eligible for CalWORKs cash aid and \$47 in pregnancy special needs (PSN) payments beginning in the third trimester of her pregnancy. The exception to this rule was when the pregnant woman was also eligible for the Cal-Learn program. Cal-Learn is a statewide program for pregnant and parenting teens in the CalWORKs program designed to encourage pregnant and parenting teens to graduate from high school or its equivalent, become independent, and form healthy families. A pregnant woman who was eligible for Cal-Learn was also eligible for cash aid and PSN at any time after providing medical verification of her pregnancy and not limited to the last trimester of her pregnancy. A pregnant teen who was age 18 or younger and who had graduated from high school or obtained a high school diploma or its equivalent, would not be eligible for CalWORKs or PSN payments until her third trimester.

Assembly Bill 1640 (Chapter 778, Statutes of 2012) expanded eligibility to pregnant teens age 18 or younger, with no other eligible children in the home, to be eligible for CalWORKs cash aid and \$47 in PSN payments upon verification of pregnancy.

Assembly Bill 1579 (Chapter 632, Statutes of 2014) changed eligibility to pregnant women age 19 or older, with no other eligible children in the home, to be eligible for CalWORKs cash aid and \$47 in PSN payments beginning in the second trimester of pregnancy.

This regulatory action will benefit CalWORKs families who have a pregnant teen age 18 or younger, with no other eligible children in the home, to receive CalWORKs cash aid and \$47 PSN payment, upon verification of pregnancy. It will also allow a pregnant woman age 19 or older, with no other eligible children in the home, to be eligible for CalWORKs cash aid and \$47 in PSN payments beginning in the second trimester of pregnancy.

The Department considered other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area and there-

fore, the Department finds that these proposed regulations are compatible and consistent with the intent of the Legislature in adopting AB 1640 and AB 1579, as well as with existing state regulations.

**COST ESTIMATE**

1. **Costs of Savings to State Agencies:** After implementation in January 2014, the impact of AB 1640 is now included in the CalWORKs caseload trend and does not require further adjustments to the budget. The funding for AB 1579 was budgeted at approximately \$296,000 in the 2016–17 Governor’s Budget and embedded in the CalWORKs Grants, Services and Administration premises.
2. **Costs to Local Agencies or School Districts Which Must Be Reimbursed in Accordance With Government Code Sections 17500–17630:** None.
3. **Nondiscretionary Costs or Savings to Local Agencies:** After implementation in January 2014, the impact of AB 1640 is now included in the CalWORKs caseload trend and does not require further adjustments to the budget. The funding for AB 1579 was budgeted at approximately \$66,000 in the 2016–17 Governor’s Budget and is embedded in the CalWORKs Grants, Services and Administration premises.
4. **Federal Funding to State Agencies:** After implementation in January 2014, the impact of AB 1640 is now included in the CalWORKs caseload trend and does not require further adjustments to the budget. The funding for AB 1579 was budgeted at approximately \$5 million in the 2016–17 Governor’s Budget and embedded in the CalWORKs Grants, Services and Administration premises.

**LOCAL MANDATE STATEMENT**

These regulations do impose a mandate upon local agencies, but not on school districts. There are no “state–mandated local costs” in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code because any costs associated with the implementation of these regulations are costs mandated by the federal government within the meaning of Section 17513 of the Government Code.

**STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS**

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses,

including the ability of California businesses to compete with businesses in other states. This determination was made based on changes to State law that expanded eligibility requirements for pregnant teens age 18 and younger, with no other eligible children in the home and who have graduated from high school or its equivalent, to be eligible for CalWORKs cash aid and \$47 in PSN payments upon verification of pregnancy. State law also expanded to include a pregnant woman age 19 or older, with no other eligible children in the home, to be eligible for CalWORKs cash aid and \$47 in PSN payments beginning in the second trimester of pregnancy.

**STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES**

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

**SMALL BUSINESS IMPACT STATEMENT**

The CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

**STATEMENT OF RESULTS OF ECONOMIC IMPACT ASSESSMENT**

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California. The implementation of this regulatory action will benefit CalWORKs clients who are pregnant teens age 18 or younger, with no other eligible children in the home and CalWORKs clients who are pregnant women age 19 or older, with no other eligible children in the home. Implementation of this regulatory action will not result in any benefit to state’s worker safety or the state’s environment.

**STATEMENT OF EFFECT ON HOUSING COSTS**

The proposed regulatory action will have no effect on housing costs.

**STATEMENT OF ALTERNATIVES CONSIDERED**

In developing the regulatory action, CDSS did not consider any other alternatives as there were no other alternatives proposed.

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

**AUTHORITY AND REFERENCE CITATIONS**

The CDSS adopts these regulations under the authority granted in Sections 10553 and 10554, Welfare and Institutions Code. Subject regulations implement and make specific Section 11450(b)(1) and (b)(2), Welfare and Institutions Code.

**CDSS REPRESENTATIVE REGARDING THE  
RULEMAKING PROCESS OF THE  
PROPOSED REGULATION**

Contact Person:

Everardo Vaca  
(916) 657-2586

Backup:

Ying Sun  
(916) 657-2586

**PROPOSITION 65**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

**NOTICE OF MODIFICATION TO TEXT OF  
PROPOSED REGULATION**

**TITLE 27, CALIFORNIA CODE OF  
REGULATIONS**

**PROPOSED REPEAL OF ARTICLE 6 AND  
ADOPTION OF NEW ARTICLE 6**

**PROPOSITION 65  
CLEAR AND REASONABLE WARNINGS**

As required by Government Code section 11346.8(c), and Title 1, section 44 of the California Code of Regulations, the Office of Environmental

Health Hazard Assessment (OEHHA) is providing notice of changes to the proposed regulation to repeal and add a new Article 6 to Title 27 of the California Code of Regulations.

This proposed regulation was originally the subject of a Notice of Proposed Rulemaking published on November 27, 2015, in the California Regulatory Notice Register (Register No Z-2015-1117-11), which initiated a public comment period. Forty-five written comments from the public were received during the comment period that ended January 25, 2016. In addition, OEHHA heard comments at a public hearing on the proposed regulation held on January 13, 2016.

After careful consideration of the comments, OEHHA has modified the text of the proposed regulation as follows:

- Section 25600(b) was modified to clarify that a warning that complies with Article 6 that is provided before the two-year effective date will be deemed to be clear and reasonable.
- Section 25600(c) was revised to clarify that a person may request the adoption of a warning method or content for a “specific product, chemical or area exposure warning” rather than a specific consumer product.
- Section 25600(d) was revised and moved from the general provisions of Subarticle 1 to the safe harbor provisions of Subarticle 2, Section 25601(f) based on stakeholder comments.
- Section 25600(e) [formerly numbered as (f)] was modified by striking the phrase “for a consumer product or environmental warning” in response to stakeholder comments. The word “warning” was added before “method” for clarity.
- Section 25600.1 was revised as follows:
  - In the definition of “affected area”, “listed” was added before “chemical” for clarity and the phrase “known to the state to cause cancer or birth defects or other reproductive harm” was removed as being unessential and redundant. The term “is” was changed to “can occur” for consistency with rest of the regulation.
  - The phrase “producers, packagers, importers” was added to the definition of “authorized agent” for internal consistency; this change was made throughout the regulation.
  - The term “consumer information” was added as a defined term for clarity.
  - The term “consumer product” was added as a defined term for clarity.

