



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. PUBLIC EMPLOYEES’
RETIREMENT SYSTEM**

NOTICE IS HEREBY GIVEN that the Investment Committee (Committee) of the California Public Employees’ Retirement System (CalPERS) proposes to adopt the proposed regulations described in the Informative Digest after considering public comments, objections, and recommendations regarding the proposed action.

I. PROPOSED REGULATORY ACTION

In this filing, the Committee proposes to adopt a regulation to implement an external investment resource conflict of interest regulation requiring disclosure of conflicts of interests to CalPERS.

II. WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to CalPERS. Comments may also be submitted by facsimile (FAX) at (916) 795-4607 or by email to Regulation_Coordinator@calpers.ca.gov. The written comment period closes at 5:00 p.m. on May 19, 2014. CalPERS will consider only comments received at CalPERS by that time. Submit comments to:

Anthony Martin
Regulation Coordinator
California Public Employees’ Retirement System
P.O. Box 942702
Sacramento, CA 94229-2702
(916) 795-3038

III. PUBLIC HEARING

A public hearing will not be scheduled unless an interested person, or his or her duly authorized representative, submits a written request for a public hearing to

CalPERS no later than 15 days prior to the close of the written comment period.

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

Government Code sections 20120 and 20121 authorize CalPERS to adopt the proposed regulation. CalPERS is implementing, interpreting, and making specific Government Code section 20151.

**VI. INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW**

Currently, federal rules require registered investment advisers to deliver a brochure to clients and prospective clients. The minimum required disclosures of the brochure are set in Part 2 of the Form ADV. One of the sections in Part 2 of the Form ADV is dedicated to conflicts of interest disclosures. This rulemaking action requires external investment resources, not just registered investment advisers, to identify their disclosable interests and respond to any CalPERS request within 15 business days. The Form ADV will serve as the primary disclosure document for registered investment advisers under the regulation.

The primary benefit from the regulation will be CalPERS becoming aware of conflicts of interest of External Investment Resources. This knowledge will allow CalPERS to either accept or mitigate the conflict of interest and thereby better protect the pension security of the members of CalPERS. This will therefore also help promote an open and transparent government.

CalPERS conducted a review for any related state regulations, and we find that there are no related regulations dealing with conflicts of interests of External Investment Resources. Therefore, the proposed regulation is neither inconsistent nor incompatible with existing state regulations.

**VII. RESULTS OF THE ECONOMIC
IMPACT ANALYSIS**

Retirement security of the members of CalPERS is the primary benefit of the regulation to the health and welfare of California residents. The regulation does not benefit worker safety or the state’s environment.

Adoption of these regulations will not:

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

VIII. EFFECT ON SMALL BUSINESS

Small businesses that are in the investment management business may be impacted by this proposed regulation. The impacts are reasonable given the public policy concerns related to conflicts of interests with external managers. Notwithstanding the foregoing, any “small business” as defined by the Government Code Section 11342.610 will not be impacted.

IX. DISCLOSURES REGARDING THE PROPOSED ACTION

- A. Mandate on local agencies and school districts: None.
- B. Cost or savings to any state agency: None.
- C. Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- D. Other nondiscretionary cost or savings imposed on local agencies: None.
- E. Cost or savings in federal funding to the state: None.
- F. Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: None.
- G. Cost impacts on representative private person or business: 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. Significant effect on housing costs: None.

X. CONSIDERATION OF ALTERNATIVES

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

in implementing the statutory policy or other provision of law.

CalPERS invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

XI. CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Brian McQuade, Portfolio Manager
California Public Employees’ Retirement System
400 Q Street, Suite E4800
Sacramento, California 95811
Telephone: (916) 795-3400

The backup contact person for these inquiries is:

James Sammut, Investment Officer I
California Public Employees’ Retirement System
400 Q Street, Suite E4800
Sacramento, California 95811
Telephone: (916) 795-3400

Please direct requests concerning the proposed text (the “express terms”) of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to Mr. McQuade at the above address.

