



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. DEPARTMENT OF FAIR
EMPLOYMENT AND HOUSING**

NOTICE OF INTENTION TO MOVE,
RENUMBER, AND AMEND THE
CONFLICT-OF-INTEREST CODE OF
THE DEPARTMENT OF FAIR EMPLOYMENT
AND HOUSING

NOTICE IS HEREBY GIVEN that the Department of Fair Employment and Housing, pursuant to the authority vested in it by section 87306 of the Government Code, proposes to move, renumber and amend its Conflict-of-Interest Code. The purpose of these amendments is to implement the requirements of sections 87300 through 87302, and section 87306 of the Government Code.

The Department of Fair Employment and Housing proposes to amend its Conflict-of-Interest Code to include employee positions that involve the making or participation in the making of decisions that may foreseeably have a material effect on any financial interest, as set forth in subdivision (a) of section 87302 of the Government Code.

This amendment adds newly created positions to the Department of Fair Employment and Housing's Code and makes other technical changes to reflect the department's current organizational structure. Copies of the amended code are available and may be requested from the Contact Person set forth below.

The Department of Fair Employment and Housing proposes to move and renumber its Conflict-of-Interest Code from Division 4 (FEHC) of Title 2 California Code of Regulations to the newly created Division 4.1 (DFEH) of Title 2 and to renumber the code as section 10125.

Any interested person may submit written statements, arguments, or comments relating to the proposed amendments by submitting them in writing no later than May 17, 2010 or at the conclusion of the public hearing, if requested, whichever comes later, to the Contact Person set forth below.

At this time, no public hearing has been scheduled concerning the proposed amendments. If any interested

person or the person's representative requests a public hearing, he or she must do so no later than April 22, 2010 by contacting the Contact Person set forth below.

The Department of Fair Employment and Housing has prepared a written explanation of the reasons for the proposed amendments and has available the information on which the amendments are based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the Contact Person set forth below.

The Department of Fair Employment and Housing has determined that the proposed amendments:

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

In making these proposed amendments, the Department of Fair Employment and Housing must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the amendments are proposed or would be as effective and less burdensome to affected private persons than the proposed amendments.

All inquiries concerning this proposed amendment and any communication required by this notice should be directed to:

Megan Elsea
c/o Department of Fair Employment and Housing
2218 Kausen Drive, Suite 100
Elk Grove, CA 95758
Telephone: (916) 478-7272
Facsimile: (916) 478-7331
E-mail: Megan.elsea@dfeh.ca.gov

**TITLE 2. CALIFORNIA PUBLIC
EMPLOYEES' RETIREMENT SYSTEM**

**NOTICE OF PROPOSED REGULATORY
ACTION**

NOTICE IS HEREBY GIVEN that the Board of Administration (Board) of the California Public Employees' Retirement System (CalPERS) proposes to

amend the regulations described in the Informative Digest after considering public comments, objections, or recommendations regarding the proposed actions.

I. PROPOSED REGULATORY ACTION

In this filing, the Board proposes to amend CalPERS Board of Administration regulations to implement Government Code Section 7513.85, which requires the Board to develop and implement a policy requiring the disclosure of payments to placements agents in connection with CalPERS investments in or through external managers.

II. WRITTEN COMMENT PERIOD

Any person interested may submit written comments relevant to the proposed regulatory action. The written comment period closes at 5 p.m. on May 17, 2010. The Regulations Coordinator must receive all written comments by close of the comment period. Comments may be submitted via fax at (916) 795-4607; email at the following address: veronica_mora@calpers.ca.gov; or mail to the following address:

Veronica Mora, Regulations Coordinator
California Public Employees' Retirement System
P.O. Box 942707
Sacramento, California 94229-2707
Telephone: (916) 795-0713

III. PUBLIC HEARING

Comments on the proposed actions will also be taken at a public hearing to be placed on the agenda of the regularly scheduled meeting of the Investment Committee of the CalPERS Board:

May 17, 2010
9:00 a.m.
California Public Employees' Retirement System
Lincoln Plaza North, Auditorium
400 Q Street, Sacramento, California, 95811.

IV. ACCESS TO HEARING ROOM

The hearing room will be accessible to persons with mobility impairments, and can be made accessible to persons with hearing or vision impairments upon advance request to the Regulations Coordinator.

V. AUTHORITY AND REFERENCE

The CalPERS Board of Administration has the plenary authority and fiduciary responsibility for investments of moneys and administration of CalPERS, pur-

suant to the California Constitution (Section 17 of Article XVI) and the Public Employees' Retirement Law (PERL) (California Government Code Title 2, Division 5, Part 3). The proposed regulation is implementing, interpreting and making specific Government Code Section 7513.85.

VI. INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

In the fall of 2009 Assembly Bill 1584 was passed by the Legislature and signed into law by the Governor. This Assembly Bill added Government Code Section 7513.85 which requires the California Public Employees' Retirement System (CalPERS) to adopt a policy requiring the disclosure of payments to placement agents in connection with CalPERS' investments with external managers by June 30, 2010. This regulation is being proposed to comply with the new Government Code requirement.

The proposed regulation will add transparency to the CalPERS Investment decision-making process by requiring the disclosure of the existence of relationships between CalPERS managers (defined as External Managers) and placement agents and the fees that are paid to these placement agents. The proposed regulation will help ensure that CalPERS investment decisions are consistent with investment policy and fiduciary responsibilities, increase the pool of information available to CalPERS Board members, staff and consultants when evaluating an investment opportunity, and help prevent impropriety and the appearance of impropriety and provide transparency and confidence in CalPERS investment decision-making processes.

VII. EFFECT ON SMALL BUSINESS

Small businesses that are in the placement agent business or investment management business may be impacted by this proposed regulation. The impacts are reasonable given the public policy concerns related to placement agents, their fees, and their potential involvement in CalPERS' investment decision-making processes. Notwithstanding the foregoing, any "small business" as defined by Government Code Section 11342.610 will not be impacted.

VIII. DISCLOSURES REGARDING THE PROPOSED REGULATORY ACTION

A. MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS: The proposed regulatory action does not impose a mandate on local agencies or school districts.

- B. **COST OR SAVINGS TO ANY STATE AGENCY:** The proposed regulatory action does not impact costs or savings for any state agency.
- C. **COST TO ANY LOCAL AGENCY OR SCHOOL DISTRICT:** The proposed regulatory action does not impose costs or savings for any local agency or school district which must be reimbursed in accordance with Government Code sections 17500–17630.
- D. **NONDISCRETIONARY COSTS OR SAVINGS IMPOSED ON LOCAL AGENCIES:** The proposed regulatory action does not impose non–discretionary costs or savings on local agencies.
- E. **COSTS OR SAVINGS IN FEDERAL FUNDING TO THE STATE:** The proposed regulatory action does not impact any federal funding to the state.
- F. **ADVERSE ECONOMIC IMPACT:** The proposed regulatory action has no significant statewide adverse economic impact directly affecting businesses, including the ability of business in California to compete with business in other states.
- G. **COST IMPACT ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES:** The CalPERS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- H. **IMPACT ON JOBS AND BUSINESSES WITHIN CALIFORNIA:** The proposed regulatory action 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.
- I. **EFFECT ON HOUSING COSTS:** The proposed regulatory action has no effect.

IX. CONSIDERATION OF ALTERNATIVES

The Board must determine 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 as and less burdensome to affected private persons than the proposed action.

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

X. CONTACT PERSONS

Please direct inquiries concerning the substance of the proposed regulatory action to:

Marte Castaños, Senior Staff Counsel
 California Public Employees’ Retirement System
 P.O. Box 942707
 Sacramento, California 94229–2707
 Telephone: (916) 795–3675

Please direct requests concerning the processing of this regulatory action to Veronica Mora, Regulations Coordinator, at (916) 795–0713 or veronica_mora@calpers.ca.gov.

XI. AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The entire rulemaking file is available for public inspection through the Regulations Coordinator at the address shown above. To date the file consists of this notice, the proposed text of the regulation and the Initial Statement of Reasons (ISR). A copy of the proposed text and the ISR is available at no charge upon telephone or written request to the Regulations Coordinator.

The Final Statement of Reasons (FSR) can be obtained, once it has been prepared, by written request to Veronica Mora, Regulations Coordinator, at the address shown in Section II.

XII. AVAILABILITY OF MODIFICATIONS TO PROPOSED AMENDMENT

The Board may, on its own motion or at the recommendation of any interested person, modify the proposed amendment to the regulation after the public comment period has closed. It may amend CCR section 559, if the changes are sufficiently related to the original text so that the public could have anticipated them.

If the Board modifies its regulatory action in this manner, it will prepare a comparison of the original proposed text and the modifications for an additional public comment period of not less than 15 days prior to the date on which the board adopts, amends, or repeals the resulting regulation. A copy of the comparison text will be mailed to all persons who submitted written comments, who testified or submitted written comments at the public hearing, or asked to be kept informed as to the outcome of this regulatory action.

XIII.

One can access the regulatory material regarding this action at www.calpers.ca.gov; About CalPERS; Legis-

lation, Regulations, and Statutes; Regulatory Actions; Current Regulatory Actions.

TITLE 8. OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD

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

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

PUBLIC MEETING: On **May 20, 2010**, at 10:00 a.m. in Room 310 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

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

PUBLIC HEARING: On **May 20, 2010**, following the Public Meeting, in Room 310 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

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

BUSINESS MEETING: On **May 20, 2010**, following the Public Hearing, in Room 310 of the County Administration Center, 1600 Pacific Highway, San Diego, California.

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

DISABILITY ACCOMMODATION NOTICE

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

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

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

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders and the General Industry Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on **May 20, 2010**.

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 4, Article 12
Sections 1600-1601
Pile Driving and Pile Extraction
2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
Division 1, Chapter 4, Subchapter 7, Article 116
Section 5278
Loading of Explosive Materials

Descriptions of the proposed changes are as follows:

1. **TITLE 8: CONSTRUCTION SAFETY ORDERS**

Division 1, Chapter 4, Subchapter 4,
Article 12

Sections 1600–1601

Pile Driving and Pile Extraction

INFORMATIVE DIGEST OF PROPOSED
ACTION/POLICY STATEMENT OVERVIEW

This rulemaking proposal is staff-initiated in response to a new American National Standards Institute (ANSI) consensus standard, ANSI/ASSE A10.19, Safety Requirements for Pile Installation and Extraction Operations,¹ published in May 2008. California's pile driving standards were last amended in 2004. The purpose of the new ANSI standard is to serve as a guide for contractors, labor, equipment manufacturers and government authorities.

Construction Safety Orders, Article 12, contains standards for pile driving including handling of piles. The existing standards address such worker safety measures as safety zones, blocking devices, hose connections, work platforms, access to elevated locations, signalers, pile driver rig stability, and handling of piles. However, the new ANSI/ASSE Standard addresses several issues, such as planning, personnel access, specific requirements based on pile hammer types, and pile extraction, which either are not currently addressed by Title 8 standards, or it addresses them with greater specificity and clarity for employers and enhances worker safety. The new ANSI/ASSE standard also offers an opportunity to update existing Title 8 standards consistent with current technology and industry practice.

This proposed rulemaking action contains numerous nonsubstantive, editorial, reformatting of subsections, and grammatical revisions. These nonsubstantive revisions are not all discussed in this Informative Digest. However, these proposed revisions are clearly indicated in the regulatory text in underline and strikeout format. In addition to these nonsubstantive revisions, the following actions are proposed:

Article 12. Pile Driving.

It is proposed to amend the title of this Article to "Pile Driving and Pile Extraction." The effect of this amendment will be to clarify the scope of the contents of this Article consistent with the following proposed modifications.

Subsection 1600(a). Site Layout.

This new provision is proposed to clarify the responsibility of the controlling contractor to provide and

maintain safe access into and through the site for the delivery and movement of necessary equipment and material. An exception excludes roads outside of the construction site. The effect of this amendment will be to clarify responsibilities for site access.

Subsection (b).

Provisions of existing subsection 1600(a) are re-designated as subsection (b) in order to make room for new subsection (a). The effect of this change, and other formatting changes to follow, will be to organize and arrange pile driving requirements in a logical and easy-to-use format.

Subsection (c).

The existing subsection 1600(b) requiring a blocking device to support the hammer in the leads when employees are working under the hammer is re-designated as subsection (c) and modified to permit the use of other equally effective means to secure the hammer in the leads when any employee is working under the hammer. An existing exception that permits the worker to momentarily lean through the leads to spot a pile under the hammer is proposed for deletion as this is less protective than the counterpart federal standard [29 CFR 1926.603(a)(5)]. The effect of these amendments will be to conform California standards to the federal counterpart and to provide more flexibility for compliance.

Subsection (d). Pressurized Lines and Hoses.

Existing subsection 1600(c) entitled "Steam and air hammer hose connections" is re-designated as subsection (d) and renamed "Pressurized Lines and Hoses" to more accurately reflect the content of this subsection. Subsection 1600(s) is proposed to be relocated to new subsection (d)(2) to organize and gather all relevant provisions for pressurized lines and hoses into one subsection. These modifications are merely reformatting and have no regulatory effect.

Subsection (g). Access to Pile Leads.

This new subsection, proposed to be entitled "Access to Pile Leads," will consist of three parts: subsection (g)(1) will be existing subsection 1600(f) with modifications clarifying ladder and personal fall protection provisions; subsections (g)(2) and (3) are new provisions based on ANSI A10.19, Sections 14.1 and 11.12 stating that the means of access to the leads shall prevent the employee from contacting the pile hammer and that the operator of the equipment must take steps to prevent uncontrolled motion of the equipment before an employee may access the leads. The effect of these amendments will be to protect the employee when it is necessary to access the pile driver leads.

Subsection (h). Sheet Pile Access.

This new subsection, proposed to be entitled "Sheet Pile Access" will consist of existing subsections 1600(g) and (h) which are proposed to be combined and

¹ ANSI/ASSE A10.19–2008 is the product of an ANSI Standards Committee on Safety in Construction and Demolition Operations, American Society of Safety Engineers (ASSE), Secretariat.

amended as follows: the use of stirrups [Subsection 1600(g)] will be clarified and moved to subsection (h)(3); the exception permitting the use of a boatswain's chair for access is proposed to be eliminated, and in its place, there will be provisions for using a crane-suspended personnel platform [new subsection (h)(1)(B)]; a new subsection (h)(2), based on ANSI A10.19, section 16.2, will prescribe that sheet piling shall be firmly stabilized before workers are permitted on it. The effect of these amendments will be to clarify safe practices for accessing and working on sheet piling.

Subsection (i). Specific Pile Driving Requirements.

Existing subsections 1600(i) and (j) are proposed to be consolidated into a new subsection (i) as subsections (i)(1) and (i)(3) respectively. A new subsection (i)(2) is proposed which will provide that the pile head must be cut square to the driving head and free of concrete spall, steel fragments, or other debris before being placed in position for driving. This new subsection is taken from ANSI A10.19, section 11.6. The effect of these amendments will be to clarify specific pile driving provisions.

Subsection (j). Pile Hammer Requirements.

This new subsection incorporates selected sections of ANSI A10.19 [Sections 11.26, 11.28, 12.12.1, 12.2, 12.3, and 12.4] regarding inspection of pile hammers, and specific provisions for vibratory pile hammers. The effect of this amendment will be to clarify provisions for safe operation of all pile hammers and will address specific concerns for vibratory pile hammers.