- The existing definition for “consumer product exposure” was moved and renumbered for purposes of alphabetization.
- The phrase “or otherwise provides” was added to cover the distribution of consumer products to consumers. The phrase “including foods” was removed as redundant in light of the definition of consumer products which already incorporates foods. The term “purchasers” was changed to “consumers” and “Internet” was capitalized in the definition of “retail seller”; these changes were made throughout the regulation for internal consistency.
- The subsections were renumbered to reflect the addition of new definitions.
- In Section 25600.2(b), “supplier” was added for consistency, and “section” was changed to “article” for clarity.
- Section 25600.2(b)(3) was modified to remove the offer to provide warning materials at no charge. Based on comments received, OEHHA believes that the manufacturer, producer, packager, importer, supplier or distributor should provide the warning materials to the retailer unless the parties agree otherwise pursuant to subsection (i) [formerly (h)]. The phrase “and warning language for products sold on the Internet” was added to clarify the responsibility to provide warning language for consumer products sold online.
- Section 25600.2(b)(4) was modified to include “producer, packager, importer, supplier or distributor.” The subsection was also revised to clarify that confirmation of receipt of the notice must be provided “electronically or in writing,” in response to stakeholder requests for the ability to provide electronic confirmation of receipt.
- Section 25600.2(b)(5) was renumbered to subsection (c) and subdivided into two paragraphs for clarity. Subparagraph (c)(1) clarifies that the renewed notice must be confirmed electronically or in writing within six months during the first year after the effective date of the regulation and annually thereafter. The term “new” was stricken in subparagraph (c)(2) and replaced with the phrase “different or additional” added to clarify when an additional notice is required under the subsection.
- Section 25600.2(d) [formerly numbered as (c)] was modified to clarify that the retail seller is responsible for posting and maintaining warning materials for products sold over the Internet and a reference was added to the new subsection (c).
- Section 25600.2(e)(2) [formerly numbered as (d)(2)] was modified to remove “and intentionally” and to add “knowingly” before “caused. . .” for alignment with the relevant statutory framework.
- In Section 25600.2(e)(3) [formerly numbered as (d)(3)], a reference was added to the new subsection (c) for clarity.
- Section 25600.2(e)(4) [formerly numbered as (d)(4)] was modified to remove the offer to provide warning materials consistent with the change in 25600.2(b)(3), and a reference was added to the new subsection (c) and “or displaying” was added for clarity.
- In Section 25600.2(e)(5) [formerly numbered as (d)(5)] “supplier” was added for consistency.
- Section 25600.2(f) [formerly numbered as (e)] was modified to simplify the explanation of the notice requirement, and to allow a business five (5) business days, rather than two (2) in response to stakeholder requests for an extension of the time period in which a retail seller is deemed to have “actual knowledge” of an exposure.
- Section 25600.2(g) [formerly numbered as (f)] was modified to clarify that a retail seller must “promptly” provide the requested information; this change was made to require action on behalf of the retail seller in response to the request. The term “supplier” was also added for consistency.
- Section 25600.2(g)(2) [formerly numbered as (f)(2)] was modified to clarify that it is a “consumer” product that causes an exposure.
- Section 25600.2(i) [formerly numbered as (h)] was modified to clarify that provided that the consumer receives a complaint warning prior to exposure, the responsible parties may enter into a written agreement with the retail seller that allocates responsibility differently. “Supplier” was added for consistency. Also a reference to subsection (e) was added. The phrase “to the extent that the warning provided to the purchaser of the product meets the requirements of Section 25249.6 of the Act” was removed.
- Section 25601(c) was modified to clarify that any one of the listed chemicals for which the person has determined a warning is required can be included in the warning and that if the warning is for more than one endpoint, then one or more chemicals for each endpoint must be included in the warning unless the named chemical is listed for both endpoints. The phrase “to the extent an exposure to that chemical is at a level requiring a warning” was also removed in response to stakeholder comments.

- A new subsection (d) was added to Section 25601 to clarify how a consumer product exposure warning must be provided. This provision was included in Section 25601 to provide safe harbor guidance regarding consumer product exposure warnings.
- A new subsection (e) was added to Section 25601 to clarify how an environmental exposure warning must be provided. This provision was included in Section 25601 to provide guidance regarding safe harbor environmental product exposure warnings.
- New subsection (f) to Section 25601 was moved from Section 25600(d) and modified to clarify the types of supplemental information that may be provided in a warning.
- Section 25602(a)(1) was modified to remove reference to type size consistent with the addition of the new Section 25601(d), and “posted sign” was added.
- Sections 25602(a)(3) was modified to remove reference to type size consistent with the addition of the new Section 25601(d).
- Section 25602(b) was modified to clarify that for products sold on the Internet the warning must either be included on the product display page or provided as a clearly marked hyperlink on the product display page or otherwise displayed “prior to completing the purchase.” The subsection was also modified to remove reference to type size consistent with the addition of the new Section 25601(d). Language was also added to clarify that if the product has an on-product label, the website warning can use the same warning content.
- Section 25602(c) was modified to remove the reference to type size consistent with the addition of the new Section 25601(d). In response to stakeholder comments, language was also added to clarify that if the product has an on-product label, the catalog warning can use the same warning content.
- Section 25603(a)(2)(A) and (B) were modified for clarity and readability.
- Section 25603(a)(2)(C) was modified to clarify situations in which a warning is required for multiple chemicals that each cause a different toxicity endpoint.
- Section 25603(a)(2)(D) was added to clarify the situation in which a warning is required for a chemical that causes both toxicity endpoints.
- In response to stakeholder comments concerning adequacy of the safe harbor environmental exposure provisions, Section 25604 was modified to more clearly state the requirements for transmitting an environmental exposure warning and clarifying that for indoor environments or outdoor spaces with clearly defined entrances, the specified warning method in subsection (a)(1) must be used.
- Sections 25605(a)(3), (a)(4) and (a)(5) were modified to clarify that a description of the exposure source should be included in the warning.
- Section 25605(a)(6) was added to clarify the situation in which a warning is required for a listed chemical that causes both toxicity endpoints.
- Section 25606 was modified for clarity and readability. The term “warning” was added to clarify the type of information related to occupational exposures meeting the warning requirements of Article 6.
- Section 25607 was modified to clarify that a specific tailored warning must be used unless the conditions of subsection (b) apply.
- Section 25607.1(a), Section 25607.2(a)(1), Section 25607.3(a)(3), Section 25607.12 (a)(1), Section 25607.14(a)(1)(A), and Section 25607.16(a)(2) were modified to remove reference to type size consistent with the addition of the new Section 25601(d). Section 25607.1(a), Section 25607.3(a)(3), Section 25607.12(a)(1), Section 25607.14(a)(1)(A), and Section 25607.16(a)(2) were modified to remove the minimum type size requirement size consistent with the addition of the new Section 25601(d).
- Section 25607.1(c) was modified for clarity by striking “label, labeling, or sign” and requiring that if “any consumer information” for a “specific food product” is provided in a language other than English, the warning must also be provided in that language. This modification is in response to concerns that unrelated signs such as advertising could trigger a foreign language requirement for a retailer.
- Section 25607.2(a)(4) was modified to clarify situations in which a warning is required for multiple chemicals that each cause a different toxicity endpoint.
- Section 25603(a)(5) was added to clarify the situations in which a warning is required for a chemical that causes both toxicity endpoints.