XII. AVAILABILITY OF THE STATEMENT OF REASONS, TEXT OF PROPOSED REGULATIONS, AND RULEMAKING FILE

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, the Initial Statement of Reasons (ISR) and the Economic Impact Assessment (EIA). A copy of the proposed text, the ISR and the EIA 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 the Regulations Coordinator, at the address shown in Section II.

XIII. AVAILABILITY OF CHANGED OR MODIFIED TEXT

The Committee 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 557, if the changes are sufficiently related to the original text so that the public could have anticipated them.

If the Investment Committee 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 Committee 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.

XIV.

One can access the regulatory material regarding this action at www.calpers.ca.gov; About CalPERS, Legislation, Regulations, and Statutes; Regulatory Actions; Current Regulatory Actions.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

The Department of Food and Agriculture (Department) intends to adopt section 3162 of the regulations in Title 3 of the California Code of Regulations pertaining to Pest Ratings and Mitigating Actions.

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

PUBLIC HEARING

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

WRITTEN COMMENT PERIOD

Any interested person or his or her authorized representative may submit written comments relevant to the proposed amendment to the Department. Comments may be submitted by mail, FAX at 916.654.1018 or by email. The written comment period closes at 5:00 p.m. on May 19, 2014. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Stephen Brown
 Department of Food and Agriculture
 Plant Health and Pest Prevention Services
 1220 N Street
 Sacramento, CA 95814
Stephen.Brown@cdfa.ca.gov
 916.654.1017
 916.654.1018 (FAX)

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that the Secretary is obligated to develop and maintain a list of invasive pests that have a reasonable likelihood of entering California and for which a detection, exclusion, eradication, control, or management action by the state might be appropriate. In developing the list, the Department shall consider any invasive pests identified by the federal or state government for which a detection, exclusion, eradication, control, or management action might be undertaken (Food and Agricultural Code (FAC) Section 5261).

Existing law also provides that the Secretary is obligated to develop a plan, based upon available funding, for the detection, exclusion, eradication, control, or management of the higher priority invasive species and make that plan available on the Department's website and may establish, maintain and enforce other such regulations as she deems necessary to protect the agricultural industry from the introduction and spread of pests (FAC Sections 401, 403, 407 and 5262).

Anticipated Benefits from This Regulatory Action

One of the Department's broad statutory objectives is to prevent the introduction and spread of injurious insect or animal pests, plant diseases, and noxious weeds (FAC section 403) and the Department may adopt regulations as are reasonably necessary to achieve this (FAC section 407). The Department is obligated to investigate the existence of any pest that is not generally distributed within this State and determine the probability of its spread, and the feasibility of its control or eradication (FAC section 5321) and may establish and maintain quarantine regulations (FAC section 5322). Based upon available funding, the Department is also obligated to develop a list of invasive species likely to be introduced into California (FAC section 5261) and develop a plan to mitigate the higher priority invasive species and maintain the plan on the Department's website (FAC section 5262).

The existing law obligates the Secretary to investigate and determine the feasibility of controlling or eradicating pests of limited distribution but establishes discretion with regard to the establishment and maintenance of regulations to achieve this goal. A key need is to be able to have a transparent process to determine which invasive species are higher priority and have the opportunity for public, expert and interested party input.

The implementation of this regulation will ensure:

- A uniform and efficient process for determining pest rating
- Participation for/by the public or other interested parties
- Uniform pest rating criteria
- Appeal process
- Ability to comment
- Ability to regularly update the pest rating list on the website

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

There is no existing, comparable federal regulation or statute.