Subsection (o). Hoist Drums.

Existing subsections 1600(o) and (p) are proposed to be reformatted and consolidated into subsection (o). The term "dog" is proposed to be replaced with the term "pawl" which is more consistently used in other sections of the safety orders. Related non-substantive modifications are also proposed. The effect of these modifications will be to clarify means to prevent movement of hoist drums.

Subsection (p). Pile Leads.

Existing subsections 1600(q) and (r) are proposed to be consolidated into new subsection (p) as subsections (p)(1) and (p)(3) respectively. A new subsection (p)(2) is proposed which will provide that a guard or similar device shall be provided across the top of the head block to prevent the cable from jumping out of the sheaves. This section is added to provide equivalency with Federal standard 29 CFR 1926.603(a)(6). A new subsection (p)(4) is proposed that will prescribe that pile gates be sized sufficiently to secure piling at the bottom of the leads during driving operations. Subsection (p)(4) is based on ANSI A10.19, section 13.6. The effect of these amendments will be to clarify safety requirements for pile leads.

Subsection (q). Pile Driving Rig Stability.

Existing subsections 1600(t), (z) and (u) are proposed to be consolidated into new subsection (q) as subsections (q)(1), (q)(2) and (q)(3) respectively. The only other change proposed is to clarify that movement of the pile driver [new subsection (q)(2)] refers only to traveling; i.e., movement does not refer to slewing or other operations of the upper works. The effect of these modifications will be to simplify compliance by consolidating provisions for rig stability into one location.

Section 1600.1. Pile Extraction.

This new section has been added to address issues specific to pile extraction operations. The two subsections have been adapted from ANSI A10.19 sections 21.2 and 21.3. The effect of this amendment will be to address safety for pile extraction which is not specifically addressed at the present time.

Section 1601. Methods of Unloading and Storing Piles.

Existing Section 1601 contains provisions for safely unloading piles. It is proposed to modify the section title and text to include storage of piles. The text is proposed to be amended to prescribe that piles shall be stored in a controlled manner in order to protect employees from the hazard of rolling or falling piles after they are unloaded and prior to installation. The effect of this amendment will be to protect employees by prescribing that piles be stored in a safe manner while awaiting installation.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

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

Impact on Housing Costs

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

Impact on Businesses

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

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standards do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these standards do not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standards do not require local agencies to carry out the governmental function of providing services to the public. Rather, the standards require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed standards do not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standards do not impose unique requirements on local governments. All state, local and private employers will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

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

REASONABLE ALTERNATIVES CONSIDERED

Our 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 as and less burdensome to affected private persons than the proposed action.

2. **TITLE 8: GENERAL INDUSTRY SAFETY ORDERS**
 Division 1, Chapter 4, Subchapter 7,
 Article 116
 Section 5278
Loading of Explosive Materials

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

The Occupational Safety and Health Standards Board (Board) initiates this rulemaking to provide technical clarifying amendments to the General Industry Safety Orders (GISO), Section 5278. The proposal is a response to an Occupational Safety and Health Appeals Board Decision in the Matter of Ladd and Associates, Docket Nos. 99-R2D6-2068 and 2069, in which an employer was cited by the Division of Occupational Safety and Health (Division) for failing to implement an alternative safety plan when it is problematic to maintain a 50-foot clearance zone around a loaded hole filled with an explosive charge and awaiting detonation as required in Section 5278. The Administrative Law Judge’s Decision indicates that the requirement for the 50-foot clearance applies only during the loading operation, which allows potential hazards to exist without such a regulation once loading has concluded. It is noted that this Appeals Board Matter concerned provisions of the Construction Safety Orders that have been repealed; GISO, Section 5278 is the relevant, presently-operative standard.

Section 5278 contains explosive material loading procedures and specifications associated with blasting operations. Section 5278(d) mandates that no one but the loading crew, inspection personnel, and authorized supervisory personnel are to be allowed within 50 feet of the loaded area when explosive materials are being placed in drill holes. Currently, Section 5278 does not

clarify that the clearance zone (restricted area) within 50 feet of the loaded holes must be maintained free of personnel, except for the attendant, loading/detonation crew, inspection personnel, and any other authorized supervisory personnel while the drill holes, loaded with armed explosive materials, await detonation. Section 5278 does not stipulate that when there is a problem maintaining the 50-foot clearance, an approved alternative loading plan in accordance with subsection (d) is to be implemented. This proposal provides such clarification and has been determined by the Board's and Division's staff to be consistent with established industry blasting practices in California.

§5278. Loading of Explosive Materials—General.

The proposal adds language to existing Section 5278 [in both new subsections (o)(3) and (w)(3)] to the effect that no persons other than the attendant(s), the loading/detonation crew, inspection personnel, and authorized supervisory personnel are to be allowed within 50 feet of the loaded holes and includes in both new subsections (o)(3)(A) and (w)(3)(A) the requirement to develop and implement an approved alternative plan pursuant to existing Section 5278(d) at blasting sites where the required 50-foot clearance to the loaded holes cannot be maintained.

The proposal clarifies that the existing 50-foot clearance and alternate blasting plan requirements for loading activities currently in Section 5278(d) also apply to the drill holes once they are loaded with explosive materials. These clarifications serve to enhance the safety of employees working in the vicinity of loaded blasting holes.

This proposal is consistent with the federal requirements in 29 Code of Federal Regulations, Section 1926.905(i), which mandates that no activity of any nature other than that which is required for loading holes shall be permitted in the blast area.

In addition, this proposal corrects editorial errors in subsection (w)(2) where the word “attended” is revised to “unattended”, and the word “it” in this subsection is deleted. Revising the word “attended” to “unattended” clarifies that the loaded holes must either be attended, or if left unattended, the specified conditions in subsection (w)(2) must be met. This portion of the proposal will have the effect of ensuring that the standard’s wording is consistent with its intent.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action because this rule-making only proposes to clarify that, as with loading operations, no one but the attendant(s), the loading/

detonation crew, inspection personnel, and authorized supervisory personnel are to be allowed within 50 feet of the holes loaded with explosive materials. The proposal is consistent with the intent of the affected standard and will not result in added cost or savings to state agencies.

Impact on Housing Costs

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

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This proposal clarifies that no one but the attendant(s), the loading/detonation crew, inspection personnel, and authorized supervisory personnel are to be allowed within 50 feet of the holes loaded with explosive materials. This proposal is consistent with the intent of the affected standard and will not result in added cost or savings to state agencies.

Cost Impact on Private Persons or Businesses

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

Costs or Savings in Federal Funding to the State

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

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

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

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

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

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulation does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the regulation does not constitute a “new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution.”

The California Supreme Court has established that a “program” within the meaning of section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

The proposed regulation does not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulation requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed regulation does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

The proposed regulation does not impose unique requirements on local governments. All employers — state, local and private — will be required to comply with the prescribed standard.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

ASSESSMENT

The adoption of the proposed amendments to this regulation 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.

REASONABLE ALTERNATIVES CONSIDERED

Our 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 as and less burdensome to affected private persons than the proposed action.

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

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified

alternatives has been prepared and is available upon request from the Standards Board’s Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than May 14, 2010. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on May 20, 2010, will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274–5743 or e-mailed at oshsb@dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposals substantially as set forth without further notice.

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

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

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

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

TITLE 10. DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED ACTION

DATE: April 2, 2010 REGULATION FILE REG–2010–00001

Standards and Training for Estimating Replacement Value on Homeowners’ Insurance

SUBJECT OF PROPOSED RULEMAKING

The Insurance Commissioner proposes to adopt the regulation described below after considering comments

from the public. The Commissioner proposes the following changes to Chapter 5 of Title 10 of the California Code of Regulations: (1) the addition of new Section 2188.65 to Article 6.5 of Subchapter 1; (2) the amendment of Section 2190.2 of Article 7 of Subchapter 1; (3) the amendment of Section 2190.3 of Article 7 of Subchapter 1; and (4) the addition of new Article 1.3: Valuation of Homes to Subchapter 7.5.

The proposed regulation will: (1) set out requirements applicable to replacement value and replacement cost estimates to create a more consistent, comprehensive and accurate replacement cost calculation; (2) set forth training standards for agents and brokers who sell homeowner's insurance; (3) set forth standards for real estate appraisers who estimate replacement cost for insurance purposes; (4) require the application of certain standards when estimating replacement cost and construction costs; and (5) establish record keeping requirements.

PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

Date and

time: Monday, May 17, 2010 at 10:00 a.m.

Location: Department of Insurance Hearing Room
300 South Spring Street
Los Angeles, CA 90013

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to submit written comments on the proposed regulations during the public comment period. The public comment period will end at 5:00 p.m. on May 17, 2010. Please direct all written comments to the following contact person:

Michael Tancredi, Senior Staff Counsel
California Department of Insurance
300 South Spring St., 12th Floor
Los Angeles, CA 90013
Telephone: (213) 346-6637

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

George Teekell, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105
Telephone: (415) 538-4390

DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at his address listed above, no later than 5:00 p.m. on May 17, 2010. Any written materials received after that time may not be considered.

COMMENTS TRANSMITTED BY E-MAIL OR FACSIMILE

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: tancredim@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of Michael Tancredi and sent to the following facsimile number: (213) 897-9241. **Comments sent to other e-mail addresses or other facsimile numbers will not be accepted. Comments sent by e-mail or facsimile are subject to the deadline set forth above for written comments.**

AUTHORITY AND REFERENCE

The proposed regulations will implement, interpret and make specific the provisions of Insurance Code sections 35, 730, 735.5, 790.03, 790.04, 1625, 1625.5, 1631, 1633, 1749.1, 1749.3, 1749.31, 1749.85, 1760.5, 1763, 1764.1, 2051.5, and 10087.

The authority for these regulations are set forth in Insurance Code sections 35, 730, 790.03, 790.04, 790.10, 1631, 1633, 1727, 1749.7, 1749.85, 1763, 1768, 1861.05, and 2051.5.

INFORMATIVE DIGEST

SUMMARY OF EXISTING LAW AND POLICY STATEMENT OVERVIEW

Insurance Code section 1749.85 provides:

- (a) The curriculum committee shall, in 2006, make recommendations to the commissioner to instruct fire and casualty broker-agents and personal lines broker-agents and applicants for fire and casualty broker-agent and personal lines broker-agent licenses in proper methods of estimating the replacement value of structures, and of explaining various levels of coverage under a homeowners'

insurance policy. Each provider of courses based upon this curriculum shall submit its course content to the commissioner for approval.

- (b) A person who is not an insurer underwriter or actuary or other person identified by the insurer, or a licensed fire and casualty broker-agent, personal lines broker-agent, contractor, or architect shall not estimate the replacement value of a structure, or explain various levels of coverage under a homeowners' insurance policy.
- (c) This section shall not be construed to preclude licensed appraisers, contractors and architects from estimating replacement value of a structure.
- (d) However, if the Department of Insurance, by adopting a regulation, establishes standards for the calculation of estimates of replacement value of a structure by appraisers, then on and after the effective date of the regulation a real estate appraiser's estimate of replacement value shall be calculated in accordance with the regulation.

The policy underlying the proposed action is to assure that homeowners receive from Department licensees more accurate replacement value estimates regarding their insured structures. The Department and the California Legislature received a significant number of complaints by homeowners who lost their residences in the Southern California wildfires of 2003. Since 2003, California has experienced significant wildfires in 2007 and 2008 leading to the loss of a high number of residential structures. After each of these fires, fire survivors complained about problems including their experience that after the fire they learned that the replacement value estimates made in setting coverage limits for their homes was too low, causing underinsurance issues to arise during efforts to rebuild or replace their residences.

The significance of the replacement value being accurate is particularly important given that other than a limited number of homeowners who qualify for guaranteed replacement coverage offered by only a small number of insurers, the vast majority of homeowners have one of three kinds¹ of insurance coverage on their home: Limited Replacement Cost Coverage With an Additional Percentage which pays replacement costs up to a specified amount above the policy limit; Limited Replacement Cost Coverage With No Additional Percentage which pays replacement costs up to policy limit only; Actual Cash Value Coverage which pays the fair market value of the dwelling at the time of the loss, or the cost to repair, rebuild, or replace the damaged or de-

¹ In conjunction with the coverage options referenced, homeowners may request Building Code Upgrade-Ordinance and Law Coverage which pays up to limits specified in the policy and additional costs required to bring the dwelling up to code.

stroyed dwelling with like kind and quality construction up to the policy limit.

The necessity of having an accurate estimated replacement value that is updated regularly is paramount. The use by agents, brokers and insurers of replacement value estimation software that does not take into consideration factors including costs to replace the foundation of the structure, debris removal and demolition expenses, overhead and profit, engineering reports, and architect's plans is one source of the underinsurance problem.

The regulation clarifies the terms "replacement value" and "replacement cost" to create a more consistent, comprehensive and accurate replacement cost calculation; sets forth training standards for agents and brokers who sell homeowner's insurance; requires that licensees follow certain standards when using replacement cost calculators; and establishes record-keeping requirements. The regulations also impose certain requirements on other kinds of construction costs estimates.

Further, Insurance Code section 790 et seq., the Unfair Practices Act, provides that certain acts are defined as unfair and deceptive. The regulation makes it clear that when setting, recommending or communicating about a policy limit on a homeowners' insurance policy to characterize using the word "replace" or "replacement" any estimate of construction costs not comporting with the applicable provision of the regulation will constitute making a statement with respect to the business of insurance which is misleading and which by the exercise of reasonable care should be known to be misleading, pursuant to Insurance Code section 790.03.

EFFECT OF PROPOSED ACTION

The proposed regulations provide specific definitions applicable to the regulation and to Insurance Code Section 1749.85. They provide the recommended curricula required under Insurance Code 1749.85. The proposed regulations will establish the course requirements and the training on specific subjects, including how to estimate replacement cost and construction costs, necessary for those seeking to sell dwelling fire or homeowners' insurance.

The proposed regulations establish new record keeping requirements for those licensees who calculate estimated replacement cost and construction costs.

The proposed regulations provide standards for real estate appraisers who want to estimate replacement value for homeowner insurance policy purposes.

The proposed regulations provide standards to be used when a licensee estimates replacement cost and construction costs. These standards require that certain components and features be considered in estimating

replacement cost or construction costs, mandating that cost calculators factor in the costs of each feature and component. They require that licensees advise consumers if all of the features and components that are defined to make up a replacement cost estimate are not used in the calculation. If all of the components are not considered, the licensee may not call the calculation an estimated replacement cost. The regulations impose various restrictions on and requirements for construction cost estimates, including those not qualifying as a replacement cost estimate, as defined. Further, the regulations require that licensees should regularly evaluate their methods for estimating replacement cost and construction costs to ensure that these estimates are up-to-date.

MANDATES ON LOCAL AGENCIES OR SCHOOL DISTRICTS

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

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

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

ECONOMIC IMPACT ON BUSINESS AND THE ABILITY OF CALIFORNIA BUSINESSES TO COMPETE

The Commissioner has made an initial determination that the adoption of the proposed regulations may have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The types of businesses that may be affected are real estate appraisers, insurers and insurance agents, insurance brokers and vendors of home valuation software. The Commissioner 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:

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

POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

The cost of the course that insurance producers may need to pay may result in a minor economic impact. However, licensing courses are already required, notwithstanding these regulations, so the cost impact could be neutral.