- In Section 25607.5(a)(3), “A warning” was added for clarity.
- Section 25607.8(a) “either” was changed to “one or both” for consistency.
- Sections 25607.10(a), 25607.11(a), 25607.12(a), 25607.14(a), and 25607.15(a) were modified to include “consumer product” to clarify the type of anticipated exposure. Section 25607.11(a) “one or more” was changed to “one or both.” In Section 25607.12(a)(1)(A) “and” was added and in subsection (a)(1) and subparagraphs (a)(1)(A) and (a)(1)(B) “is” was added.
- In Section 25607.13(a) “from furniture” was added for clarity and consistency.
- Section 25607.13(a)(1)(C) was modified to clarify how to identify the chemical names depending on the situations in which a warning is required for multiple chemicals that each cause a different toxicity endpoint.
- Section 25607.15(a)(3) was modified to add an additional caution, “Do not idle the engine except as necessary.”
- Section 25607.17(a)(3) was modified to add, “do not idle the engine except as necessary” to provide an additional caution for a person to minimize exposure to diesel engine exhaust.
- Section 25607.22(a) was modified to move the definition of “amusement park” to subsection (b) and to define “amusement ride.”
- Section 25607.23(a) was modified to clarify that the identity of the affected area and the source of exposure must be included in the warning and that the warning refers to the particular amusement park for which the warning was being provided.
- Section 25607.25 the term “environmental” exposures to petroleum products was added for consistency and clarity.
- Sections 25607.26 and 25607.28, “sign” was changed to “warning” for consistency and clarity.
- Sections 25607.27(a)(3) and (b)(3) were modified to include an additional caution statement, “Do not stay in this area longer than necessary” in the warning.
- Non-substantive, grammatical changes were made throughout the regulation for consistency.

Included with this notice are copies of the regulatory language with the modified language provided in underline and strikeout format. These modifications are also available on the OEHHA website at [www.oehha.ca.gov](http://www.oehha.ca.gov), and may be requested from Monet Vela at the OEHHA Legal Office at (916) 323-2517.

OEHHA will accept written comments on the amendments to the proposed regulation until **April 11, 2016 at 5:00 p.m.**

We encourage you to submit comments in electronic form, rather than in paper form.

Comments transmitted by e-mail should be addressed to [P65Public.Comments@oehha.ca.gov](mailto:P65Public.Comments@oehha.ca.gov). Please include “Clear and Reasonable Warnings Regulation” in the subject line. Comments submitted in paper form may be mailed, faxed, or delivered in person to the address below. Mailed, faxed or hand-delivered comments should be addressed to:

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

## DECISION NOT TO PROCEED

### BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

Pursuant to Government Code Section 11347, the Board of Vocational Nursing and Psychiatric Technicians has decided not to proceed with Division 25 of Title 16, Section 2537 (VN), 2590 (PT) Military Requirements (Notice File No. Z-2016-0129-01) published in the California Regulatory Notice Register on February 12, 2016. The Board will initiate at a later date, with notice as required by law, a new proposal to amend regulations pertaining to the same or similar subject matter. The Board will also publish this notice of a decision not proceed on its website. If you have any questions contact Carol Northrup at (916) 263-7854.

### OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

Pursuant to Government Code Section 11347, the Occupational Safety and Health Standards Board of the State of California decided not to proceed with Title 8, Division 1, General Industry Safety Orders, Chapter 4, Subchapter 7, Article 109, Section 5193.1, Sexually Transmitted Infections. (Notice File No. Z-2015-0323-02, published April 3, 2015, in the California Notice Register 2015, No. 14-Z, page 550); and therefore, withdraws this proposed action for further consideration.

**DISAPPROVAL DECISION**

**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**

Printed below is the summary of an Office of Administrative Law disapproval decision. The full text of the disapproval decision is available at [www.oal.ca.gov](http://www.oal.ca.gov) under the “Publications” tab. You may also request a copy of a decision by contacting the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339, (916) 323-6225 — FAX (916) 323-6826. Please request by OAL file number.

**VETERINARY MEDICAL BOARD**

**State of California  
Office of Administrative Law**

**In re:**  
**Veterinary Medical Board**  
**Regulatory Action:**  
**Title 16, California Code of Regulations**  
**Amend sections: 2043**  
**DECISION OF DISAPPROVAL OF  
REGULATORY ACTION**  
**Government Code Section 11349.3**  
**OAL Matter Number: 2016-0125-04**  
**OAL Matter Type: Regular (S)**

**SUMMARY OF REGULATORY ACTION**

This proposed rulemaking action by the Veterinary Medical Board (Board) amends section 2043 of title 16 of the California Code of Regulations, which governs the assessment of civil penalties for violation of the Board’s rules. This amendment would reclassify the existing three categories of citations issued by the Board, including accompanying fines, and add new rules regarding orders of abatement and public disclosure of citations.

**DECISION**

On March 8, 2016, the Office of Administrative Law (OAL) notified the Board of the disapproval of this regulatory action. The reason for the disapproval was fail-

ure to comply with the “clarity” standard of Government Code section 11349.1.

**CONCLUSION**

For the foregoing reasons, OAL disapproves this regulatory action. Pursuant to Government Code section 11349.4(a), the Board may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval. Any changes made to the regulation text to address the clarity issues discussed above must be made available for at least 15 days for public comment pursuant to Government Code section 11346.8 and section 44 of title 1 of the CCR prior to adoption by the Board.  
Date: March 15, 2016

Eric J. Partington  
Attorney

For: Debra M. Cornez  
Director

Original: Annemarie Del Mugnaio  
Copy: Elizabeth Bynum

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2016-0127-02  
CALIFORNIA DEBT LIMIT ALLOCATION  
COMMITTEE  
QRRP & SFH Evaluation Criteria/TCAC  
Miscellaneous

The California Debt Limit Allocation Committee (CDLAC) submitted this timely certificate of compliance action to make permanent the changes made to their regulations in OAL file no. 2015-1029-03E. In that action, CDLAC adopted three sections, amended 23 sections, and repealed one section under title 9 of the California Code of Regulations, and amended six incorporated-by-reference forms. The emergency action updated evaluation criteria for the Qualified Residential Rental Program and the Single Family Housing Pro-

gram so that the programs would be consistent with California Tax Credit Allocation Committee regulations, make bond allocations more available for these programs, and allow applicants interested in these programs to take full advantage of them. This should result in creating more low-income housing developments, providing public benefits to the residents of these projects, and providing single family housing ownership opportunities to low-to-moderate income residents in California.