AMENDED TEXT

The adoption of this regulation will establish the process for determining pest ratings and mitigating actions. The adoption will include needed definitions, a standardized California Pest Rating Proposal Form, the opportunity for public input, an appeal process, the pest ratings (“Q,” “A,” “B,” “C” and “D”), authorized mitigating actions associated with each pest rating, posting the pest ratings on the Department’s Internet Web site, a review process for the pest ratings and use of the pest ratings in the enforcement of the nursery stock standards of cleanliness.

DISCLOSURES REGARDING THE PROPOSED ACTION

The Department has made the following initial determinations:

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

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

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

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

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

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department has determined the amendment of this regulation benefits:

- The general public
- Homeowners and community gardens
- Agricultural industry
- The State’s general fund

There are no known specific benefits to worker safety or the health of California residents. The Department is not aware of any specific benefits the amendment of this regulation will have on the protection of public safety of California residents or worker safety. Based upon the economic analysis, the Department believes the adoption of this regulation benefits the general welfare of California residents. [Gov. Code sec. 11346.3(b)].

The Department has evaluated and determined that the amendment of this regulation is not inconsistent with existing State regulations. There are no other comparable existing State regulations [Gov. Code sec. 11346.5(a)(3)(D)].

ALTERNATIVES CONSIDERED

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

AUTHORITY

The Department proposes to amend subsection 3406(b) pursuant to the authority vested by Sections 407, 5261 and 5262 of the FAC.

REFERENCE

The Department proposes this action to implement, interpret and make specific Sections 407, 5261 and 5262 of the FAC.

CONTACT

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed actions, location of the rulemaking files, and request for a public hearing may be directed to is Stephen S. Brown, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: sbrown@cdfa.ca.gov. In his absence, you may contact Lindsay Rains at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Stephen S. Brown.

INTERNET ACCESS

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

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

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

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of

adoption by contacting the agency officer (contact) named herein.

TITLE 4. CALIFORNIA SCHOOL FINANCE AUTHORITY

Article 1.5, Sections 17170.1 through 17170.15, Division 15

NOTICE IS HEREBY GIVEN that the California School Finance Authority (CSFA), organized and operating pursuant to Sections 17170 through 17199.5 of the Education Code, proposes to amend the regulations described below after considering all comments, objections, and recommendations regarding the proposed action. Any person interested may present written statements or arguments relevant to the proposed action to the attention of the Contact Person as listed in this Notice no later than 5:00 p.m. on Monday, May 19, 2014. The CSFA Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposal substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person(s) designated in this notice as Contact Person and will be mailed to those persons who submit statements related to this proposal or who have requested notification of any changes to the proposal.

PROPOSED REGULATORY ACTION

CSFA proposes to adopt Sections 10170.1 through 10170.15 of Title 4 of the California Code of Regulations (Regulations) as permanent regulations. The Regulations implement CSFA's responsibilities related to the Charter School Facility Grant Program (Program).

AUTHORITY AND REFERENCE

Authority: Section 47614.5 of the Education Code. Section 47614.5(m) allows CSFA to adopt regulations in order to administer the Program.

Reference: Section 47614.5 of the Education Code, Section 47600, et seq., of the Education Code, Section 47605 of the Education Code, and Section 47612.5 of the Education Code. The Regulations include a number of the requirements of the Program contained in Section 47614.5. They also rely on specific provisions within the Charter Schools Act of 1992, commencing with section 47600 of the Education Code.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

CSFA was created in 1985 to assist school districts and community college districts in financing school construction projects (Education Code section 17170, et seq.). CSFA is authorized to adopt bylaws for the regulation and conduct of its business, and is vested with all powers reasonably necessary to carry out its powers and responsibilities (Education Code sections 17179 and 17180).