The agent's time from work to take a classroom course may also be an economic impact. Again, though, this could be neutral. The Department has six homeowners' insurance valuation courses available for agents to complete for continuing education credit. Three courses are contact (classroom) and three are non-contact (either Internet or textbook). This means that the insurance producer has an option and may not need to take time from work to complete the course.

There might be a minor economic impact to licensees regarding the record keeping requirements, although licensees currently have record keeping requirements and the addition of another category of documentation to be retained would involve little, if any cost. Additionally, when construction costs estimates are provided rather than replacement cost estimates, the licensee may incur a cost associated with identifying and explaining the components that have been left out of the estimate. Such cost may be incurred in changing information on a licensee website, example, or when providing this information in writing.

There may be a slight economic impact on insurance producers who are required to take into consideration components and features in estimating replacement cost. This may be related to assuring that whatever cost calculators they use include these components.

There might be an economic impact for real estate appraisers who may wish to offer services providing estimating replacement cost for insurance purposes as they will have to update their calculations and calculation software, if applicable, to assure inclusion of the components and features required for the estimate.

The regulations require that when insurers require that certain replacement cost and construction costs tools and sources be used by insurance producers, that the insurers establish procedures for using the tools and sources, and that they train the insurance producers on

the these procedures. The training could lead to an appreciable economic cost. However, under most circumstances, currently, insurers provide such training on the use of replacement cost and construction costs estimators and in this regard the economic impact may be neutral.

It is possible that here could be a premium increase because replacement cost estimates are required to include debris removal and foundation replacement estimates, components not necessarily included currently. However, given the fact that any premium increase is anticipated to be extremely minor, it should have no significant impact on homeowner premium costs.

EFFECT ON JOBS AND BUSINESSES IN CALIFORNIA

The proposed regulations will not eliminate jobs within the State of California. They may create jobs for those real estate appraisers who wish to offer their services to the insurance industry by estimating the replacement cost of residential dwellings in connection with a homeowners' insurance policies.

The proposed regulations will not eliminate existing businesses within the State of California. They may create new businesses for those real estate appraisers who wish to offer their services to the insurance industry by estimating the replacement cost of residential dwellings in connection with homeowners' insurance policies.

The proposed regulations may lead to the expansion of businesses within the State of California as to those entities offering replacement cost and construction costs software to producers and insurers. The proposed regulations require that specific components and features be considered in any estimate that is called a "replacement cost" estimate, and inclusion of those features, and the marketing of the cost calculators that comply with the regulations, will provide the opportunity for business expansion.

FINDING OF NECESSITY

The Commissioner finds that it is necessary for the welfare of the people of the state that the regulations apply to businesses.

IMPACT ON HOUSING COSTS

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

ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that

has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which this action is proposed or would be as effective as and less burdensome to affected private persons than the proposed action. The Commissioner invites public comment on alternatives to the regulation.

IMPACT ON SMALL BUSINESS

The Commissioner has determined that the proposed amendments will affect small businesses to the extent that it affects insurance agents, brokers and real estate appraisers that may qualify as small businesses. However, insurance companies, which will also be affected, are by definition not small businesses, pursuant to Paragraph (b)(2) of Government Code section 11342.610.

COMPARABLE FEDERAL LAW

There is no existing federal regulation or statute comparable to the proposed regulations.

TEXT OF REGULATIONS AND STATEMENTS OF REASONS

As noted above, the Department has prepared an initial statement of reasons that sets forth the reasons for the proposed action. Upon request, the initial statement of reasons will be made available for inspection and copying. Requests for the initial statement of reasons or questions regarding this proceeding should be directed to the contact person listed above. Upon request, the final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should be directed to the contact person listed above.

The file for this proceeding, which includes a copy of the express terms of the proposed regulations, the statement of reasons, the information upon which the proposed action is based, and any supplemental information, including any reports, documentation and other materials related to the proposed action that is contained in the rulemaking file, is available by appointment for inspection and copying at 45 Fremont Street, 21st Floor, San Francisco, California 94105, between the hours of 9:00 a. m. and 4:30 p.m., Monday through Friday.

AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulations, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department’s website. To access them, go to <http://www.insurance.ca.gov>. Find at the right hand side of the page the heading ‘QUICK LINKS.’ The third item in this column under this heading is ‘For Insurers’; on the drop-down menu for this item, select ‘Legal Information.’ When the ‘INSURERS: LEGAL INFORMATION’ screen appears, click the third item in the list of bulleted items near the top of the page: ‘Proposed Regulations.’ The ‘INSURERS: PROPOSED REGULATIONS’ screen will be displayed. Select the only available link: ‘Search for Proposed Regulations.’ Then, when the ‘PROPOSED REGULATIONS’ screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To browse, click on the ‘Currently Proposed Regulations’ link. A list of the names of regulations for which documents are posted will appear. Find in the list the ‘Standards and Training for Estimating Replacement Value’ link, and click it. Links to the documents associated with these regulations will then be displayed.

To search, enter “REG-2010-00001” (the Department’s regulation file number for these regulations) in the search field. Alternatively, search by keyword (“Homeowners’,” for example, or “replacement”). Then, click on the ‘Submit’ button to display links to the various filing documents.

MODIFIED LANGUAGE

If the regulations adopted by the Department differ from those which have originally been made available but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Interested persons should request a copy of these regulations prior to adoption from the contact person listed above.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

ACTION: Notice of Proposed Rulemaking
Title 17, California Code of Regulations

SUBJECT: Medical Use of Radioactive Material,
DPH-05-018

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Public Health (CDPH) proposes to amend and repeal

certain sections of Title 17, California Code of Regulations (17 CCR), relating to the medical use of radioactive material after considering comments from the public. CDPH will conduct a written comment period, during which time any interested person or such person’s duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW:

This proposal addresses the medical use of radioactive material (RAM). It seeks to incorporate by reference applicable sections of Title 10, Code of Federal Regulations Part 35 (10 CFR 35), “Medical Use of By-product Material,” to maintain California’s continuing compatibility with federal regulations.

RAM is widely used in the healing arts for diagnostic and therapeutic purposes, nationally and internationally. For example, nuclear medicine procedures involve the injection of RAM as a radiopharmaceutical and use imaging equipment that allows a physician to diagnose illnesses, conditions, or diseases based on image results. RAM is also used in radiation therapy to treat cancer. Because radiation and radioactive material can both help and harm people and the environment, great effort is made to ensure protection of the public, the environment, the patient, and workers from radiation exposure and to control its use.

The Radiation Control Law (Health & Saf. Code, §§ 114960–115273) requires the California Department of Public Health (CDPH) to develop programs for licensing and regulating radioactive materials. (Health & Saf. Code, § 115000, subd. (b).) The CDPH is the successor of the California Department of Health Services (CDHS) and has the authority to license and regulate radioactive material under the California Public Health Act of 2006 (Stats. 2006, ch. 241 (SB 162, Ortiz)).

In 1962, the State of California ratified and approved an agreement with the United States Atomic Energy Commission, the predecessor of the United States Nuclear Regulatory Commission (NRC), by which the federal agency discontinued its regulatory authority over certain radioactive materials. (Health & Saf. Code, § 115230.) By such action California became an “Agreement State.”

California, as an Agreement State, has regulatory authority over the possession and use of RAM in medicine. All internal administrations of radioactive material or external radiation from radioactive sources given to human patients or human research subjects must be

done in accordance with a medical use license issued by CDPH.

A provision of the agreement between California and the NRC specifies that the State “will use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials.” (Health & Saf. Code, § 115235, art. V.) NRC’s stated policy is “to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with NRC’s regulatory program.”¹

To determine a state’s compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs, Handbook 5.9*.² This handbook describes the specific criteria and process that are used to clarify the NRC program elements that should be adopted and implemented by an Agreement State for purposes of compatibility, and those NRC program elements that have a particular health and safety significance. The NRC rates the elements on the degree of compatibility required. Thus, the NRC requires that some be adopted by the states in a form identical to the NRC’s, while adoption of others need not be identical but are required to meet the essential objective of the program element. The overall determination of adequacy and compatibility for an Agreement State is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program (IMPEP)*.³ The NRC evaluates Agreement States every four years to determine if a state’s radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria the NRC may revoke California’s status as an Agreement State.

The NRC examined issues surrounding its medical use regulatory program in detail during a 1993 internal senior management review, a 1996 independent external review by the National Academy of Sciences, Institute of Medicine, and the NRC’s Strategic Assessment and Rebaselining Initiative. In September 1997, NRC stated that its goal in regulating nuclear materials safety was to “prevent radiation-related deaths or illnesses due to civilian use of source, byproduct, and special nuclear materials.” (67 Fed.Reg. 20251 (April 24, 2002).)

NRC Commissioners supported continuation of NRC’s ongoing medical use regulatory program with

improvements, decreased oversight of low-risk activities, and continued emphasis on high-risk activities. The Commissioners specifically directed the restructuring of Part 35 into a risk-informed, more performance-based regulation. In addition, the Commissioners expressed their support for the use of NRC’s Advisory Committee on the Medical Use of Isotopes (ACMUI) and professional medical organizations and societies in the revision of Part 35.

During development of the rule, NRC considered the following issues (63 Fed.Reg. 43517 (August 13, 1998)):

- Focusing Part 35 on those procedures that pose the highest risk;
- Using regulatory oversight alternatives for diagnostic procedures that are consistent with the lower overall risk of these procedures;
- Determining the best way to capture not only relevant safety-significant events, but also precursor events;
- Changing the nomenclature from “misadministration” to “medical event”;
- Redesigning Part 35 so that regulatory requirements for new treatment modalities can be incorporated in a timely manner;
- Revising the requirement for a quality management program (10 CFR 35.32) to focus on those requirements that are essential for patient safety;
- Testing the viability of using or referencing available industry guidance and standards, within Part 35 and related guidance, to the extent that they meet NRC’s needs.

This risk-informed and performance-based approach is intended to be less prescriptive and to allow for the implementation by licensees that may be specific to their needs while meeting the regulatory requirements. A risk-informed regulation incorporates an assessment of relative risk so that the regulatory burden imposed is commensurate with the importance of that regulation or process to protect public health and safety and the environment. It reduces the amount of information required to be submitted by an applicant seeking to possess and use certain quantities of RAM for medical use. In a number of instances, the regulations found in 10 CFR Part 35 do not require the submission of detailed procedures. Instead, applicants are requested to confirm that they have developed and will implement and maintain procedures required by Part 35, but they are not required to submit those procedures as part of their license application.

A performance-based approach uses an ongoing process of establishing strategic performance objectives; measuring performance; collecting, analyzing, review-

¹ “Adequacy and Compatibility of Agreement State Programs,” Management Directive 5.9, page 1. The document is available at the Nuclear Regulatory Commission, Office of State Programs website: <http://www.nrc-stp.ornl.gov/procedures.htm>.

² Ibid.

³ “Integrated Materials Performance Evaluation Program (IMPEP),” Management Directive 5.6. The document is available at the Nuclear Regulatory Commission, Office of State Programs website: <http://www.nrc-stp.ornl.gov/procedures.htm>.

ing, and reporting performance data; and using that data to drive performance improvement. The risk-informed, performance-based approach to the regulation of licensed materials is also being emphasized in the inspection and enforcement arena.

In 2002, NRC sought to significantly reduce the regulatory burden associated with diagnostic nuclear medicine by revising Part 35. The NRC believes that the regulatory burden of the revised rule is commensurate with the low risk of adverse impact on health and safety from these diagnostic procedures and that further reduction of regulatory burden has the potential to increase the risk to public health and safety. The underlying premise of NRC regulations is that authorized user physicians will understand radiation safety principles and practices and will make decisions that are in the best interests of their patients. Licensees, by definition, have obtained permission to use RAM for medical use. Attached to this permission is the required commitment to follow radiation protection policies and implementing procedures.

As discussed previously, California as an Agreement State shall use its best efforts to maintain continuing compatibility between its program and the federal program for the regulation of RAM. To do this for the medical use of RAM, the Department proposes to incorporate by reference all parts of Part 35 required by NRC to be adopted in an essentially identical manner or so that it meets the essential objective. The proposal also adopts some provisions not required for compatibility or adequacy, such as record keeping requirements, for consistency with NRC and other states because the use of RAM in medicine crosses state lines in terms of training and education requirements for physicists and physicians, radiation safety standards, and medical practice.

The NRC implemented the changes to Part 35 in 2002 ((67 Fed.Reg. 20249 (April 24, 2002)). All 12 Non-Agreement States, those that are directly regulated by the NRC, began following the revised Part 35 in 2002. Of the 38 Agreement States, California is one of 7 states that still has yet to adopt Part 35. Thus, 43 of the 50 states have implemented Part 35. Therefore, it is incumbent on California to adopt the revised Part 35 so as to reduce national inconsistencies.

The regulations that implement, interpret and make specific the provisions of the Radiation Control Law are in title 17, California Code of Regulations, sections 30100 through 30395.

To ensure compliance with the NRC agreement and compatibility of State regulations, this proposal incorporates by reference the January 1, 2008 version of title 10, Code of Federal Regulations, Part 35 (10 CFR 35),

which encompasses the changes made by NRC as specified in the following federal registers:

67 Fed.Reg. 20249 (Apr. 24, 2002)	68 Fed.Reg. 19321 (Apr. 21, 2003)
68 Fed.Reg. 75388 (Dec. 31, 2003)	69 Fed.Reg. 55736 (Sept. 16, 2004)
70 Fed.Reg. 16335 (Mar. 30, 2005)	70 Fed.Reg. 16336 (Mar. 30, 2005)
71 Fed.Reg. 1926 (Jan. 12, 2006)	71 Fed.Reg. 15005 (Mar. 27, 2006)
72 Fed.Reg. 45147 (Aug. 13, 2007)	72 Fed.Reg. 45181 (Aug. 13, 2007)
72 Fed.Reg. 55864 (Oct. 1, 2007)	

The authority and reference citations of sections being amended, resulting in nonsubstantive changes pursuant to 1 CCR 100, reflect the:

- Numbering system implemented by the 1995 recodification of the Health and Safety Code, and
- Reorganization of the Department of Health Services into the Department of Health Care Services and the California Department of Public Health, pursuant to SB 162. (Stats. 2006, ch. 241.)

The Department proposes to:

Amend **Section 30100** to correct punctuation in subsection (f); to repeal and replace subsection (j) “Misadministration” with the term “medical event,” proposed to be incorporated by reference in §30195(a); to correct inconsistencies; and to provide clarity regarding the terms “person,” “reportable sources of radiation,” “this regulation,” and “worker.” Existing subsections are recodified to maintain a coherent structure.

Amend **Section 30195** to maintain consistency with NRC’s regulations governing the medical use of radioactive material in 10 CFR 35. Title 10, Code of Federal Regulations, Part 35 as of January 1, 2008 is incorporated by reference with exceptions. Existing subsections are recodified to maintain a coherent structure.

Repeal **Section 30321** as it is duplicative of provisions within this proposal.

Repeal **Section 30321.1** as it is duplicative of provisions within this proposal.

Repeal **Section 30322** as it is duplicative of provisions within this proposal.