Title 4

ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267  
 REPEAL: 5101  
 Filed 03/10/2016  
 Effective 03/10/2016  
 Agency Contact: Brian Clark (916) 653-8183

File# 2016-0127-03  
 DEPARTMENT OF CORRECTIONS AND REHABILITATION  
 Use of Security Modules

In this regular rulemaking action, the Department is repealing the pilot program found in Title 15, section 3999.17 of the California Code of Regulations, related to the Secure Alternative Treatment Module (SATM). The Department is further amending sections 3000 and 3268.2 to put into regulation the security desks and security tables that were used in the SATM pilot program.

Title 15

ADOPT: 3000, 3268.2 REPEAL: 3999.17  
 Filed 03/10/2016  
 Effective 03/10/2016  
 Agency Contact: Sherri Garcia (916) 445-2266

File# 2016-0126-05  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Asian Citrus Psyllid Interior Quarantine

This Certificate of Compliance makes permanent the prior emergency action (OAL file no. 2015-0807-01E) by the Department of Food and Agriculture that expanded the quarantine area for the Asian Citrus Psyllid ("ACP") ("*Diaphorina citri*") in the Bakersfield area of Kern County. This quarantine area was expanded by approximately four (4) square miles in response to the identification of one adult ACP in the Bakersfield area on July 15, 2015. This action provides authority for the

State to perform quarantine activities against ACP within this additional area.

Title 3

AMEND: 3435(b)  
 Filed 03/09/2016  
 Effective 03/09/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0308-03  
 DEPARTMENT OF FOOD AND AGRICULTURE  
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action will expand the quarantine area for the Asian Citrus Psyllid (ACP) ("*Diaphorina citri*") by approximately 65 square miles in the Mettler area that will encompass the boundaries of existing quarantine areas for the Bakersfield, Wasco, Shafter and Buttonwillow areas of Kern County, thereby creating one total area of 1246 square miles. The effect of the emergency action is to provide authority for the state to perform quarantine activities against ACP within this expanded area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, Tulare and Ventura, and a portion of Fresno, Kern, Madera, San Francisco, San Joaquin, San Luis Obispo, San Mateo, Santa Clara, and Stanislaus counties that are already under quarantine for the ACP, totaling approximately 53,451 square miles.

Title 3

AMEND: 3435(b)  
 Filed 03/10/2016  
 Effective 03/10/2016  
 Agency Contact: Sara Khalid (916) 403-6625

File# 2016-0210-01  
 DEPARTMENT OF INDUSTRIAL RELATIONS  
 Abatement Credit for Cal/OSHA Citations

This action (1) conditions abatement credits upon an employer showing proof of abatement for serious violations; and (2) allows DIR flexibility to adjust earned abatement credits after a citation becomes a final order by operation of regulatory law when an employer provides sufficient proof of timely abatement.

Title 8

AMEND: 333, 336  
 Filed 03/14/2016  
 Agency Contact:  
 Christopher Grossgart (510) 286-6959

File# 2016-0301-03  
 DEPARTMENT OF JUSTICE  
 Conflict-of-Interest Code

This is a conflict-of-interest code amendment that has been approved by the Fair Political Practices Com-

mission and is being submitted for filing with the Secretary of State and printing only.

Title 11  
 AMEND: 20  
 Filed 03/10/2016  
 Effective 04/09/2016  
 Agency Contact: Julia Bilaver (916) 322-6124

File# 2016-0201-01  
 DIVISION OF WORKERS' COMPENSATION  
 Workers' Compensation — Official Medical Fee Schedule — Inpatient Hospital

This action by the Division of Workers' Compensation of the Department of Industrial Relations is submitted to OAL for filing and printing pursuant to Labor Code section 5307.1(g)(2). The action amends the Official Medical Fee Schedule located within title 8 of the California Code of Regulations.

Title 8  
 AMEND: 9789.21, 9789.25  
 Filed 03/14/2016  
 Effective 03/14/2016  
 Agency Contact: Jarvia Shu (510) 286-0646

**CCR CHANGES FILED  
 WITH THE SECRETARY OF STATE  
 WITHIN October 14, 2015 TO  
 March 16, 2016**

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 2**

02/22/16 ADOPT: 61000, 61001, 61002, 61003, 61004, 61005, 61006, 61007, 61008, 61009, 61010, 61011, 61012, 61013, 61014, 61015, 61016, 61017, 61018, 61019, 61020, 61021, 61022, 61023, 61024  
 02/22/16 ADOPT: 59800  
 02/11/16 AMEND: 57200  
 02/10/16 AMEND: 57200  
 02/04/16 ADOPT: 555.5  
 02/04/16 AMEND: 18351  
 02/04/16 AMEND: 18616  
 01/14/16 AMEND: 18944.1

01/14/16 AMEND: 18996  
 01/06/16 AMEND: 48000  
 12/30/15 AMEND: 53900  
 12/23/15 AMEND: 1859.2, 1859.107, 1859.164.2, 1859.195, 1859.198  
 12/23/15 AMEND: 1859.70.4, 1859.93, 1859.93.1, 1859.190  
 12/22/15 AMEND: 51000  
 12/21/15 AMEND: 58200  
 12/21/15 AMEND: 59100  
 12/21/15 AMEND: 1859.76  
 12/15/15 ADOPT: 18360 AMEND: 18362  
 REPEAL: 18360  
 12/15/15 AMEND: 57500  
 12/15/15 REPEAL: 18413  
 12/14/15 ADOPT: 5.1, 5.2, 90, 248, 548.2, 548.5  
 REPEAL: 548.77  
 12/09/15 ADOPT: 11023 AMEND: 11005.1 (renumbered to 10500), 11006, 11008, 11009, 11019, 11023 (renumbered to 11024), 11028, 11029, 11030, 11031, 11034, 11035, 11036, 11039, 11040, 11041, 11042, 11043, 11044, 11045, 11046, 11047, 11049, 11050, 11051, 11059, 11060, 11062, 11064, 11065, 11066, 11067, 11068, 11070, 11071, 11075, 11100, 11101, 11103, 11104, 11105, 11111, 11113, 11114, 11121, 11122, 11123, 11128, 11131, 11132, 11133 (renumbered to 10250), 11134 (renumbered to 10251), 11135 (renumbered to 10252), 11136 (renumbered to 10253), 11137 (renumbered to 10254), 11138 (renumbered to 10255), 11139 (renumbered to 10256), 11140 (renumbered to 10257), 11141 (renumbered to 10258) REPEAL: 11024  
 12/08/15 ADOPT: 59790  
 12/03/15 REPEAL: 28010  
 12/02/15 ADOPT: 25, 26  
 12/02/15 ADOPT: 11, 12, 12.1, 155, 156, 157, 158, 159 AMEND: 547.52  
 11/19/15 ADOPT: 59550  
 11/09/15 AMEND: 18225.7 REPEAL: 18550.1  
 11/04/15 AMEND: 37000  
 11/03/15 AMEND: 1859.2, 1859.71.4, 1859.78.1, 1859.79.2, 1859.82, 1859.83, 1859.125, 1859.125.1, 1859.145, 1859.163.1, 1859.163.5, 1859.167.2, 1859.193  
 10/28/15 AMEND: 52400  
 10/19/15 AMEND: 18422  
 10/19/15 AMEND: 18422.5