Pursuant to Education Code, Section 47614.5, the State Legislature directed the California School Finance Authority (Authority) to commence administration of the Charter School Facility Grant Program (Program) with the 2013–14 fiscal year and to adopt regulations to implement the statute. Effective July 1, 2013, the Authority initiated its administration of the Program, and pursuant to Section 47614.5(m), the Authority adopted emergency regulations through the Office of Administrative Law’s (OAL’s) Emergency Rule-making procedures, and such emergency regulations were approved by OAL on August 16, 2013 (OAL Regulatory Action # 2013–0806–02 ER). In addition, OAL approved an emergency readopt of the emergency regulations pursuant to Government Code, Section 11346.1(h) on January 21, 2014 (OAL Regulatory Action # 2014–0109–02 EE). In order to establish permanent regulations for purposes of administration of the Program, the Authority is proposing permanent regulations through OAL’s permanent rulemaking process and through submission of a Certificate of Compliance.

The proposed regulations set forth CSFA’s policies and procedures for administering the Program, including: Program purpose; definitions; minimum eligibility requirements; eligible costs; application submission and content requirements; basis for determining estimated annual entitlement calculation; basis for final fiscal–year entitlement calculation; procedures for apportionment of grant funds and appeals; and policies governing Grantee obligations and responsibilities, approval of grant use change, audits, conflict of interest, and funding contingency.

In order to be eligible for Program grant funds, Applicants are required to meet minimum eligibility requirements, which include, but are not limited to, the following: (1) Applications are submitted by or on behalf of a Charter School; (2) a current charter has been awarded and is in place at the time of the application submission, or in the case of a first year charter, there is evidence that a charter petition has been submitted for approval to the Chartering Authority; and (3) either seventy percent or more of the student enrollment at the charter school site must be eligible for free or reduced–price meals; or the charter school site for which grant funds are requested

must be physically located in an attendance area of a public elementary school that has seventy percent or more of its students eligible for free or reduced–price meals.

Pursuant to Education Code, Section 47614.5(f), the Program provides assistance to charter schools with the following types of costs: costs associated with facilities rents and leases, consistent with the definitions used in the California School Accounting Manual or regulations adopted by the California School Finance Authority; and costs associated with remodeling buildings, deferred maintenance, initially installing or extending service systems and other built–in equipment, and improving sites. For a description of further benefits, please see part “d” under the ‘Results of Economic Impact Assessment.’

After conducting an evaluation of any related regulations on this matter, CSFA has concluded that these are the only regulations dealing with the Program, and therefore, these proposed regulations do not present any inconsistencies or incompatibilities with existing state regulations.

The Regulations are briefly summarized below.

Sections 10170.1 “Purpose”

This section establishes the administration of the Program by CSFA.

Section 10170.2 “Definitions”

This section provides definitions for key terms.

Section 10170.3 “Eligible Applicant”

This section sets forth the minimum requirements for an Applicant to be considered eligible under the Program.

Section 10170.4 “Eligible Costs”

This section sets forth the eligible and ineligible uses of the Program funds. This section also sets forth that grant funds must be expended and liquidated within the guidelines of the Article and the Program, and that no award shall exceed \$750 per unit of average daily attendance, and no more than 75% of annual lease or rent costs that the charter school incurs within the applicable fiscal year.

Section 10170.3 “Application Submission”

This section sets forth requirements pertaining to the Application submission, including, but not limited to, due date and time, circumstances under which Applications may be submitted after the Initial Application Deadline, the required number of Application copies (with and without original signatures), and the indication that the Authority may waive an Application with procedural defects under certain circumstances.

Section 10170.6 “Content of Application”

This section sets forth the specific documentation that is required for a Program Application to be considered complete while providing the Authority with the

discretion to request additional documentation when deemed necessary.

Section 10170.7 “Estimated Annual Entitlement Calculation”

This section informs Applicants with the basis by which the Authority will make an initial determination regarding each Applicant’s Annual Entitlement. The Authority will determine the estimated Annual Entitlement based on \$750 per unit of average daily attendance for the prior year, but in no case shall the estimated annual entitlement be more than seventy-five percent of the charter school’s actual annual facilities rent or lease costs for the school site for the designated fiscal year.