Consideration of Reasonable Alternatives

Alternatives have been considered in those areas not subject to or specifically limited by the adequacy and compatibility criteria under the State of California agreement with the United States Atomic Energy Commission, the predecessor to the United States Nuclear Regulatory Commission (Health & Saf. Code, § 115230). According to the agreement, the state is to use its “best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials. . .” (Health & Saf. Code, § 115235, art. V).

AUTHORITY

Sections 114975, 115000 and 131200, Health and Safety Code.

REFERENCE

Sections 114965, 114970, 115060, 115165, 115235, 131050, 131051 and 131052, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations and Hearings by 5 p.m. on May 20, 2010, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations and Hearings, California Department of Public Health, MS 0507, 1501 Capitol Avenue, P.O. Box 997377, Sacramento, CA 95899-7377. It is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or
2. By fax transmission: (916) 440-5747; or
3. By email to regulations@cdph.ca.gov (it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "DPH-05-018" in the subject line to facilitate timely identification and review of the comment).

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Phillip L. Scott of the Radiologic Health Branch at (916) 440-7978.

All other inquiries concerning the action described in this notice may be directed to Linda M. Cortez of the Office of Regulations and Hearings at (916) 440-7683, or to the designated backup contact person, Marylyn Willis, at (916) 440-7807.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-05-018.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations and Hearings, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rule-making file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations and Hearings.

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

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulations@cdph.ca.gov, or write to the Office of Regulations and Hearings at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: None.
- B. Fiscal Effect on State Government: None.
- C. Fiscal Effect on Federal Funding of State Programs: None.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

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

DETERMINATIONS

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

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

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

The Department has determined that the regulations would have an effect on small business because they will be legally required to comply with the regulation and may incur a detriment from the enforcement of the regulation.

The Department has determined that the regulations will have no impact on housing costs.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) 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.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Other regulation changes may be scheduled for hearing at the same time appointed for public hearing on the action described in this notice. An agenda for the public hearing will be posted at the time and place of hearing designated above.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Linda M. Cortez, Office of Regulations and Hearings, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, voice (916) 440-7683 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are received less than ten business days prior to a public hearing.

TITLE 17. DEPARTMENT OF PUBLIC HEALTH

ACTION: Notice of Proposed Rulemaking
Title 17, California Code of Regulations

SUBJECT: **STANDARDS FOR PROTECTION AGAINST RADIATION, DPH-08-008**

PUBLIC PROCEEDINGS

Notice is hereby given that the California Department of Public Health will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions (all of which are hereinafter referred to as comments) relevant to the action described in this notice.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

This proposal amends Title 17, California Code of Regulations relating to standards for protection against radiation and makes nonsubstantial changes.

Authority

The California Department of Health Services was legislatively reorganized as of July 1, 2007 (S.B. 162, ch. 241, Stats 2006) into two separate departments, the Department of Health Care Services and the Department of Public Health (the Department). The Department received authority for certain duties and responsibilities formerly carried out by the Department of Health Services, pursuant to Health and Safety Code sections 131051 and 131200.

The Radiation Control Law (HSC section 114960 et seq.) requires the Department to develop programs for licensing and regulating radioactive materials (HSC 115000(b)). In 1962, the California Legislature granted

approval for the State to enter into an agreement with the United States Atomic Energy Commission (AEC), the predecessor of the current United States Nuclear Regulatory Commission (NRC). By such action the Commission discontinued its regulatory authority over certain radioactive materials (HSC section 115230), and California became an "Agreement State."

A provision of the agreement between California and the NRC specifies that the State "will use its best efforts to maintain continuing compatibility between its program and the program of the [United States Atomic Energy] Commission for the regulation of like materials." (HSC, § 115235, art. V.) NRC's stated policy is "to evaluate Agreement State programs established pursuant to Section 274 of the Atomic Energy Act of 1954, as amended, to ensure they are adequate to protect public health and safety and compatible with NRC's regulatory program."¹ To determine a state's compatibility, the NRC uses Management Directive 5.9, *Adequacy and Compatibility of Agreement State Programs, Handbook 5.9*.² This handbook describes the specific criteria and process that are used to clarify both the NRC program elements that should be adopted and implemented by an Agreement State for purposes of compatibility, and also those NRC program elements that have a particular health and safety significance. The NRC rates the elements on the degree of compatibility required. Thus, the NRC requires that some be adopted by the states in a form identical to the NRC's, while the adoption of others need not be identical but is required to meet the essential objective of the program element. (For NRC compatibility definitions, see Attachment 1.) The overall determination of adequacy and compatibility for an Agreement State is made pursuant to Management Directive 5.6, *The Integrated Materials Performance Evaluation Program (IMPEP)*.³ The NRC evaluates Agreement States every three to four years to determine if a state's radiation safety program meets the adequacy and compatibility criteria. If California fails to meet those criteria, the NRC may revoke California's status as an Agreement State.

¹ "Adequacy and Compatibility of Agreement State Programs," Management Directive 5.9, page 1. The document is available at the Nuclear Regulatory Commission, Office of State Programs website: <http://nrc-stp.ornl.gov/procedures.html#directives>. (Reference 1.)

² "Adequacy and Compatibility of Agreement State Programs," Management Directive 5.9, Handbook 5.9. The document is available at the Nuclear Regulatory Commission, Office of State Programs website: <http://nrc-stp.ornl.gov/procedures.html#directives>. (Handbook 5.9 is included within Reference 1.)

³ "Integrated Materials Performance Evaluation Program (IMPEP)," Management Directive 5.6. The document is available at the Nuclear Regulatory Commission, Office of State Programs website: <http://nrc-stp.ornl.gov/procedures.html#directives>. (Reference 2.)

The NRC amends its regulations continuously. NRC's amendments can affect this State's status as an Agreement State, by raising issues as to the compatibility of State regulations with those of the NRC. To ensure compliance with the NRC agreement and compatibility of State regulations, this proposal addresses changes made by the NRC to title 10, Code of Federal Regulations, Parts 19 and 20, specified in the following federal registers:

71 Fed.Reg. 15005 (Mar. 27, 2006)	71 Fed.Reg. 65685 (Nov. 8, 2006)
72 Fed.Reg. 55864 (Oct. 1, 2007)	72 Fed.Reg. 59162 (Oct. 19, 2007)
72 Fed.Reg. 68043 (Dec. 4, 2007)	

The statutory authority and reference citation numbers of sections being amended are changed to reflect the numbering system implemented by the 1995 re-codification of the Health and Safety Code and the authority granted CPDH under the California Public Health Act of 2006 (CPHA), resulting in non-substantive change pursuant to title 1, California Code of Regulations, §100.

The Department proposes to:

Amend **Section 30253, Standards for Protection Against Radiation**, to achieve compatibility with NRC radiation protection standards. The January 1, 2008 publication of Title 10, Code of Federal Regulations, Part 20 is incorporated by reference with exceptions. Nonsubstantial changes are made for clarity.

Amend **Section 30255** for consistency with NRC requirements found in 10 CFR 19.13 and the CPHA.

Amend **Section 30256** to remove and replace a gender-specific pronoun and to make nonsubstantial changes to referenced form RHB 314 (12/95).

Authority: Sections 114975, 115000 and 131200, Health and Safety Code.

Reference: Sections 114960, 114965, 114970, 114985, 114990, 115000, 115060, 115105, 115110, 115120, 115165, 115230, 115235, 131050, 131051 and 131052, Health and Safety Code.

COMMENTS

Any written comments pertaining to these regulations, regardless of the method of transmittal, must be received by the Office of Regulations and Hearings by 5 p.m. on May 20, 2010, which is hereby designated as the close of the written comment period. Comments received after this date will not be considered timely. Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD. Written comments may be submitted as follows:

1. By mail or hand-delivered to the Office of Regulations and Hearings, California Department of Public Health, MS 0507, 1501 Capitol Avenue, P.O. Box 997377, Sacramento, CA 95899-7377. It

is requested but not required that written comments sent by mail or hand-delivered be submitted in triplicate; or

2. By fax transmission: (916) 440-5747; or
3. By email to regulations@cdph.ca.gov, it is requested that email transmissions of comments, particularly those with attachments, contain the regulation package identifier "DPH-08-008" in the subject line to facilitate timely identification and review of the comment.

All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes to the regulation text on which additional comments may be solicited.

INQUIRIES

Inquiries regarding the substance of the proposed regulations described in this notice may be directed to Phillip Scott of the Radiologic Health Branch at (916) 440-7978.

All other inquiries concerning the action described in this notice may be directed to Coleen Keelan of the Office of Regulations and Hearings at (916) 440-7439, or to the designated backup contact person, Marylyn Willis, at (916) 440-7807.

CONTACTS

In any inquiries or written comments, please identify the action by using the Department regulation package identifier, DPH-08-008.

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF REGULATIONS

The Department has prepared and has available for public review an initial statement of reasons for the proposed regulations, all the information upon which the proposed regulations are based, and the text of the proposed regulations. The Office of Regulations and Hearings, at the address noted above, will be the location of public records, including reports, documentation, and other material related to the proposed regulations (rule-making file). In addition, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations and Hearings.

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

In order to request a copy of this public notice, the regulation text, and the initial statement of reasons be mailed to you, please call (916) 440-7695 (or California Relay at 711/1-800-735-2929), or email regulations@cdph.ca.gov, or write to the Office of Regulations and Hearings at the address noted above. Upon specific request, these documents will be made available in Braille, large print, and audiocassette or computer disk.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

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

FISCAL IMPACT ESTIMATE

- A. Fiscal Effect on Local Government: Local governmental agencies using radioactive materials are subject to the proposal, however they already comply with the regulations; thus, no additional cost is incurred.
- B. Fiscal Effect on State Government: State governmental agencies using radioactive materials are subject to the proposal, however they already comply with the regulations; thus, no additional cost is incurred.
- C. Fiscal Effect on Federal Funding of State Programs: No fiscal impact exists because this regulation does not affect any federally funded state agency or program.
- D. All cost impacts, known to the Department at the time the notice of proposed action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the proposed action: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None.

DETERMINATIONS

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

The Department has made an initial determination that the regulations would not have a significant state-wide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

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

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

The Department has determined that the regulations would affect small business.

The Department has determined that the regulations will have no impact on housing costs.

The proposed regulations require regulated entities to report radiation exposure annually to monitored individuals. Additionally, the proposed regulations require reports of transactions and inventories required in 10 CFR 20, section 20.2207 to be submitted to the National Source Tracking System. It is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses.

ADDITIONAL STATEMENTS AND COMMENTS

In accordance with Government Code Section 11346.5(a)(13) 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.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request in writing, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

For individuals with disabilities, the Department will provide assistive services such as sign-language interpretation, real-time captioning, note takers, reading or writing assistance, and conversion of public hearing materials into Braille, large print, audiocassette, or computer disk. To request such services or copies in an alternate format, please call or write: Coleen Keelan, Office of Regulations and Hearings, MS 0507, P.O. Box 997377, Sacramento, CA 95899-7377, voice (916) 440-7439 and/or California Relay 711/1-800-735-2929. Note: The range of assistive services available may be limited if requests are re-

ceived less than ten business days prior to a public hearing.

GENERAL PUBLIC INTEREST

DEPARTMENT OF CORRECTIONS AND REHABILITATION

NOTICE OF EXTENSION TO PUBLIC COMMENT PERIOD

**California Code of Regulations
Title 15, Crime Prevention and Corrections
Department of Corrections and Rehabilitation**

NOTICE IS HEREBY GIVEN that the Secretary of the California Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058, in order to implement, interpret and make specific PC Section 5054, proposes to amend 17 Sections under Subchapter 4, Article 7.5 in the California Code of Regulations (CCR), Title 15 concerning Inmate Credit Earning.

THE PURPOSE OF THIS NOTICE OF EXTENSION is to advise the public that there will be an extension of time to the originally announced public comment period for this regulation package. The original hearing date and close of the public comment period was March 30, 2010. The new hearing date and close of the public comment period is April 19, 2010, at 5 p.m. The original full-length Notice of Proposed Regulations was published on February 12, 2010 in the Notice Register maintained by the Office of Administrative Law. The reason for the extension is due to a mailing delay that resulted in those people included on the Department's individual mailing list to receive a Notice of Change to Regulations not receiving their Notice in sufficient time to have a full 45 days with which to review and comment. The original public hearing was scheduled for:

PUBLIC HEARING

- Date and Time: March 30, 2010 — 9:00 a.m. to 11:00 a.m.
 Place: Office of Training & Professional Development
 Pilot Hill Room
 10000 Goethe Road
 Sacramento, CA 95827
 Purpose: To receive comments about this action.

REVISED PUBLIC HEARING DATE:

DEPARTMENT OF FISH AND GAME

Date and Time: April 19, 2010

Place: Office of Training &
Professional Development
Pilot Hill Room
10000 Goethe Room
Sacramento, CA 94827

Purpose: To receive comments about this action.

**Department of Fish and Game —
Public Interest Notice**
For Publication April 02, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
Dagget Road/Port of Stockton Expressway
Grade Separation Project
San Joaquin County
2080–2010–005–02

PUBLIC COMMENT PERIOD

The public comment period will now close April 19, 2010, at 5:00 p.m. Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283–0001; by fax at (916) 255–5601; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief
Regulation and Policy Management Branch
Department of Corrections and Rehabilitation
P.O. Box 942883, Sacramento, CA 94283–0001
Telephone (916) 255–5500**

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

**Kelly Medina, CCII
Regulation and Policy Management Branch
Telephone (916) 255–5593**

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

**Kelly Santoro, Associate Warden
North Kern State Prison
Telephone (661) 721–2345 ext 5050**
• Regulations, Title 15.

The Department of Fish and Game (Department) received a notice on March 22, 2010, that the California Department of Transportation (Caltrans), in cooperation with Port of Stockton (POS), proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The project consists of the replacement of the existing at-grade crossing on Daggett Road at the Burlington Northern Santa Fe (BNSF) railroad with a new two-lane grade separation, or overcrossing, in San Joaquin County, California (Project).

Project activities will result in permanent impacts to 0.05 acres, and temporary impacts to 0.49 acres, of upland habitat suitable for giant garter snake (*Thamnophis Gigas*). Project activities likely to create permanent adverse effects to the giant garter snake include: pile driving and construction of foundation work for the new bridge structure, fill activity for building up sufficient embankments to support the new bridge abutments and road approaches, and roadway widening and construction for the southern roadway approach for Daggett Road. The increased presence of equipment and worker foot-traffic, as well as pile driving vibration and noise disruption, could also harass the giant garter snake.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81420–2009–F–1158–1)(BO) and incidental take statement (ITS) to the California Department of Transportation (Caltrans), the designated federal representative for this project, on December 10, 2009, which considered the effects of the project on the Federally threatened and State threatened giant garter snake. The BO also serves to append the Project to the Service’s September 24, 2009, *Programmatic Biological Opinion of the Effects of Small Highway Projects on the Threatened Giant Garter Snake in Butte, Colusa, Glenn, Sacramento, San Joaquin, Solano, Sutter, Yolo and Yuba Counties, California (1–1–03–F–0154)*. Pursuant to California Fish and Game Code Section 2080.1, Caltrans is requesting a determination that the BO and ITS

are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, Caltrans will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

DEPARTMENT OF FISH AND GAME

**Department of Fish and Game —
Public Interest Notice**

For Publication April 02, 2010
CESA CONSISTENCY DETERMINATION
REQUEST FOR
San Juan Oaks Residential Community and Golf
Resort
San Benito County
2080-2010-006-04

The Department of Fish and Game (Department) received a notice on March 22, 2010, that San Juan Oaks, LLC (San Juan Oaks) proposes to rely on consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). This project consists of the development and construction of a residential subdivision of 156 single-family houses, 30 affordable housing units, 2 ranch estates, an 18-hole private golf course, a 9-hole public golf course, a 200-room resort, and commercial-use buildings adjacent to the existing San Juan Oaks Golf Club, located approximately 3 miles southwest of the city of Hollister, in San Benito County, California (Project).