**Title 3**

03/10/16 AMEND: 3435(b)  
 03/09/16 AMEND: 3435(b)  
 03/08/16 AMEND: 3435(b)  
 02/17/16 AMEND: 6000, 6445, 6447, 6447.2, 6447.3, 6448.1, 6449.1, 6450.1, 6452, 6452.2, 6784  
 02/17/16 AMEND: 3439(b)  
 02/09/16 AMEND: 3435(b)  
 02/02/16 ADOPT: 3442  
 01/27/16 ADOPT: 3591.26  
 01/21/16 AMEND: 3435(b)  
 01/20/16 AMEND: 3435(b)  
 01/14/16 AMEND: 3435(b)  
 01/06/16 AMEND: 3435(b)  
 01/05/16 AMEND: 3435(b)  
 12/30/15 AMEND: 3435(b)  
 12/23/15 ADOPT: 3441  
 12/21/15 AMEND: 3435(b)  
 12/16/15 AMEND: 3435(b)  
 12/15/15 AMEND: 3435(b)  
 12/14/15 AMEND: 3435  
 12/07/15 AMEND: 3435(b)  
 12/02/15 AMEND: 6170.5, 6723, 6724, 6761  
 11/24/15 AMEND: 3435(b)  
 11/24/15 AMEND: 3435(b)  
 11/18/15 AMEND: 6260, 6262, 6264, 6266  
 11/13/15 AMEND: 3435(b)  
 11/12/15 AMEND: 3435(b)  
 11/09/15 AMEND: 1358.4  
 11/04/15 AMEND: 6000, 6188, 6742, 6746, 6793  
 10/29/15 AMEND: 3435(b)  
 10/22/15 ADOPT: 1280.11 AMEND: 1280, 1280.1, 1280.7, 1280.8

**Title 4**

03/10/16 ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101  
 03/08/16 AMEND: 1658  
 03/03/16 AMEND: 10176, 10179, 10180, 10181  
 02/04/16 AMEND: 5000, 5033, 5052, 5144, 5205, 5220, 5221, 5230  
 02/01/16 ADOPT: 7210, 7213, 7214, 7215, 7216, 7217, 7218, 7219, 7220, 7221, 7222, 7223, 7224, 7225, 7225.1, 7226, 7227, 7228, 7229  
 01/26/16 ADOPT: 1866.1 AMEND: 1844

01/25/16 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11  
 01/04/16 AMEND: 130  
 12/29/15 AMEND: 1887  
 12/24/15 AMEND: 10302, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337  
 12/10/15 AMEND: 1632  
 12/03/15 ADOPT: 10091.1, 10091.2, 10091.3, 10091.4, 10091.5, 10091.6, 10091.7, 10091.8, 10091.9, 10091.10, 10091.11, 10091.12, 10091.13, 10091.14, 10091.15  
 11/30/15 ADOPT: 7125.1 AMEND: 7113, 7116, 7118, 7119, 7125, 7127  
 11/17/15 AMEND: 2000  
 11/09/15 ADOPT: 5258, 5271, 5273 AMEND: 5033, 5052, 5100, 5102 (renumbered to 5101), 5103 (renumbered to 5102), 5104 (renumbered to 5103), 5105 (renumbered to 5104), 5106 (renumbered to 5105), 5107 (renumbered to 5106), 5132, 5170, 5190, 5191, 5192, 5200, 5205, 5210, 5230, 5232, 5250, 5255, 5260, 5267 REPEAL: 5101  
 11/02/15 ADOPT: 8078.3, 8078.4, 8078.5, 8078.6, 8078.7  
 10/27/15 AMEND: 8035  
 10/26/15 AMEND: 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11

**Title 5**

03/03/16 AMEND: 19810  
 02/26/16 AMEND: 27007  
 02/24/16 AMEND: 80499  
 02/24/16 AMEND: 80014, 80014.1, 80066 REPEAL: 80014.2  
 02/18/16 ADOPT: 40106  
 01/12/16 ADOPT: 27700, 27701, 27702, 27703, 27704, 27705  
 12/14/15 AMEND: 80057.5, 80089, 80089.1, 80089.2  
 12/08/15 AMEND: 3030(b)(10)  
 11/23/15 ADOPT: 71105, 71105.5, 71410, 71471, 71775, 71775.5, 74240, 74250, 75140 AMEND: 70000, 71400, 71650, 75150  
 11/23/15 ADOPT: 851.5, 853.6, 853.8 AMEND: 850, 851, 853, 853.5, 853.7, 855, 857, 858, 859, 860, 861, 862, 862.5, 863, 864  
 11/18/15 ADOPT: 80002 AMEND: 80001  
 11/03/15 AMEND: 1505