Section 10170.8 “Final Fiscal Year Entitlement Calculation”

This section clarifies the basis by which the Authority will make its final fiscal year entitlement calculations and eligibility determinations based on final and actual rent or lease costs for the fiscal year, final average daily attendance figures, and final free and reduce-priced meal eligibility data.

Section 10170.9 “Apportionment of Grant Funds”

This section clarifies that prior-year Grantees that have unreimbursed costs are to be the first funding priority and are to take precedence over disbursement of apportionments for current-year Grantees. In addition, this section clarifies the timing and basis for each of three apportionments in relation to a Final Fiscal Year Entitlement as well as conditions under which a notice for reimbursement for overpayment is necessary and requirements for submission of evidence for reimbursement on remodeling buildings, deferred maintenance, initially installing or extending service systems and other built-in equipment or improving sites. This section also states that the Authority reserves the right to: (1) adjust each grantee’s estimated annual entitlement on a pro rata basis based on the number of approved grantees; (2) adjust estimated annual entitlements for individual grantees based on the Authority’s receipt of updated data from the Grantee or Departments; (3) if the final data for free and reduced-price meal eligibility provided by the Department establishes that the Grantee is not eligible for the program pursuant to section 10170.3 (c), request reimbursement of the grant funds that were already disbursed.

Section 10170.10 “Notification of Grantee; Appeal Process”

This section provides clarification to Grantees about their right to appeal the Authority’s estimated annual entitlement calculation, and a description of the Authority’s appeals process.

Section 10170.11 “Obligation and Expenditure of Grant Funds”

This section provides Grantees with information regarding the obligation to hold the State and the Authority harmless, comply with any audit provisions required by the Authority or the State Controller, maintain a valid charter, ensure the continuous operation of the charter school throughout the fiscal year, and notify the Authority within 30 days of any material changes that may affect the estimated annual entitlement calculation.

Section 10170.12 “Approval of Grant use Change”

This section informs Grantees of the Authority’s discretion to change the use of Grant funds, depending on the case, if the Grantee demonstrates that the change is consistent with the Program and the regulations.

Section 10170.13 “Audits”

This section sets forth the discretion for the Authority or State Controller to conduct internal audits to ensure Grantees are using Grant funds consistent with the requirements of the Program and regulations, conduct site visits of facilities or projects receiving an award, and require that participants routinely submit documentation to support continued eligibility.

Section 10170.14 “Conflicts of Interest”

The section clarifies the terms and conditions governing conflict of interest as well as the definition of “Affiliate,” “Corporate Entity,” and “Related Party.” In addition, this section clarifies that Grantees must avoid actual conflicts of interest when applying for or receiving grants from the Authority.

Section 10170.15 “Funding Contingency”

This section clarifies that the availability of Grant funds each fiscal year is contingent upon the appropriation of funds, the apportionment to each Grantee is contingent upon each Grantee’s continuing eligibility, and the Authority or Authority staff may seek third party verification regarding all relevant project costs.

INCORPORATED BY REFERENCE FORM

Charter School Facility Grant Program Application, CSFA Form 740-01 (Revised July 30, 2013)

OTHER MATTERS PRESCRIBED BY STATUTES APPLICABLE TO THE SPECIFIC STATE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS

No other matters prescribed by statute are applicable to CSFA or to any specific Regulation or class of Regulations pursuant to Section 11346.5(a)(4) of the California Government Code pertaining to the proposed Regulations or CSFA.

**MANDATE ON LOCAL AGENCIES OR
SCHOOL DISTRICTS**

CSFA has determined that the Regulations do not impose a mandate on local agencies or school districts.

FISCAL IMPACT

CSFA has determined that the Regulations do not impose any additional cost or savings to any state agency, any costs to any local agency or school district requiring reimbursement under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code, any other non-discretionary cost or savings to any local agency, or any cost or savings in federal funding to the State.