Project activities would have adverse impacts on the California tiger salamander (*Ambystoma Californiense*) and San Joaquin kit fox (*Vulpes macrotis mutica*). Project activities entail the permanent removal of 39 acres of upland California tiger salamander habitat that provides sheltering sites within 2,000 feet of 6 breeding ponds. Direct impacts to California tiger salamanders would include injury or mortality from being crushed by earth-moving equipment, construction debris, and worker foot traffic, or becoming entrapped in open trenches. Project activities resulting in the conversion of 422 acres of grasslands could result in long-term and short-term effects to the San Joaquin kit fox. Trenching, grading, filling and other construction activities may result in direct injury or mortality of individual San Joaquin kit foxes.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (1-8-06-F-32)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on

August 11, 2006, which considered the effects of the Project on the Federally threatened and State threatened California tiger salamander and Federally endangered and State threatened San Joaquin kit fox. Pursuant to California Fish and Game Code Section 2080.1, San Juan Oaks is requesting a determination that the BO and ITS are consistent with CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, San Juan Oaks will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

**California Environmental Protection Agency
Office of Environmental Health Hazard
Assessment
Notice to Interested Parties**

April 2, 2010

**ANNOUNCEMENT OF FIRST
PUBLIC COMMENT PERIOD
AND WORKSHOP**

**Draft Technical Support Document on
Proposed Public Health Goal for Selenium
in Drinking Water**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the availability of a draft technical support document for the proposed Public Health Goal (PHG) for selenium in drinking water. A PHG of 0.030 mg/L or 30 parts per billion (ppb) is proposed for selenium in drinking water, based on data from adverse effects of selenium in a human population. This is a new risk assessment, and could be compared to the Maximum Contaminant Level Goal of 50 ppb established by the U.S. EPA in 1991. The draft document is posted on the OEHHA web site at www.oehha.ca.gov. OEHHA is soliciting comments on the draft report during a 45-day comment period. The Office will also hold a public workshop on May 19, 2010 at the Elihu Harris Building, 1515 Clay Street, Oakland, 94612, Room 9, 10 a.m.–12 noon, or until business is concluded. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

Written comments must be received at the OEHHA address below by 5:00 p.m. on May 19, 2010 to be con-

sidered during this document revision period. The workshop is provided to encourage a dialogue between OEHHA scientists and the public, to discuss the scientific basis of the proposed PHG, and to receive comments. Following the workshop, OEHHA will evaluate all the comments received, revise the document as appropriate, and make it available for another 30-day comment period. After any subsequent revisions, the final document will be posted on our Web site along with responses to the major comments from the public at the workshop and during the public review and scientific comment periods.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996¹ requires OEHHA to develop PHGs based exclusively on public health considerations.² PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).³

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Mr. Michael Baes (mbaes@oehha.ca.gov)
 Pesticide and Environmental Toxicology Branch
 Office of Environmental Health Hazard Assessment
 California Environmental Protection Agency
 1515 Clay St., 16th floor
 Oakland, California 94612

Attention: PHG Project

¹ Codified at Health and Safety Code, section 116270 et seq.

² Health and Safety Code section 116365(c)

³ Health and Safety Code section 116365(a) and (b)

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
 HEALTH HAZARD ASSESSMENT**

STATE OF CALIFORNIA
 ENVIRONMENTAL PROTECTION AGENCY
 OFFICE OF ENVIRONMENTAL HEALTH
 HAZARD ASSESSMENT
 SAFE DRINKING WATER AND TOXIC
 ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE
 STATE TO CAUSE CANCER OR
 REPRODUCTIVE TOXICITY

April 2, 2010

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

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148-68-5	January 1, 1990
Acetaldehyde	75-07-0	April 1, 1988
Acetamide	60-35-5	January 1, 1990
Acetochlor	34256-82-1	January 1, 1989
2-Acetylaminofluorene	53-96-3	July 1, 1987
Acifluorfen sodium	62476-59-9	January 1, 1990
Acrylamide	79-06-1	January 1, 1990
Acrylonitrile	107-13-1	July 1, 1987
Actinomycin D	50-76-0	October 1, 1989
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688-53-7	July 1, 1987
Aflatoxins	—	January 1, 1988
Alachlor	15972-60-8	January 1, 1989
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Aldrin	309-00-2	July 1, 1988
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987
Benzo[j]fluoranthene	205-82-3	July 1, 1987
Benzo[k]fluoranthene	207-08-9	July 1, 1987
Benzofuran	271-89-6	October 1, 1990
Benzo[a]pyrene	50-32-8	July 1, 1987
Benzotrichloride	98-07-7	July 1, 1987
Benzyl chloride	100-44-7	January 1, 1990
Benzyl violet 4B	1694-09-3	July 1, 1987
Beryllium and beryllium compounds	—	October 1, 1987
Betel quid with tobacco	—	January 1, 1990
Betel quid without tobacco	—	February 3, 2006
2,2-Bis(bromomethyl)-1,3-propanediol	3296-90-0	May 1, 1996
Bis(2-chloroethyl)ether	111-44-4	April 1, 1988
N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlornapazine)	494-03-1	February 27, 1987
Bischloroethyl nitrosourea (BCNU) (Carmustine)	154-93-8	July 1, 1987
Bis(chloromethyl)ether	542-88-1	February 27, 1987
Bis(2-chloro-1-methylethyl) ether, technical grade	—	October 29, 1999

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Bracken fern	—	January 1, 1990
Bromate	15541-45-4	May 31, 2002
<u>Bromochloroacetic acid</u>	<u>5589-96-8</u>	<u>April 6, 2010</u>
Bromodichloromethane	75-27-4	January 1, 1990
Bromoethane	74-96-4	December 22, 2000
Bromoform	75-25-2	April 1, 1991
1,3-Butadiene	106-99-0	April 1, 1988
1,4-Butanediol dimethanesulfonate (Busulfan)	55-98-1	February 27, 1987
Butylated hydroxyanisole	25013-16-5	January 1, 1990
beta-Butyrolactone	3068-88-0	July 1, 1987
Cacodylic acid	75-60-5	May 1, 1996
Cadmium and cadmium compounds	—	October 1, 1987
Caffeic acid	331-39-5	October 1, 1994
Captafol	2425-06-1	October 1, 1988
Captan	133-06-2	January 1, 1990
Carbaryl	63-25-2	February 5, 2010
Carbazole	86-74-8	May 1, 1996
Carbon black (airborne, unbound particles of respirable size)	1333-86-4	February 21, 2003
Carbon tetrachloride	56-23-5	October 1, 1987
Carbon-black extracts	—	January 1, 1990
N-Carboxymethyl-N-nitrosourea	60391-92-6	January 25, 2002
Catechol	120-80-9	July 15, 2003
Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
Certain combined chemotherapy for lymphomas	—	February 27, 1987
Chlorambucil	305-03-3	February 27, 1987
Chloramphenicol	56-75-7	October 1, 1989
Chlordane	57-74-9	July 1, 1988
Chlordecone (Kepone)	143-50-0	January 1, 1988
Chlordimeform	6164-98-3	January 1, 1989
Chlorendic acid	115-28-6	July 1, 1989
Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171-26-2	July 1, 1989
p-Chloroaniline	106-47-8	October 1, 1994
p-Chloroaniline hydrochloride	20265-96-7	May 15, 1998
<u>Chlorodibromomethane Delisted October 29, 1999</u>	<u>124-48-1</u>	<u>January 1, 1990</u>
Chloroethane (Ethyl chloride)	75-00-3	July 1, 1990
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	13010-47-4	January 1, 1988
1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909-09-6	October 1, 1988
Chloroform	67-66-3	October 1, 1987
Chloromethyl methyl ether (technical grade)	107-30-2	February 27, 1987
3-Chloro-2-methylpropene	563-47-3	July 1, 1989
1-Chloro-4-nitrobenzene	100-00-5	October 29, 1999
4-Chloro-ortho-phenylenediamine	95-83-0	January 1, 1988
p-Chloro-o-toluidine	95-69-2	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997
Chloroprene	126-99-8	June 2, 2000
Chlorothalonil	1897-45-6	January 1, 1989
Chlorotrianisene	569-57-3	September 1, 1996
Chlorozotocin	54749-90-5	January 1, 1992

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Chromium (hexavalent compounds)	—	February 27, 1987
Chrysene	218-01-9	January 1, 1990
C.I. Acid Red 114	6459-94-5	July 1, 1992
C.I. Basic Red 9 monohydrochloride	569-61-9	July 1, 1989
C.I. Direct Blue 15	2429-74-5	August 26, 1997
C.I. Direct Blue 218	28407-37-6	August 26, 1997
C.I. Solvent Yellow 14	842-07-9	May 15, 1998
Ciclosporin (Ciclosporin A; Ciclosporine)	59865-13-3 79217-60-0	January 1, 1992
Cidofovir	113852-37-2	January 29, 1999
Cinnamyl anthranilate	87-29-6	July 1, 1989
Cisplatin	15663-27-1	October 1, 1988
Citrus Red No. 2	6358-53-8	October 1, 1989
Clofibrate	637-07-0	September 1, 1996
Cobalt metal powder	7440-48-4	July 1, 1992
Cobalt [II] oxide	1307-96-6	July 1, 1992
Cobalt sulfate	10124-43-3	May 20, 2005
Cobalt sulfate heptahydrate	10026-24-1	June 2, 2000
Coke oven emissions	—	February 27, 1987
Conjugated estrogens	—	February 27, 1987
Creosotes	—	October 1, 1988
para-Cresidine	120-71-8	January 1, 1988
<u>Cumene</u>	<u>98-82-8</u>	<u>April 6, 2010</u>
Cupferron	135-20-6	January 1, 1988
Cycasin	14901-08-7	January 1, 1988
Cyclophosphamide (anhydrous)	50-18-0	February 27, 1987
Cyclophosphamide (hydrated)	6055-19-2	February 27, 1987
Cytembena	21739-91-3	May 15, 1998
D&C Orange No. 17	3468-63-1	July 1, 1990
D&C Red No. 8	2092-56-0	October 1, 1990
D&C Red No. 9	5160-02-1	July 1, 1990
D&C Red No. 19	81-88-9	July 1, 1990
Dacarbazine	4342-03-4	January 1, 1988
Daminozide	1596-84-5	January 1, 1990
Dantron (Chrysazin; 1,8-Dihydroxyanthraquinone)	117-10-2	January 1, 1992
Daunomycin	20830-81-3	January 1, 1988
DDD (Dichlorodiphenyldichloroethane)	72-54-8	January 1, 1989
DDE (Dichlorodiphenyldichloroethylene)	72-55-9	January 1, 1989
DDT (Dichlorodiphenyltrichloroethane)	50-29-3	October 1, 1987
DDVP (Dichlorvos)	62-73-7	January 1, 1989
N,N' -Diacetylbenzidine	613-35-4	October 1, 1989
2,4-Diaminoanisole	615-05-4	October 1, 1990
2,4-Diaminoanisole sulfate	39156-41-7	January 1, 1988
4,4' -Diaminodiphenyl ether (4,4' -Oxydianiline)	101-80-4	January 1, 1988
2,4-Diaminotoluene	95-80-7	January 1, 1988
Diaminotoluene (mixed)	—	January 1, 1990
Diazoaminobenzene	136-35-6	May 20, 2005
Dibenz[a,h]acridine	226-36-8	January 1, 1988
Dibenz[a,j]acridine	224-42-0	January 1, 1988
Dibenz[a,h]anthracene	53-70-3	January 1, 1988
7H-Dibenzo[c,g]carbazole	194-59-2	January 1, 1988
Dibenzo[a,e]pyrene	192-65-4	January 1, 1988
Dibenzo[a,h]pyrene	189-64-0	January 1, 1988

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Dibenzo[a,i]pyrene	189-55-9	January 1, 1988
Dibenzo[a,l]pyrene	191-30-0	January 1, 1988
Dibromoacetic acid	631-64-1	June 17, 2008
1,2-Dibromo-3-chloropropane (DBCP)	96-12-8	July 1, 1987
2,3-Dibromo-1-propanol	96-13-9	October 1, 1994
Dichloroacetic acid	79-43-6	May 1, 1996
p-Dichlorobenzene	106-46-7	January 1, 1989
3,3' -Dichlorobenzidine	91-94-1	October 1, 1987
3,3' -Dichlorobenzidine dihydrochloride	612-83-9	May 15, 1998
1,4-Dichloro-2-butene	764-41-0	January 1, 1990
3,3' -Dichloro-4,4' -diaminodiphenyl ether	28434-86-8	January 1, 1988
1,1-Dichloroethane	75-34-3	January 1, 1990
Dichloromethane (Methylene chloride)	75-09-2	April 1, 1988
1,2-Dichloropropane	78-87-5	January 1, 1990
1,3-Dichloropropene	542-75-6	January 1, 1989
<u>Diclofop-methyl</u>	<u>51338-27-3</u>	<u>April 6, 2010</u>
Dieldrin	60-57-1	July 1, 1988
Dienestrol	84-17-3	January 1, 1990
Diepoxybutane	1464-53-5	January 1, 1988
Diesel engine exhaust	—	October 1, 1990
Di(2-ethylhexyl)phthalate	117-81-7	January 1, 1988
1,2-Diethylhydrazine	1615-80-1	January 1, 1988
Diethyl sulfate	64-67-5	January 1, 1988
Diethylstilbestrol (DES)	56-53-1	February 27, 1987
Diglycidyl resorcinol ether (DGRE)	101-90-6	July 1, 1989
Dihydrosafrole	94-58-6	January 1, 1988
Diisopropyl sulfate	2973-10-6	April 1, 1993
3,3' -Dimethoxybenzidine (ortho-Dianisidine)	119-90-4	January 1, 1988
3,3' -Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325-40-0	October 1, 1990
3,3' -Dimethoxybenzidine-based dyes metabolized to 3,3' -dimethoxybenzidine	—	June 11, 2004
3,3' -Dimethylbenzidine-based dyes metabolized to 3,3' -dimethylbenzidine	—	June 11, 2004
Dimethyl sulfate	77-78-1	January 1, 1988
4-Dimethylaminoazobenzene	60-11-7	January 1, 1988
trans-2-[(Dimethylamino)methylimino]-5-[2-(5-nitro-2-furyl)vinyl]-1,3,4-oxadiazole	55738-54-0	January 1, 1988
7,12-Dimethylbenz(a)anthracene	57-97-6	January 1, 1990
3,3' -Dimethylbenzidine (ortho-Tolidine)	119-93-7	January 1, 1988
3,3' -Dimethylbenzidine dihydrochloride	612-82-8	April 1, 1992
Dimethylcarbamoyl chloride	79-44-7	January 1, 1988
1,1-Dimethylhydrazine (UDMH)	57-14-7	October 1, 1989
1,2-Dimethylhydrazine	540-73-8	January 1, 1988
Dimethylvinylchloride	513-37-1	July 1, 1989
3,7-Dinitrofluoranthene	105735-71-5	August 26, 1997
3,9-Dinitrofluoranthene	22506-53-2	August 26, 1997
1,6-Dinitropyrene	42397-64-8	October 1, 1990
1,8-Dinitropyrene	42397-65-9	October 1, 1990
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996
2,4-Dinitrotoluene	121-14-2	July 1, 1988
2,6-Dinitrotoluene	606-20-2	July 1, 1995
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136-45-8	May 1, 1996