**Title 8**

03/14/16 AMEND: 9789.21, 9789.25

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03/14/16	AMEND: 333, 336	01/27/16	AMEND: 1953(e)(5)
03/07/16	AMEND: 4307	12/09/15	AMEND: 1070(c)
03/07/16	AMEND: 4412	12/09/15	AMEND: 1001, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1013, 1016, 1018, 1019, 1051, 1054, 1055, 1056, 1057, 1058, 1060, 1070, 1071, 1080, 1081, 1082, 1083, 1084, 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960
03/04/16	AMEND: 9785.4.1	11/23/15	ADOPT: 4250, 4251, 4252, 4253, 4254, 4255, 4256, 4257, 4258, 4259
02/25/16	AMEND: 3328	10/27/15	ADOPT: 313, 314, 315, 316, 999.9, 999.9.1, 999.9.2, 999.9.3, 999.9.4, 999.9.5 AMEND: 999.6, 999.7, 999.8
01/06/16	AMEND: 5194(c)	10/20/15	AMEND: 1005, 1007, 1008
12/30/15	ADOPT: 1950, 1951, 1952, 1953, 1954, 1955, 1956, 1957, 1958, 1959, 1960, 1961, 1962	<b>Title 12</b>	
11/23/15	AMEND: 10133.32	12/02/15	AMEND: 800.1, 803, 804, 809 REPEAL: 808
11/05/15	AMEND: 333, 336	<b>Title 13</b>	
10/21/15	AMEND: 15600, 15609	02/29/16	AMEND: 553.70
<b>Title 9</b>		02/25/16	AMEND: 551.8, 551.12, 591, 592
11/05/15	AMEND: 4210	02/08/16	ADOPT: 2850, 2851, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2866, 2867, 2868, 2869 AMEND: 2440, 2442
<b>Title 10</b>		01/26/16	AMEND: 1239
03/08/16	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.2, 2240.3, 2240.4, 2240.5	01/25/16	AMEND: 1162.1, 1242
02/04/16	AMEND: 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218	01/19/16	AMEND: 1253
02/02/16	ADOPT: 2269 AMEND: 2218, 2250, 2251, 2252, 2253, 2254, 2256, 2257, 2258, 2259, 2260, 2266, 2267, 2268 REPEAL: 2218.1, 2255, 2261, 2262, 2263, 2264, 2265, 2269.1, 2269.4, 2269.7, 2269.10, 2269.11, 2269.13, 2269.14	01/19/16	ADOPT: 1160.7, 1161.8 AMEND: 1160.2
01/07/16	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516	12/21/15	AMEND: 423.00
12/23/15	ADOPT: 6650, 6652, 6656, 6657, 6658, 6660, 6662, 6664, 6666, 6668, 6670	12/09/15	ADOPT: 1157.21 AMEND: 1157, 1157.4, 1157.6, 1157.8, 1157.10, 1157.12, 1157.13, 1157.14, 1157.16, 1157.18, 1157.20
12/14/15	ADOPT: 6408, 6410, 6450, 6452, 6454, 6470, 6472, 6474, 6476, 6478, 6480, 6482, 6484, 6486, 6490, 6492, 6494, 6496, 6498, 6500, 6502, 6504, 6506, 6508, 6510, 6600, 6602, 6604, 6606, 6608, 6610, 6612, 6614, 6616, 6618, 6620	11/16/15	ADOPT: 2293, 2293.1, 2293.2, 2293.3, 2293.4, 2293.5, 2293.6, 2293.7, 2293.8, 2293.9, Appendix 1 AMEND: 2290, 2291, 2293 (renumbered to 2294), 2293.5 (renumbered to 2295)
12/04/15	ADOPT: 1422.3, 1950.122.4.2	11/09/15	AMEND: 551.21
11/02/15	AMEND: 2498.5	10/21/15	ADOPT: 551.22 AMEND: 550, 551.2
11/02/15	AMEND: 2498.4.9	<b>Title 14</b>	
11/02/15	AMEND: 2498.6	03/07/16	ADOPT: 749.8
10/26/15	ADOPT: 2240.15, 2240.16, 2240.6, 2240.7 AMEND: 2240, 2240.1, 2240.4, 2240.5	03/01/16	AMEND: 7.50
10/15/15	ADOPT: 5508, 5509, 5510, 5511, 5512, 5513, 5514, 5515, 5516	02/29/16	ADOPT: 1.57, 5.41 AMEND: 1.05, 1.53, 1.86, 2.00, 5.60, 5.80, 5.81, 7.00, 7.50, 27.00, 230
<b>Title 11</b>		02/23/16	AMEND: 632
03/10/16	AMEND: 20	02/18/16	ADOPT: 748.5
02/24/16	AMEND: 1005, 1007, 1008, 1052	02/10/16	ADOPT: 672, 672.1, 672.2
02/24/16	AMEND: 1951, 1953, 1954, 1955	02/10/16	AMEND: 17381.2
02/17/16	AMEND: 1005, 1081	02/09/16	AMEND: 3550.11
		02/05/16	AMEND: 1724.9

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01/25/16	AMEND: 870.15, 870.17, 870.19, 870.21	17383.4, 17383.7, 17388.3, 17403.1, 17403.2, 17403.3, 17409.2, 17852, 17855, 17855.2, 17855.3, 17856, 17857.1, 17857.2, 17859.1, 17862, 17862.1, 17863, 17863.4, 17867, 17868.1, 17868.2, 17868.3, 17868.5, 17869, 18083, 18100, 18101, 18102, 18103, 18103.1, 18103.2, 18104, 18104.1, 18104.2, 18104.3, 18104.6, 18104.9, 18105, 18105.1, 18105.2, 18105.3, 18105.5, 18105.6, 18105.8, 18105.9, 18105.11, 18227, 18302; Title 27: 21620, Appendix 1 REPEAL: Title 14: 17855.4
01/21/16	ADOPT: 1760.1, 1779.1	
01/13/16	AMEND: 149	
12/30/15	AMEND: 180.6	
12/29/15	AMEND: 1038	
12/28/15	ADOPT: 8.01	
12/15/15	AMEND: 4970.00, 4970.01, 4970.04, 4970.05, 4970.06.1, 4970.07, 4970.08, 4970.09, 4970.10.4, 4970.17, 4970.23, 4970.24.1, 4970.25.1	
12/10/15	AMEND: 1.92, 703	
11/30/15	AMEND: 1665.7	
11/30/15	AMEND: 163, 164	
11/24/15	AMEND: 29.85	
11/23/15	AMEND: 1052.1	
11/23/15	AMEND: 895.1, 916.9, 917.2, 937.2, 957.2, 937.3, 957.3, 929.1, 949.1, 969.1, 1038, 1039.1, 1041, 1092.01, 1092.26, 1092.28, 1109.4	
11/19/15	AMEND: 890	
11/13/15	AMEND: 478, 479	
11/06/15	AMEND: 29.80, 29.85	
11/06/15	ADOPT: 131	
11/05/15	AMEND: 29.85	
11/03/15	AMEND: 895.1, 1038, 1038.2	
11/03/15	AMEND: 870.15, 870.17, 870.19, 870.21	
10/19/15	ADOPT: 1760.1, 1779.1	
10/16/15	AMEND: 17354, 17356	
<b>Title 14, 27</b>		
11/10/15	ADOPT: Title 14: 17017, 17854.1, 17863.4.1, 17868.3.1, 17896.1, 17896.2, 17896.3, 17896.4, 17896.5, 17896.6, 17896.7, 17896.8, 17896.9, 17896.10, 17896.11, 17896.12, 17896.13, 17896.14, 17896.15, 17896.16, 17896.17, 17896.18, 17896.19, 17896.20, 17896.21, 17896.22, 17896.23, 17896.24, 17896.25, 17896.26, 17896.27, 17896.28, 17896.29, 17896.30, 17896.31, 17896.32, 17896.33, 17896.34, 17896.35, 17896.36, 17896.37, 17896.38, 17896.39, 17896.40, 17896.41, 17896.42, 17896.43, 17896.44, 17896.45, 17896.46, 17896.47, 17896.48, 17896.49, 17896.50, 17896.51, 17896.52, 17896.53, 17896.54, 17896.55, 17896.56, 17896.57, 17896.58, 17896.59, 17896.60, 17896.61, 18221.5.1, 18221.6.1 AMEND: Title 14: 17362.2, 17377.2, 17381.1, 17383.3,	
		<b>Title 15</b>
		03/10/16 ADOPT: 3000, 3268.2 REPEAL: 3999.17
		02/18/16 ADOPT: 3040.2 AMEND: 3000, 3040.1, 3041, 3041.3, 3043.6, 3379 REPEAL: 3999.15
		02/18/16 AMEND: 3375.1, 3377
		12/30/15 AMEND: 3000, 3268, 3268.1, 3268.2
		12/24/15 ADOPT: 1712.3, 1714.3, 1730.3, 1740.3 AMEND: 1700, 1706, 1712.2, 1714.2, 1730.2, 1731, 1740.2, 1747, 1747.1, 1748, 1748.5, 1749, 1749.1, 1750, 1750.1, 1751, 1752, 1753, 1754, 1756, 1760, 1766, 1767, 1768, 1770, 1772, 1776, 1778, 1788, 1790, 1792
		12/14/15 AMEND: 3124
		12/14/15 ADOPT: 3999.20
		12/03/15 ADOPT: 3340, 3341, 3341.1, 3341.2, 3341.3, 3341.4, 3341.5, 3341.6, 3341.7, 3341.8, 3341.9 AMEND: 3000, 3044, 3269, 3269.1, 3335, 3335.5, 3336, 3337, 3338, 3339, 3340 (Renumbered to 3335.5), 3342, 3343, 3344 REPEAL: 3341, 3341.5
		11/23/15 AMEND: 3173.2
		11/17/15 ADOPT: 3317.1, 3317.2 AMEND: 3310, 3315, 3317
		11/05/15 AMEND: 3349 REPEAL: 3349.1.1, 3349.1.2, 3349.1.3, 3349.1.4, 3349.2.1, 3349.2.2, 3349.2.3, 3349.2.4, 3349.3, 3349.3.1, 3349.3.2, 3349.3.3, 3349.3.4, 3349.3.5, 3349.3.6, 3349.3.7, 3349.4.1, 3349.4.2, 3349.4.3, 3349.4.4, 3349.4.5, 3349.4.6
		<b>Title 16</b>
		03/07/16 AMEND: 1001
		03/03/16 ADOPT: 1463.5, 1485.5
		02/29/16 ADOPT: 1960
		02/24/16 AMEND: 1446, 1447, 1447.1
		02/23/16 AMEND: 109, 111