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
1,4-Dioxane	123-91-1	January 1, 1988
Diphenylhydantoin (Phenytoin)	57-41-0	January 1, 1988
Diphenylhydantoin (Phenytoin), sodium salt	630-93-3	January 1, 1988
Direct Black 38 (technical grade)	1937-37-7	January 1, 1988
Direct Blue 6 (technical grade)	2602-46-2	January 1, 1988
Direct Brown 95 (technical grade)	16071-86-6	October 1, 1988
Disperse Blue 1	2475-45-8	October 1, 1990
Diuron	330-54-1	May 31, 2002
Doxorubicin hydrochloride (Adriamycin)	25316-40-9	July 1, 1987
Epichlorohydrin	106-89-8	October 1, 1987
Erionite	12510-42-8/ 66733-21-9	October 1, 1988
Estradiol 17B	50-28-2	January 1, 1988
Estragole	140-67-0	October 29, 1999
Estrogens, steroidal	—	August 19, 2005
Estrone	53-16-7	January 1, 1988
Estropipate	7280-37-7	August 26, 1997
Ethinylestradiol	57-63-6	January 1, 1988
Ethoprop	13194-48-4	February 27, 2001
Ethyl acrylate	140-88-5	July 1, 1989
Ethylbenzene	100-41-4	June 11, 2004
Ethyl methanesulfonate	62-50-0	January 1, 1988
Ethyl-4,4'-dichlorobenzilate	510-15-6	January 1, 1990
Ethylene dibromide	106-93-4	July 1, 1987
Ethylene dichloride (1,2-Dichloroethane)	107-06-2	October 1, 1987
Ethylene oxide	75-21-8	July 1, 1987
Ethylene thiourea	96-45-7	January 1, 1988
Ethyleneimine	151-56-4	January 1, 1988
Fenoxycarb	72490-01-8	June 2, 2000
Folpet	133-07-3	January 1, 1989
Formaldehyde (gas)	50-00-0	January 1, 1988
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570-75-0	January 1, 1988
FumonisinB ₁	116355-83-0	November 14, 2003
Furan	110-00-9	October 1, 1993
Furazolidone	67-45-8	January 1, 1990
Furmecyclox	60568-05-0	January 1, 1990
Fusarin C	79748-81-5	July 1, 1995
Gallium arsenide	1303-00-0	August 1, 2008
Ganciclovir	82410-32-0	August 26, 1997
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990
Gemfibrozil	25812-30-0	December 22, 2000
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730-11-4	January 1, 1990
Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730-10-3	January 1, 1990
Glycidaldehyde	765-34-4	January 1, 1988
Glycidol	556-52-5	July 1, 1990
Griseofulvin	126-07-8	January 1, 1990
Gyromitrin (Acetaldehyde methylformylhydrazone)	16568-02-8	January 1, 1988
HC Blue 1	2784-94-3	July 1, 1989
Heptachlor	76-44-8	July 1, 1988
Heptachlor epoxide	1024-57-3	July 1, 1988
Herbal remedies containing plant species of the genus Aristolochia	—	July 9, 2004

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Hexachlorobenzene	118-74-1	October 1, 1987
Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Hexachlorodibenzodioxin	34465-46-8	April 1, 1988
Hexachloroethane	67-72-1	July 1, 1990
2,4-Hexadienal (89% trans, trans isomer; 11% cis, trans isomer)	—	March 4, 2005
Hexamethylphosphoramide	680-31-9	January 1, 1988
Hydrazine	302-01-2	January 1, 1988
Hydrazine sulfate	10034-93-2	January 1, 1988
Hydrazobenzene (1,2-Diphenylhydrazine)	122-66-7	January 1, 1988
1-Hydroxyanthraquinone	129-43-1	May 27, 2005
Indeno [1,2,3-cd]pyrene	193-39-5	January 1, 1988
Indium phosphide	22398-80-7	February 27, 2001
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaf lutole	141112-29-0	December 22, 2000
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyridin	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4'-Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4'-Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4'-Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4'-Methylenedianiline	101-77-9	January 1, 1988

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N' -nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
Monocrotaline	315-22-0	April 1, 1988
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro-o-anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
o-Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990
Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988

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<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
Nitrogen mustard N–oxide	126–85–2	April 1, 1988
Nitrogen mustard N–oxide hydrochloride	302–70–5	April 1, 1988
Nitromethane	75–52–5	May 1, 1997
2–Nitropropane	79–46–9	January 1, 1988
1–Nitropyrene	5522–43–0	October 1, 1990
4–Nitropyrene	57835–92–4	October 1, 1990
N–Nitrosodi–n–butylamine	924–16–3	October 1, 1987
N–Nitrosodiethanolamine	1116–54–7	January 1, 1988
N–Nitrosodiethylamine	55–18–5	October 1, 1987
N–Nitrosodimethylamine	62–75–9	October 1, 1987
p–Nitrosodiphenylamine	156–10–5	January 1, 1988
N–Nitrosodiphenylamine	86–30–6	April 1, 1988
N–Nitrosodi–n–propylamine	621–64–7	January 1, 1988
N–Nitroso–N–ethylurea	759–73–9	October 1, 1987
3–(N–Nitrosomethylamino)propionitrile	60153–49–3	April 1, 1990
4–(N–Nitrosomethylamino)–1–(3–pyridyl)1–butanone	64091–91–4	April 1, 1990
N–Nitrosomethylethylamine	10595–95–6	October 1, 1989
N–Nitroso–N–methylurea	684–93–5	October 1, 1987
N–Nitroso–N–methylurethane	615–53–2	April 1, 1988
N–Nitrosomethylvinylamine	4549–40–0	January 1, 1988
N–Nitrosomorpholine	59–89–2	January 1, 1988
N–Nitrosornicotine	16543–55–8	January 1, 1988
N–Nitrosopiperidine	100–75–4	January 1, 1988
N–Nitrosopyrrolidine	930–55–2	October 1, 1987
N–Nitrososarcosine	13256–22–9	January 1, 1988
o–Nitrotoluene	88–72–2	May 15, 1998
Norethisterone (Norethindrone)	68–22–4	October 1, 1989
Norethynodrel	68–23–5	February 27, 2001
Ochratoxin A	303–47–9	July 1, 1990
Oil Orange SS	2646–17–5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044–88–3	September 12, 2008
Oxadiazon	19666–30–9	July 1, 1991
Oxazepam	604–75–1	October 1, 1994
Oxymetholone	434–07–1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439–01–2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174–11–7	December 28, 1999
Panfuran S	794–93–4	January 1, 1988
Pentachlorophenol	87–86–5	January 1, 1990
Phenacetin	62–44–2	October 1, 1989
Phenazopyridine	94–78–0	January 1, 1988
Phenazopyridine hydrochloride	136–40–3	January 1, 1988
Phenesterin	3546–10–9	July 1, 1989
Phenobarbital	50–06–6	January 1, 1990
Phenolphthalein	77–09–8	May 15, 1998
Phenoxybenzamine	59–96–1	April 1, 1988
Phenoxybenzamine hydrochloride	63–92–3	April 1, 1988
o–Phenylenediamine and its salts	95–54–5	May 15, 1998
Phenyl glycidyl ether	122–60–1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
o–Phenylphenate, sodium	132–27–4	January 1, 1990
o–Phenylphenol	90–43–7	August 4, 2000

<i>Chemical</i>	<i>CASNumber</i>	<i>Date</i>
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Pirimicarb	23103-98-2	July 1, 2008
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono-t-butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	81-07-2	October 1, 1989
<u>Saccharin, sodium Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988

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<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	Augut 7, 2009
Treosulfan	299-75-2	February 27, 1987
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl)-para-benzoquinone (Triaziqunone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CASNo.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
n-Butyl glycidyl ether	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
phosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
2,4-DP (dichloroprop) <u>Delisted January 25, 2002</u>	developmental	120-36-5	April 27, 1999
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl-tert-butyl ether	male	637-92-3	December 18, 2009
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental male	74-87-3	March 10, 2000 August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mecholethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mecholethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990

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<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonyl hydrazide)	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058-46-0	October 1, 1991
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	November 6, 1998
Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
	female		August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
Trientine hydrochloride	developmental	38260-01-4	February 27, 2001
Triforine	developmental	26644-46-2	June 18, 1999
1,3,5-Triglycidyl-s-triazinetriene	male	2451-62-9	August 7, 2009
Trilostane	developmental	13647-35-3	April 1, 1990
Trimethadione	developmental	127-48-0	January 1, 1991
Trimetrexate glucuronate	developmental	82952-64-5	August 26, 1997
Triphenyltin hydroxide	developmental	76-87-9	March 18, 2002
Uracil mustard	developmental, female, male	66-75-1	January 1, 199
Urethane	developmental	51-79-6	October 1, 1994
Urofollitropin	developmental	97048-13-0	April 1, 1990
Valproate (Valproic acid)	developmental	99-66-1	July 1, 1987
Vinblastine sulfate	developmental	143-67-9	July 1, 1990
Vinclozolin	developmental	50471-44-8	May 15, 1998
Vincristine sulfate	developmental	2068-78-2	July 1, 1990
4-Vinylcyclohexene	female, male	100-40-03	August 7, 2009
Vinyl cyclohexene dioxide (4-Vinyl-1-cyclohexene diepoxide)	female, male	106-87-6	August 1, 2008

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Warfarin	developmental	81-81-2	July 1, 1987
Zileuton	developmental, female	111406-87-2	December 22, 2000

Date: April 2, 2010

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
April 2, 2010**

**CHEMICALS LISTED EFFECTIVE April 6, 2010
AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER**

The Office of Environmental Health Hazard Assessment (OEHHA) within the California Environmental Protection Agency is adding *Bromochloroacetic acid* (CAS No. 5589-96-8), *Cumene* (CAS No. 98-82-8) and *Diclofop-methyl* (CAS No. 51338-27-3) to the list of chemicals known to the state to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹). The listing of *bromochloroacetic acid*, *cumene* and *diclofop-methyl* is effective **April 6, 2010**.

Bromochloroacetic acid (CAS No. 5589-96-8), *cumene* (CAS No. 98-82-8) and *diclofop-methyl* (CAS No. 51338-27-3) are being listed as chemicals known to the State of California to cause cancer. The listing of the chemicals *bromochloroacetic acid* and *cumene* is based on formal identification by an authoritative body² (the National Toxicology Program (NTP)), that the chemicals cause cancer. The listing of *diclofop-methyl* is based on formal identification by the authoritative body, the U.S. Environmental Protection Agency (U.S. EPA), that the chemical causes cancer. The criteria used by OEHHA for the listing of chemicals under the “authoritative bodies” mechanism can be found in Title 27, Cal. Code of Regs., section 25306³.

The reader is directed to the Notices of Intent to List *Bromochloroacetic acid* (CAS No. 5589-96-8), *Cumene* (CAS No. 98-82-8) and *Diclofop-methyl* (CAS No. 51338-27-3) published in the February 5, 2010 issue of the *California Regulatory Notice Register* (Register 2010, No. 6-Z) for the documentation supporting OEHHA’s determination that the criteria for administrative listing have been satisfied for these chemicals.

OEHHA analyses of dose-response data to establish the no significant risk levels (NSRLs) for *bromochloroacetic acid*, *cumene* and *diclofop-methyl* under Proposition 65 have not yet been conducted. The priority status for the development of such analyses will be announced in a future OEHHA *Proposition 65 Status Report for Safe Harbor Levels*, available at <http://www.oehha.ca.gov/prop65.html>.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register*.

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

³ All further referenced sections are from Title 27 of the Cal. Code of Regulations.

¹ Health and Safety Code, section 25249.5 et seq.

Cancer:

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ⁴
Bromodichloroacetic acid	5589-96-8	cancer	AB
Cumene	98-82-8	cancer	AB
Diclofop-methyl	51338-27-3	cancer	AB

⁴ Listing mechanism: AB — “authoritative bodies” mechanism (Title 27, Cal. Code of Regs. Section 25306).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

California Environmental Protection Agency
Office of Environmental Health Hazard Assessment

NOTICE TO INTERESTED PARTIES

April 2, 2010

**PROPOSITION 65
REGULATORY UPDATE PROJECT
PROPOSED AMENDMENTS TO
TITLE 27, CALIFORNIA CODE OF
REGULATIONS
SECTIONS 25801, 25803, AND 25805
NO OBSERVABLE EFFECT LEVELS**

REQUEST FOR PUBLIC PARTICIPATION
NOTICE OF PUBLIC WORKSHOP

The Office of Environmental Health Hazard Assessment (OEHHA) is the lead agency for implementation of Proposition 65 (The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5, et seq., hereafter referred to as Proposition 65 or the Act). The Act requires that businesses provide “clear and reasonable” warnings for exposures to listed chemicals prior to exposure, and prohibits discharge of listed chemicals to sources of drinking water (Health and Safety Code section 25249.6).

The Act provides exceptions to these requirements in certain circumstances. For chemicals known to cause reproductive toxicity (i.e. birth defects or other repro-

ductive harm), the Act provides an exemption to the warning and discharge provisions if an exposure one thousand (1,000) times higher than the level that is actually occurring would still not cause any observable effect.

OEHHA is proposing amendments to Sections 25801, 25803, and 25805 of the California Code of Regulations, Title 27.¹ These sections, which fall within Article 8 of the Proposition 65 implementing regulations, set out the procedures and criteria for determining an exposure level where there would be no observable effect.

On April 14, 2010 from 10 a.m. to Noon in the Sierra Hearing Room at the California Environmental Protection Agency Headquarters Building located at 1001 I Street, Sacramento, California, OEHHA will hold an informal public workshop for the purpose of discussing these possible regulatory amendments.

Interested parties are encouraged to attend the workshop and participate in the discussion. They may also submit their ideas in writing to the address noted below.

Please note that any formal regulatory proposal that is eventually proposed by OEHHA may differ from this pre-regulatory proposal. Should OEHHA proceed to propose amendments to this regulation, additional opportunities for public comment will be provided. All submissions should be directed to:

Fran Kammerer
Staff Counsel
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95812
Or via e-mail to fkammerer@oehha.ca.gov

If you have special accommodations or language needs, please contact Monet Vela at (916) 323-2517 or mvela@oehha.ca.gov by February 13, 2009.

¹ All further references are to sections of Title 27, of the California Code of Regulations, unless otherwise noted.

DISAPPROVAL DECISIONS

**DECISIONS OF DISAPPROVAL OF
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. The full text of disapproval decisions are available at www.oal.ca.gov under "Publications." 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.