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02/18/16 ADOPT: 1108 59064, 59065, 59066, 59067, 59068,  
 02/08/16 AMEND: 1417 59069, 59070, 59071, 59072  
 01/27/16 ADOPT: 1746.3 02/03/16 AMEND: 95000 REPEAL: 95001,  
 01/25/16 ADOPT: 1746.2 95002, 95003, 95004, 95005, 95006,  
 01/25/16 AMEND: 420.1, 3021.1 95007  
 01/11/16 AMEND: 995 01/25/16 REPEAL: 60090, 60091, 60092, 60093,  
 12/30/15 ADOPT: 1805.01, 1805.05, 1822.50, 60094  
 1822.51, 1822.52, 1829.1, 1829.2, 01/21/16 AMEND: 100003  
 1829.3, 1877.1, 1877.2, 1877.3 01/11/16 ADOPT: 94017 AMEND: 94010, 94011,  
 AMEND: 1805, 1806, 1816, 1816.2, 94016  
 1816.3, 1816.4, 1816.5, 1816.6, 1816.7, 01/06/16 ADOPT: 100503  
 1829, 1877 11/16/15 ADOPT: 95480, 95481, 95482, 95483,  
 12/23/15 ADOPT: 1399.50, 1399.52 95483.1, 95483.2, 95484, 95485, 95486,  
 11/30/15 ADOPT: 1820.7 AMEND: 1820, 1820.5, 95487, 95488, 95489, 95490, 95491,  
 1822 95492, 95493, 95494, 95495, 95496,  
 11/25/15 AMEND: 1209, 1214, 1216, 1221, 1255, 95497 REPEAL: 95480, 95480.1,  
 1258, 1258.1, 1258.2, 1258.4 REPEAL: 95480.2, 95480.3, 95480.4, 95480.5,  
 1258.3 95481, 95482, 95483, 95484, 95485,  
 11/24/15 ADOPT: 2386.5 AMEND: 2382, 2383, 95486, 95487, 95488, 95489, 95490  
 2384, 2385, 2386, 2387, 2388 10/20/15 AMEND: 95802, 95973, 95975, 95976,  
 11/23/15 AMEND: 109 95981, 95985, 95990  
 11/20/15 AMEND: 4151, 4152  
 11/19/15 AMEND: 1793.5  
 10/28/15 AMEND: 1399.100, 1399.101,  
 1399.102, 1399.105, 1399.111,  
 1399.113, 1399.114, 1399.115,  
 1399.116, 1399.117, 1399.118,  
 1399.119, 1399.120, 1399.121,  
 1399.122, 1399.126, 1399.127,  
 1399.132, 1399.133, 1399.134,  
 1399.135, 1399.136, 1399.137,  
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 1399.141, 1399.142, 1399.143,  
 1399.144, 1399.150.1, 1399.150.2,  
 1399.150.3, 1399.151, 1399.151.1,  
 1399.152, 1399.152.1, 1399.152.2,  
 1399.152.3, 1399.153, 1399.153.2,  
 1399.153.3, 1399.153.4, 1399.153.8,  
 1399.153.9, 1399.154, 1399.154.1,  
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 1399.154.5, 1399.155, 1399.156,  
 1399.156.2, 1399.156.3, 1399.156.5,  
 1399.157.2, 1399.159, 1399.159.01,  
 1399.159.1, 1399.159.2, 1399.159.3,  
 1399.160.1, 1399.160.2, 1399.160.3,  
 1399.160.7, 1399.160.8, 1399.160.9,  
 1399.160.10, 1399.160.12, 1399.170.15,  
 1399.170.18, 1399.180, 1399.182

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03/08/16 AMEND: 60201  
 02/05/16 ADOPT: 59050, 59051, 59052, 59053,  
 59054, 59055, 59056, 59057, 59058,  
 59059, 59060, 59061, 59062, 59063,

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02/03/16 AMEND: 5218, 5235, 5237, 5267  
 01/06/16 AMEND: 1619  
 12/29/15 ADOPT: 18416.5  
 12/16/15 AMEND: 1532, 1533.1, 1533.2, 1534,  
 1535, 1805, 1825  
 12/08/15 AMEND: 1584  
 11/10/15 AMEND: 284, 1027  
 11/05/15 AMEND: 1705.1, 4903, 5240, 5241,  
 5242

**Title 19**

12/07/15 AMEND: 2600

**Title 20**

03/08/16 AMEND: 2.1  
 02/10/16 AMEND: 1601, 1604, 1605.3  
 12/21/15 ADOPT: 1208, 1208.1, 1209, 1210,  
 1211, 1211.5, 1212, 1230, 1231, 1232,  
 1232.5, 1233, 1233.1, 1233.2, 1233.3,  
 1233.4, 1234 AMEND: 1003, 1101,  
 1104, 1200, 1201, 1202, 1203, 1204,  
 1205, 1206, 1207 [renumbered to  
 1211.7], 1208 [renumbered to 1207],  
 1718 [renumbered to 1207.5], 1225,  
 1240, 1675, 1701, 1706, 1707, 1709.5,  
 1709.7, 1712.5 [renumbered to 1710],  
 1710 [renumbered to 1711], 1714,  
 1714.5, 1720, 1720.4, 1729, 1742, 1744,  
 1744.5, 1748 [renumbered to 1745], 1749  
 [renumbered to 1745.5], 1753  
 [renumbered to 1746], 1754 [renumbered  
 to 1747], 1755 [renumbered to 1748],