AIR RESOURCES BOARD

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW**

In re:

AIR RESOURCES BOARD

REGULATORY ACTION:
Title 17, California Code of
Regulations

ADOPT SECTION 95550

**DECISION OF DISAPPROVAL
OF REGULATORY ACTION**
(Gov. Code, sec. 11349.3)

OAL File No. 2010-0204-03S

SUMMARY OF REGULATORY ACTION

The Air Resources Board (Board) proposed to adopt section 95550 in title 17 of the California Code of Regulations requiring automotive service providers to check and inflate the tires of each passenger car brought in for service to the recommended tire pressure rating in order to reduce green house gas emissions from underinflated tires. On February 4, 2010, the Board submitted the proposed adoption to the Office of Administrative Law (OAL) for review in accordance with the Administrative Procedure Act (APA). On March 19, 2010, OAL disapproved the proposed adoption. This Decision of Disapproval of Regulatory Action explains the reasons for OAL's action.

DECISION

The Office of Administrative Law disapproved the above referenced regulatory action for the following reasons: failure to comply with the clarity and necessity standards of Government Code section 11349; failure to follow the required procedure; the regulatory file did not contain all required documents, and/or required documents included in the file are defective; and the agency failed to adequately respond to each comment made regarding the proposed action.

Date: March 22, 2010

/s/
CRAIG S. TARPENNING
Senior Staff Counsel

for: **SUSAN LAPSLEY**
Director

Original: James Goldstene
cc: Amy Whiting

DENTAL BOARD OF CALIFORNIA

**State of California
Office of Administrative Law**

In re:
Dental Board of California

**Regulatory Action: Title 16
California Code of Regulations**

Amend sections: 1018

**DECISION OF DISAPPROVAL OF
REGULATORY ACTION**

Government Code Section 11349.3

OAL File No. 2010-0204-02S

SUMMARY OF REGULATORY ACTION

On February 4, 2010, the Dental Board of California ("Board") submitted to the Office of Administrative Law ("OAL") a proposed action to amend section 1018 of title 16 of the California Code of Regulations ("CCR") and to amend the "Disciplinary Guidelines With Model Language," a document already incorporated by reference, to provide direction to administrative law judges who determine penalties for dentists, registered dental hygienists and registered dental assistants who have violated provisions of statutory law or

regulations. On March 18, 2010, OAL notified the Board that OAL disapproved this regulatory action for failure to comply with specified standards and procedures of the California Administrative Procedure Act (“APA”). This Decision of Disapproval explains the reasons for OAL’s action.

DECISION

The rulemaking was disapproved for the following reasons: failure to meet the clarity standard of Government Code section 11349.1; incorrect procedure; failure to make changes to the regulations available to the public for comments as required by Government Code section 11346.8; failure to comply with the requirements of title 1, CCR, section 20 concerning incorporation by reference; and for miscellaneous omissions and errors in the accompanying text and documentation.

Due to the scope of the issues discussed below, OAL reserves the right to conduct a complete APA review for compliance with the substantive standards and procedural requirements of the APA in the event that the Board resubmits this rulemaking to OAL for review. All APA issues must be resolved prior to OAL approval of any resubmission.

Date: March 24, 2010

/s/
Peggy J. Gibson
Staff Counsel

FOR: SUSAN LAPSLEY
Director

Original: Richard DeCuir
Copy: Donna Kantner

<p>SUMMARY OF REGULATORY ACTIONS</p>

**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# 2010-0202-01
BOARD OF EQUALIZATION
Permits

The Board of Equalization submitted this action as one without regulatory effect, pursuant to title 1, California Code of Regulations, section 100, to amend title 18, California Code of Regulations, section 1699 by adding permit and use tax reporting requirements for qualified purchasers in accordance with Revenue and Taxation Code section 6225 (Ch. 16, Stats. 2009, 4th Ex. Sess. (AB 18)). Amendments also include nonsubstantive clarifying amendments for seller’s permits, technical amendments, and addition of several reference citations.

Title 18
California Code of Regulations
AMEND: 1699
Filed 03/17/2010
Agency Contact:
Richard Bennion (916) 445-2130

File# 2010-0317-01
CALIFORNIA FILM COMMISSION
California Film and Television Tax Credit Program

This rulemaking action adds eight sections to Title 10 of the California Code of Regulations to implement the California Film and Television Tax Credit Program. The rulemaking specifies a tax credit application process and the content of the application. It specifies eligibility for the tax credit and the kinds of production and wage expenditures that qualify. It specifies the tax credit certificate issuance process. It also defines a number of terms and incorporates by reference eight forms and one set of audit instructions necessary to implementing the program.

Title 10
California Code of Regulations
ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
Filed 03/18/2010
Effective 03/18/2010
Agency Contact: Terri Toohey (916) 768-5638

File# 2010-0218-04
DEPARTMENT OF FOOD AND AGRICULTURE
Oriental Fruit Fly Interior Quarantine

This regulatory action establishes approximately 84 square miles in the La Verne area of Los Angeles County as a quarantine area for the Oriental fruit fly (“*Bactrocera dorsalis*”).

Title 3
 California Code of Regulations
 AMEND: 3423(b)
 Filed 03/17/2010
 Effective 03/17/2010
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2010-0223-02
 DEPARTMENT OF FOOD AND AGRICULTURE
 White Striped Fruit Fly Interior Quarantine

This is the Certificate of Compliance that makes permanent the prior emergency regulatory action (OAL file nos. 2009-0729-01E and 2010-0112-07EE) that established a quarantine area of approximately 81 square miles in Los Angeles and San Bernardino counties for the white striped fruit fly (*Bactrocera albistrigata*). The regulation also established the articles and commodities covered and the restrictions on the articles and commodities covered. The effect of the proposed adoption of this regulation is to provide authority to the State to conduct quarantine activities against the white striped fruit fly in the quarantine area.

Title 3
 California Code of Regulations
 ADOPT: 3436
 Filed 03/24/2010
 Agency Contact:
 Stephen S. Brown (916) 654-1017

File# 2010-0218-05
 DEPARTMENT OF FOOD AND AGRICULTURE
 Mexican Fruit Fly — Eradication Area

The Department of Food and Agriculture filed this timely certificate of compliance action to make permanent the amendments to title 3, California Code of Regulations, sec. 3588, adopted as an emergency in OAL File No. 2009-0825-03E. The amendments added Sacramento and Yolo counties to the list of counties where the Department of Food and Agriculture seeks to eradicate the Mexican fruit fly (*Anastrepha ludens*) and made minor, nonsubstantive revisions.

Title 3
 California Code of Regulations
 AMEND: 3588
 Filed 03/24/2010
 Agency Contact:
 Susan McCarthy (916) 654-1017

File# 2010-0218-06
 FAIR POLITICAL PRACTICES COMMISSION
 Exceptions to Gift and Exceptions to Gift Limits

The Fair Political Practices Commission (Commission) makes this change to Title 2 sections 18942 and 18630 of the California Code of Regulations. Specifically, the Commission repeals section 18630 and amends section 18942 related to gifts and exceptions to gift limits.

Title 2
 California Code of Regulations
 AMEND: 18942 REPEAL: 18630
 Filed 03/19/2010
 Effective 04/18/2010
 Agency Contact:
 Virginia Latteri-Lopez (916) 324-3854

File# 2010-0225-04
 FAIR POLITICAL PRACTICES COMMISSION
 Conflict of Interest Code

The Fair Political Practices Commission is amending its conflict of interest code found at title 2, section 18351, California Code of Regulations. The changes were approved for filing by the Office of the Attorney General on January 22, 2010.

Title 2
 California Code of Regulations
 AMEND: 18351
 Filed 03/23/2010
 Effective 04/22/2010
 Agency Contact:
 Virginia Latteri-Lopez (916) 324-3854

File# 2010-0204-01
 FRANCHISE TAX BOARD
 Air Transportation Companies

This regulatory action is to clarify that air transportation companies conducting business either inside or outside California will group aircraft by model, rather than by type as currently required, to determine the payroll, sales and property factors used to apportion income.

Title 18
 California Code of Regulations
 ADOPT: 25101.3 AMEND: 25137-7
 Filed 03/19/2010
 Effective 04/18/2010
 Agency Contact:
 Colleen Berwick (916) 845-3306

File# 2010-0223-04
 OCCUPATIONAL SAFETY AND HEALTH
 STANDARDS BOARD
 Spreaders for Self-Feed Circular Ripsaws

The Occupational Safety and Health Standards Board amended section 4301 of title 8 of the California Code of Regulations to delete the requirement that a

self-feed circular rip saw have a spreader and instead replace that language with a requirement that employers ensure that power feed devices are properly adjusted for each piece of stock to reduce the possibility of kick-back.

Title 8
California Code of Regulations
AMEND: 4301
Filed 03/24/2010
Effective 04/23/2010
Agency Contact: Christina Witte (916) 274-5721

File# 2010-0210-01
STRATEGIC GROWTH COUNCIL
Conflict-of-Interest Code

This is a Conflict-of-Interest Code filing that has been approved by the Fair Political Practices Commission and is being submitted for filing with the Secretary of State and printing only.

Title 2
California Code of Regulations
ADOPT: 59670
Filed 03/19/2010
Effective 04/18/2010
Agency Contact: Heather Baugh (916) 653-8152

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN October 21, 2009 TO
March 24, 2010**

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

- 03/23/10 AMEND: 18351
- 03/19/10 ADOPT: 59670
- 03/19/10 AMEND: 18942 REPEAL: 18630
- 03/11/10 AMEND: 18932.4
- 02/24/10 AMEND: 1859.2, 1859.41, Form SAB 50-01, Form SAB 50-02
- 02/23/10 AMEND: div. 8, ch. 16, sec. 37000
- 02/19/10 AMEND: 52400
- 02/11/10 ADOPT: 18421.9 AMEND: 18431
- 02/11/10 AMEND: 18950.3
- 02/09/10 ADOPT: 59660

- 01/26/10 ADOPT: 1899.570, 1899.575, 1899.580, 1899.585
- 01/25/10 AMEND: 58100
- 01/19/10 AMEND: div.8, ch. 102, sec. 59100
- 01/14/10 AMEND: Section 27000
- 01/13/10 ADOPT: div. 8, ch. 119, sec. 59640
- 01/11/10 ADOPT: 18229.1, 18944 REPEAL: 18944
- 01/05/10 AMEND: div. 8, ch. 49, sec. 53800
- 12/22/09 AMEND: 1859.96, 1859.148.2, 1859.166.2
- 12/21/09 AMEND: 1896.4, 1896.12
- 12/21/09 ADOPT: 20714.5 AMEND: 20711, 20712, 20714, 20716, 20717, 20718, 20719
- 11/24/09 AMEND: 1859.2
- 11/24/09 AMEND: 1859.2, 1859.35, 1859.51, Form SAB 50-02, SAB Form 50-03, SAB Form 50-04
- 11/17/09 ADOPT: 20810, 20811, 20812, 20813, 20814, 20815, 20816, 20817, 20818, 20819, 20820, 20821, 20822, 20823, 20830, 20831, 20832, 20833, 20840, 20841, 20842
- 11/16/09 AMEND: 1859.129, 1859.197
- 11/12/09 ADOPT: 18944.4 AMEND: 18944.3
- 11/12/09 ADOPT: 18219, 18734
- 11/09/09 ADOPT: 1859.148.2, 1859.166.2 AMEND: 1859.2, 1859.121, 1859.164.2, 1859.197
- 11/09/09 ADOPT: 604 REPEAL: 604
- 11/05/09 ADOPT: 60800, 60801, 60802, 60803, 60804, 60805, 60806, 60807, 60808, 60809, 60810, 60811, 60812, 60813, 60814, 60815, 60816, 60817, 60818, 60819, 60820, 60821, 60822, 60823, 60824, 60825, 60826, 60827, 60828, 60829, 60830, 60831, 60832, 60833, 60834, 60835, 60836, 60837, 60840, 60841, 60842, 60843, 60844, 60845, 60846, 60847, 60848, 60849, 60850, 60851, 60852, 60853, 60854, 60855
- 11/03/09 ADOPT: 1859.96 AMEND: 1859.2, 1859.90

Title 3

- 03/24/10 ADOPT: 3436
- 03/24/10 AMEND: 3588
- 03/17/10 AMEND: 3423(b)
- 03/15/10 AMEND: 3434(b)
- 03/10/10 AMEND: 3591.20(a)
- 03/10/10 AMEND: 3434(b)
- 03/04/10 AMEND: 3700(c)
- 03/04/10 AMEND: 3406(b)
- 03/03/10 REPEAL: 3279, 3433

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03/03/10 AMEND: 3591.20 71220, 71230, 71240, 71250, 71260,
 03/03/10 AMEND: 3406(b) 71270, 71280, 71290, 71300, 71310,
 03/03/10 AMEND: 3423(b) 71340, 71380, 71400, 71405, 71450,
 03/03/10 ADOPT: 3437 71455, 71460, 71465, 71470, 71500,
 02/26/10 AMEND: 3435 71550, 71600, 71630, 71700, 71705,
 02/18/10 AMEND: 3591.23 71710, 71715, 71720, 71730, 71735,
 02/18/10 ADOPT: 3591.24 71740, 71745, 71770, 71810, 71850,
 01/25/10 AMEND: 3434(b) 71865, 71920, 71930, 74000, 74002,
 01/25/10 AMEND: 3406(b) 74004, 74006, 74120, 74130, 74140,
 01/25/10 ADOPT: 1430.54, 1430.55, 1430.56, 74150, 74160, 74170, 74190, 74200,
 1430.57 76000, 76120, 76130, 76200, 76210,
 01/19/10 ADOPT: 3436 76215 REPEAL: 70030, 71000, 71005,
 01/12/10 AMEND: 3434(b) 71010, 71020, 71330, 71360, 71410,
 01/11/10 AMEND: 3406(b) and (c) 71415, 71420, 71490, 71495, 71505,
 01/06/10 AMEND: 3435(b) 71510, 71515, 71520, 71555, 71560,
 01/04/10 AMEND: 2675, 2734, 2735 71565, 71605, 71610, 71615, 71650,
 12/31/09 AMEND: 3434(b), (c), (e) 71655, 71725, 71775, 71800, 71805,
 12/29/09 AMEND: 3423(b) 71830, 71855, 71860, 71870, 71875,
 12/28/09 AMEND: 3434(b) 71880, 71885, 71890, 71900, 71905,
 12/28/09 AMEND: 3434(b) 71910, 72000, 72005, 72010, 72020,
 12/16/09 AMEND: 3591.20(a) 72101, 72105, 72110, 72120, 72130,
 12/16/09 AMEND: 3406(b)(c) 72140, 72150, 72160, 72170, 72180,
 11/25/09 AMEND: 3435(b) 72190, 72200, 72210, 72220, 72230,
 11/24/09 AMEND: 3430(b) 72240, 72250, 72260, 72270, 72280,
 11/16/09 AMEND: 3435(b) 72290, 72300, 72310, 72330, 72340,
 11/16/09 AMEND: 3406(b)(c) 72360, 72380, 72400, 72405, 72410,
 11/10/09 AMEND: 3434(b) 72415, 72420, 72450, 72455, 72460,
 10/30/09 AMEND: 3435(b), (c) and (d) 72465, 72470, 72500, 72505, 72515,
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03/15/10 ADOPT: 12482
 02/01/10 AMEND: 1867
 01/29/10 AMEND: 1866
 01/27/10 AMEND: 10020
 01/27/10 AMEND: 1890
 01/27/10 AMEND: 1859
 01/27/10 AMEND: 1843.6 and 1858
 12/17/09 AMEND: 8070, 8072, 8073, 8074
 12/09/09 AMEND: 12388
 12/08/09 ADOPT: 12218.8, 12218.9, 12238,
 12239 AMEND: 12200.9, 12200.10A,
 12200.11, 12200.13, 12203.2, 12205.1,
 12218, 12218.7, 12220.13, 12220.18,
 12220.23, 12225.1, 12233, 12235
 10/27/09 AMEND: 8034, 8035, 8042, 8043

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02/26/10 AMEND: 19824, 19851, 19854
 02/01/10 ADOPT: 70030, 70040, 71135, 71320,
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 71716, 71750, 71760, 74110, 74115,
 76020, 76140, 76212, 76240 AMEND:
 70000, 70010, 70020, 71100, 71110,
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 71170, 71180, 71190, 71200, 71210,

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	74180, 74300, 74310, 74320, 75000, 75020, 75030, 75040, 75100, 75110, 75120, 75130, 76010	02/23/10	ADOPT: 2756, 2758.1, 2758.2, 2758.3, 2758.4, 2758.5, 2758.6, 2758.7, 2945.1, 2945.2, 2945.3, 2945.4 AMEND: 2750, 2911
01/21/10	ADOPT: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709 REPEAL: 30701, 30702, 30703, 30704, 30705, 30706, 30707, 30708, and 30709	02/23/10	ADOPT: 2187, 2187.1, 2187.3, 2187.6, 2188.2.5, 2188.5.5, 2188.50(a), 2188.50(b), 2188.50(c), 2188.50(e), 2188.50(h) AMEND: 2186, 2186.1, 2187 (renumbered to 2187.3), 2187.1 (renumbered to 2187.2), 2187.2 (renumbered to 2187.7), 2187.3 (renumbered to 2187.4), 2187.4 (renumbered to 2187.5), 2188, 2188.1, 2188.2, 2188.3, 2188.4, 2188.5, 2188.23 (renumbered to 2188.50(d)), 2188.24 (renumbered to 2188.50(f)), 2188.83 (renumbered to 2188.50(g))
01/21/10	ADOPT: 80034.1, 80034.2, 80034.3 AMEND: 80035, 80035.1, 80035.5	02/03/10	AMEND: 2695.85
01/04/10	AMEND: 1203, 1204, 1205, 1206, 1207.1, 1208, 1209, 1211, 1217, 1218, 1219, 1220, 1225	01/21/10	ADOPT: 3575, 3576, 3577 AMEND: 3500, 3522, 3523, 3524, 3526, 3527, 3528, 3529, 3530, 3582, 3681, 3702, 3703, 3721, 3724, 3726, 3728, 3731, 3741
12/18/09	AMEND: 41905	01/07/10	AMEND: 2651.1, 2652.1, 2652.10, 2653.3, 2653.4, 2653.5, 2654.1, 2655.3, 2655.4
12/16/09	ADOPT: 19828.4, 19837.3, 19839, 19845.2 AMEND: 19815, 19816, 19816.1, 19828.3, 19837.2, 19845.1, 19846	12/15/09	REPEAL: 2232.45.1, 2232.45.2, 2232.45.3, 2232.45.4, 2232.45.5
12/16/09	ADOPT: 30730, 30731, 30732, 30733, 30734, 30735, 30736	12/08/09	AMEND: 2699.6603
11/03/09	AMEND: 1200, 1204.5, 1207, 1207.5, 1210, 1211.5, 1215, 1215.5, 1216 REPEAL: 1207.2	12/07/09	ADOPT: 2309.2, 2309.3, 2309.4, 2309.5, 2309.6, 2309.7, 2309.8, 2309.9, 2309.10, 2309.11, 2309.12, 2309.13, 2309.14, 2309.15, 2309.16, 2309.17, 2309.18, 2309.20
Title 8		12/03/09	AMEND: 2698.600, 2698.602
03/24/10	AMEND: 4301	12/01/09	ADOPT: 2031.1, 2031.2, 2031.3, 2031.4, 2031.5, 2031.6, 2031.7, 2031.8 AMEND: 2031.9, 2031.10
03/10/10	AMEND: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6100, 6115, 6120, Article 154, Appendix A, Appendix B	12/01/09	ADOPT: 2850.1, 2850.2, 2850.3, 2850.4, 2850.5, 2850.6, 2850.7, 2850.8, 2850.9, 2850.10
02/03/10	AMEND: 5155	12/01/09	ADOPT: 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 4.9, 4.10
02/02/10	AMEND: 1549(h)	12/01/09	AMEND: 2699.200, 2699.201
12/09/09	AMEND: 9812, 10111.2	11/19/09	AMEND: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507
12/02/09	AMEND: 4086	11/19/09	AMEND: 2498.5
11/19/09	AMEND: 15600, 15601, 15602, 15603, 15604, 15605, 15606, 15607, 15611	11/19/09	AMEND: 2498.5
11/04/09	AMEND: 9771, 9778, 9779, 9779.5 REPEAL: 9779.9	11/19/09	AMEND: 2498.4.9
10/28/09	AMEND: 3333, 3650	11/19/09	AMEND: 2498.4.9
10/26/09	AMEND: 5306	11/10/09	AMEND: 260.101.2, 260.103.4, 260.105.7, 260.105.17, 260.105.33, 260.105.34, 260.211.1, 260.217,
10/22/09	AMEND: 3277		
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12/21/09	ADOPT: 9550		
12/21/09	ADOPT: 10700, 10701 AMEND: 10518, 10529 REPEAL: 10532, 10533		
11/04/09	ADOPT: 3200.125, 3200.215, 3200.217, 3200.253, 3200.254, 3200.255, 3200.256, 3200.275, 3200.276, 3200.320, 3200.325, 3550, 3810, 3820, 3830, 3840, 3841, 3842, 3843, 3844, 3844.1, 3845, 3850, 3851, 3851.1, 3852, 3853, 3854, 3854.1, 3854.2, 3856 AMEND: 3310, 3510		
10/26/09	ADOPT: 4350		
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03/18/10	ADOPT: 5500, 5501, 5502, 5503, 5504, 5505, 5506, 5507		

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	260.230, 260.241.4, 260.242 REPEAL: 260.105.37, 260.204.11	01/08/10	AMEND: 4970.00, 4970.01, 4970.05, 4970.06.1, 4970.07, 4970.07.2, 4970.08, 4970.10, 4970.10.1, 4970.10.3, 4970.10.4, 4970.11, 4970.14.1, 4970.14.3, 4970.15.1, 4970.15.2, 4970.15.3, 4970.17, 4970.19, 4970.19.2, 4970.19.4, 4970.20, 4970.21, 4970.22, 4970.24, 4970.25.1, 4970.26
10/29/09	AMEND: 2699.6809		
10/29/09	AMEND: 2699.6600, 2699.6607, 2699.6619, 2699.6621, 2699.6705, 2699.6715, 2699.6725		
10/26/09	AMEND: 2632.9		
10/26/09	AMEND: 2695.85		
Title 11		12/29/09	AMEND: 4609
01/11/10	38.3	12/21/09	AMEND: 670.5
01/05/10	AMEND: 900, 901, 902, 903, 904, 905, 906 REPEAL: 907, 908, 909, 910, 911	12/21/09	AMEND: 2310, 2320
11/09/09	AMEND: 1005, 1007, 1008	12/02/09	AMEND: 699.5
Title 13		12/01/09	AMEND: 895, 895.1, 898, 914.8, 916, 916.2, 916.5, 916.9, 916.11, 916.12, 923.3, 923.9, 916.9.1, 923.9.1, 934.8, 936.5, 936, 936.2, 936.9, 936.9.1, 936.11, 936.12, 943.3, 943.9, 943.9.1, 954.8, 956.5, 956, 956.2, 956.9, 956.11, 956.12, 963.3, 963.9
03/04/10	ADOPT: 205.00, 205.02, 205.04, 205.06, 205.08, 205.10, 205.12, 205.14	11/30/09	ADOPT: 1022.4, 1022.5, 1024.6 AMEND: 1035.3, 1090.12, 1092.14
03/03/10	AMEND: 423.00	11/30/09	AMEND: 1052, 1052.1, 1052.4
02/22/10	AMEND: 350.36, 350.38, 350.40, 350.44, 350.46	11/25/09	AMEND: 895, 895.1, 919.9, 919.10, 939.9, 939.10
01/14/10	ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978	11/23/09	ADOPT: 749.4
01/05/10	AMEND: 553.70	11/18/09	AMEND: 163, 164
12/31/09	AMEND: 2449, 2449.1, 2449.2	10/29/09	AMEND: 551
12/31/09	AMEND: 2449, 2449.1, 2449.2	10/27/09	AMEND: 938.8
12/15/09	ADOPT: 155.07 AMEND: 155.05	10/27/09	ADOPT: 1530.05 AMEND: 1553, 1554, 1561.1, 1562, 1564, 1567
12/09/09	ADOPT: 2025	10/26/09	ADOPT: 1091.15 AMEND: 1091.9
12/03/09	AMEND: 425.01	10/22/09	ADOPT: 749.5
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12/03/09	AMEND: Title 13 — 1956.8, 2020, 2022, 2022.1, 2027, 2449, 2449.3, 2451, 2452, 2453, 2455, 2456, 2458, 2461, 2462, 2479, 2485, Title 17 — 93116.1, 93116.2, 93116.3, 93116.5	02/24/10	AMEND: 7001
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03/10/10	AMEND: 670.5	02/02/10	ADOPT: 3054.3 AMEND: 3054, 3054.1, 3054.2, 3054.3 (renumbered to 3054.4), 3054.4 (renumbered to 3054.5), 3054.5 (renumbered to 3054.6), 3054.6 (renumbered to 3054.7)
02/23/10	AMEND: 1052(a)	01/25/10	ADOPT: 3042 AMEND: 3040, 3040.1, 3041, 3041.2, 3043, 3043.1, 3043.3, 3043.4, 3043.5, 3043.6, 3044, 3045, 3045.1, 3045.2, 3045.3 REPEAL: 3040.2
02/18/10	AMEND: 155	01/25/10	ADOPT: 3075.2(b)(4) through (b)(4)(C), 3075.3(c), 3505 AMEND: 3000, 3075.2, 3075.3, 3502, 3504
02/16/10	ADOPT: 15064.4, 15183.5, 15364.5 AMEND: 15064, 15064.7, 15065, 15086, 15093, 15125, 15126.2, 15126.4, 15130, 15150, 15183, Appendix F, Appendix G	01/07/10	AMEND: 1, 100, 102, 260, 261, 262, 263, 351, 352, 353, 354, 355, 356, 358, 1006, 1010, 1029, 1032, 1045, 1055, 1056, 1063, 1081, 1083, 1084, 1100, 1122,
02/09/10	ADOPT: 1.54, 5.70, 5.83 AMEND: 1.74, 2.00, 2.09, 2.30, 3.00, 5.00, 5.15, 5.30, 5.37, 5.40, 5.51, 5.60, 5.79, 5.80, 5.81, 5.82, 5.87, 5.88, 7.00, 7.50, 8.00, 27.80, 27.92, 29.90, 700, 701		
02/03/10	AMEND: 11960		
02/01/10	AMEND: 1257		
01/29/10	AMEND: 791.7, 792		
01/28/10	AMEND: 2090, 2425, 2525, 2530		
01/14/10	ADOPT: 749.5		
01/13/10	REPEAL: 1.18		

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01/27/10 AMEND: 4402.2, 4406, 4409, 4420, 4420.5, 4426
01/21/10 AMEND: 455.5-6, 455.5-7, 455.5-8
12/31/09 AMEND: 97018, 97019, 97215, 97216, 97222, 97225, 97226, 97227, 97231, 97232, 97234, 97240, 97241, 97244, 97245, 97246, 97249, 97260, 97261, 97264, 97267
12/21/09 AMEND: 7314
11/24/09 ADOPT: 65800, 65801, 65802, 65803, 65804, 65805, 65806, 65807, 65808

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03/04/10 ADOPT: 89475.1, 89475.2 AMEND: 89200, 89201, 89202, 89205, 89206, 89207, 89218, 89219, 89219.1, 89219.2, 89224, 89226, 89227, 89228, 89229, 89231, 89234, 89235, 89240, 89242, 89244, 89246, 89252, 89254, 89255, 89255.1, 89256, 89286, 89317, 89318, 89319, 89323, 89361, 89370, 89372, 89373, 89374, 89376, 89377, 89378, 89379, 89387, 89387.1 renumbered as 89387(h), 89387.2, 89388, 89400, 89405, 89410, 89420, 89421, 89465, 89468, 89469, 89475, 89510.1, 89510.2, 89565.1, 89566, 89569.1, 89572.2, 89587.1 REPEAL: 89245, 89261, 89570.1
02/04/10 ADOPT: 84074 AMEND: 83074, 83087, 84087, 84274, 86074, 86087, 86574, 89374

Title 23

03/10/10 AMEND: 3005
03/04/10 ADOPT: 2631.2
02/25/10 ADOPT: 3919.6
02/24/10 ADOPT: 3919.7
02/22/10 ADOPT: 2631.2
01/26/10 AMEND: 3939.10
12/15/09 AMEND: 2200

12/01/09 ADOPT: 5.1, 13.1, 13.2, 138 AMEND: 1, 3, 4, 5, 6, 7, 8, 13, 15, 109, 112 Table 8.1, 120, 193 Appendix A

11/04/09 ADOPT: 2631.2
11/02/09 ADOPT: 3919.5
10/21/09 AMEND: 1062, 1064, 1066, 1070

Title 24

12/02/09 ADOPT: 1-702 AMEND: 1-701

Title 25

02/25/10 ADOPT: 6200, 6201, 6202, 6203
01/29/10 AMEND: 5000, 5001, 5002, 5010, 5011, 5012, 5013, 5020, 5020.5, 5021, 5022, 5023, 5023.5, 5024, 5025, 5026, 5027, 5028, 5029, 5030, 5032, 5034, 5036, 5038, 5040, 5043, 5050, 5051, 5052, 5053, 5054, 5055, 5056, 5057, 5060, 5061, 5062, 5063, 5070, 5071, 5072, 5073, 5080, 5081, 5082, 5082.5, 5083, 5090, 5094, 5301, 5302, 5304, 5306, 5308, 5310, 5312, 5314, 5316, 5318, 5320, 5322, 5324, 5326, 5328, 5332, 5336, 5338, 5340, 5342, 5344, 5346, 5348, 5350, 5352, 5354, 5356, 5360, 5362, 5364, 5366, 5368 REPEAL: 5042
10/29/09 AMEND: 1008

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03/10/10 AMEND: 25903
12/17/09 ADOPT: 10010 REPEAL: 10010
12/02/09 AMEND: 27001
10/26/09 AMEND: 25102(d)

Title 28

12/18/09 ADOPT: 1300.67.2.2

Title MPP

02/26/10 ADOPT: 31-021 AMEND: 31-003, 31-410, 31-501
01/29/10 ADOPT: 91-101, 91-110, 91-120, 91-130, 91-140
12/22/09 AMEND: 11-425, 22-001, 22-003, 22-009, 45-302, 45-303, 45-304, 45-305, 45-306
12/15/09 AMEND: 70-104
11/10/09 AMEND: 31-002, 31-003 and 31-502