	1769, 1804, 1863, 2001, 2010, 2012, 2027, 2028, 2030, 2322, 2325, 2328, Appendix A [following section 2340], Appendix B [following section 2012 and Appendix A] REPEAL: 1209, 1209.5, 1210, 1211, 1212, 1213, 1214, 1217, 1230, 1231, 1232, 1233, 1233.5, 1234, 1235, 1236, 1236.5, 1237, 1702, 1705, 1711, 1712, 1716.5, 1717, 1718, 1718.5, 1719, 1742.5, 1743, 1745, 1747, 1751, 1752, 1752.3, 1752.5, 1752.7, 1757, 1765		81000, 81001, 81009, 81010, 81018, 81022, 81024, 81027, 81031, 81042, 81051, 81060, 81061, 81064, 81064.1, 81065, 81065.5, 81065.6, 81066, 81068, 81068.1, 81068.2, 81068.3, 81068.4, 81068.5, 81069, 81070, 81072, 81075, 81076, 81078, 81079, 81080, 81087, 81087.2, 81087.3, 81088
10/20/15	AMEND: 3103	01/05/16	AMEND: 51180, 51349
<b>Title 22</b>		12/14/15	ADOPT: 50188
02/25/16	ADOPT: 100450.100	12/10/15	ADOPT: 51190.4.1 AMEND: 51231.1, 51231.2, 51323, 51360, 51491
02/23/16	AMEND: 69502.2	10/20/15	REPEAL: 75051
02/11/16	ADOPT: 51000, 51000.7, 51000.9.5, 51000.15.5, 51000.20, 51000.24.3, 51000.24.4, 51000.24.4.1, 51000.24.5, 51000.24.8, 51000.30, 51000.31, 51000.35, 51000.40, 51000.45, 51000.60, 51000.70, 51000.75, 51051, 51341.1	10/16/15	AMEND: 97215, 97216, 97217, 97221, 97222, 97223, 97224, 97228, 97229
02/08/16	AMEND: 100143, 100146, 100149, 100152, 100153, 100154 (renumbered to 100159), 100155 (renumbered to 100161), 100156 (renumbered to 100160), 100157 (renumbered to 100162), 100159 (renumbered to 100154), 100160 (renumbered to 100155), 100161 (renumbered to 100156), 100162 (renumbered to 100157), 100163 (renumbered to 100164), 100164 (renumbered to 100163), 100165, 100167, 100172	10/15/15	ADOPT: 100044, 100044.1, 100044.2, 100044.3, 100044.4, 100044.5, 100044.6, 100044.7, 100044.8, 100044.9, 100044.10, 100045, 100046, 100047, 100048, 100049, 100050, 100051, 100052, 100053, 100054
02/01/16	AMEND: 64806	<b>Title 22, MPP</b>	
01/05/16	ADOPT: 81005, 81006, 81007, 81008, 81011, 81012, 81017, 81019, 81019.1, 81020, 81021, 81023, 81025, 81026, 81028, 81029, 81030, 81034, 81035, 81036, 81040, 81043, 81044, 81045, 81046, 81052, 81053, 81054, 81055, 81055.1, 81056, 81058, 81059, 81062, 81063, 81069.2, 81071, 81073, 81074, 81075.1, 81077.2, 81077.3, 81077.4, 81077.5, 81086, 81090, 81091, 81092, 81092.1, 81092.2, 81092.3, 81092.4, 81092.5, 81092.6, 81092.7, 81092.8, 81092.9, 81092.10, 81092.11, 81093, 81094, 81094.5 AMEND: 80000, 80001, 80019, 80065, 80068, 80068.5, 80069, 80069.2, 80070, 80075, 80077.2, 80077.5, 80088, 80092.1, 80092.2,	02/10/16	AMEND: 102352, 102416.5, 102417, 102421
		12/30/15	ADOPT: 84092, 84093, 85092, 85093, 87794, 87795 AMEND: 84001, 84002, 84064, 84064.2, 84064.3, 84064.4, 84064.5, 84090, 84090.1, 84090.2, 84091, 84091.1, 84091.2, 84091.3, 84091.4, 85001, 85002, 85064, 85064.2, 85064.3, 85064.4, 85064.5, 85090, 85090.1, 85090.2, 85091, 85091.1, 85091.2, 85091.3, 85091.4, 87101, 87102, 87405, 87406, 87407, 87408, 87409, 87785, 87786, 87787, 87788, 87789, 87791, 87792, 87793
		<b>Title 23</b>	
		03/07/16	AMEND: 3930
		02/11/16	ADOPT: 863, 864, 865, 866
		01/28/16	ADOPT: 3009
		01/15/16	AMEND: 1062
		01/14/16	ADOPT: 3959.7
		12/23/15	AMEND: 3949.5
		12/17/15	AMEND: 879
		12/02/15	ADOPT: 3008
		11/09/15	ADOPT: 3939.47
		11/06/15	ADOPT: 340, 340.2, 340.4, 341, 342, 342.2, 342.4, 342.6, 343, 343.2, 343.4, 343.6, 343.8, 343.9, 343.10, 343.12, 343.14, 344, 344.2, 344.4, 344.6, 344.8, 344.10, 344.12, 344.14, 344.16, 344.18, 345, 345.2, 345.4, 346, 346.2, 346.4, 346.6

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10/28/15 AMEND: 1062, 1064, 1066

**Title 25**

02/25/16 ADOPT: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8414 AMEND: 8400, 8401, 8410, 8412 (renumbered to 8411), 8416 (renumbered to 8412), 8417 (renumbered to 8413), 8419 (renumbered to 8415), 8420 (renumbered to 8416), 8421 (renumbered to 8417) REPEAL: 8402, 8403, 8404, 8405, 8406, 8407, 8408, 8409, 8411, 8413, 8414, 8415, 8418

02/18/16 AMEND: 10001

**Title 27**

02/08/16 AMEND: 25705

01/19/16 ADOPT: 25205

10/28/15 AMEND: 10010

**Title 28**

12/09/15 AMEND: 1300.76, 1300.76.1, 1300.82.1, 1300.84.06, 1300.84.2, 1300.84.3

11/18/15 AMEND: 1000

**Title MPP**

12/24/15 ADOPT: 42-749 AMEND: 41-440, 42-711, 42-716, 44-207

12/23/15 ADOPT: 42-708, 42-709 AMEND: 42-302, 42-701, 42-711, 42-712, 42-713, 42-714, 42-716, 42-717, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111

11/30/15 AMEND: 40-034, 44-211, 44-303, 44-307, 44-316, 82-832

11/30/15 ADOPT: 30-777 AMEND: 30-701, 30-776