CSFA expects to incur additional expenses in implementing and administering the Program, including expenses associated with three additional full-time staff positions along with non-staffing administrative expenses, totaling approximately \$271,000 per year. On an annual basis, the State Legislature will issue appropriations for purposes of the Program grant funds based on availability of funding and demand for the Program. For the current 2013-14 fiscal year, the State Legislature appropriated approximately \$92 million towards Program grant funds. There will be no cost or savings to any State Agency pursuant to Government Code Sections 11346.1(b) or 11346.5(a)(6).

**INITIAL DETERMINATION REGARDING ANY
SIGNIFICANT, STATEWIDE ADVERSE
ECONOMIC IMPACT DIRECTLY
AFFECTING BUSINESS**

CSFA has made an initial determination that the Regulations will not have any significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

EFFECT ON SMALL BUSINESSES

CSFA has determined that the adoption of the Regulations will not affect small business. The Program is a voluntary grant program available to charter schools to assist in the costs of charter school facilities.

COST IMPACTS

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

**ASSESSMENT OF EFFECT ON JOBS AND
BUSINESS EXPANSION, ELIMINATION
OR CREATION**

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

COST IMPACT ON HOUSING

The Regulations will not have any effect on housing costs.

**RESULTS OF ECONOMIC
IMPACT ASSESSMENT**

- a. With the exception of the addition of a limited number of full-time positions to administer the Program, the proposed regulations will unlikely have an impact on the creation or elimination of jobs within the State of California. In addition, the Authority is unaware of any reason providing grant funds to awardees would result in the elimination of jobs. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a grant program that will disburse funds to existing charter schools in need across the State of California for per pupil facilities funding. There are no provisions within the proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that jobs would be created or eliminated as a result.
- b. The proposed regulations will unlikely have an impact on the creation or elimination of new businesses within the State of California. As noted above, the purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a grant program that provides per pupil facilities funding to existing charter schools in need. There are no provisions within the proposed regulations which place additional burdens, obligations, or expenses on existing businesses such that businesses would be created or eliminated as a result.

- c. The proposed regulations will unlikely have an impact on the expansion of businesses currently doing business within the State of California. The purpose of the proposed regulations is to set forth administrative criteria and requirements for administering a grant program that will provide per pupil facilities funding to existing charter schools.
- d. The proposed regulations are intended to provide per pupil facilities funding to existing charter schools in need, especially serving communities with low-income households. As such, to the extent that the awards benefit the long-term viability of charter schools, the Program and its proposed regulations have the potential to directly benefit economically vulnerable populations and communities throughout the State.

915 Capitol Mall, Room 101
 Sacramento, CA 95814
 (916) 651-7710

or

kjohantgen@treasurer.ca.gov

or

csfa@treasurer.ca.gov

The following person is designated as a backup Contact Person for inquiries only regarding the Regulations:

Mark Paxson, General Counsel
 State Treasurer's Office
 915 Capitol Mall, Room 110
 Sacramento, CA 95814
 (916) 653-2995

REASONABLE ALTERNATIVES

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

CSFA invites interested persons to present statements with respect to alternatives to the Regulations during the written comment period.

AGENCY CONTACT PERSON(S)

Written comments, inquiries, and any questions regarding the substance of the Regulations shall be submitted or directed to:

Katrina Johantgen, Executive Director
 California School Finance Authority

at:

304 South Broadway, Suite 550
 Los Angeles, CA 90013-1224
 (213) 620-4467

or

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the Regulations to CSFA. The written comment period on the Regulations will end at 5:00 p.m. on Monday, May 19, 2014. All comments to be considered by CSFA must be submitted in writing to the Agency Contact Person identified in this Notice by that time. In the event that changes are made to the Regulations during the written comment period, CSFA will also accept additional written comments limited to any changed or modified Regulations for 15 calendar days after the date on which such Regulations, as changed or modified are made available to the public pursuant to Title 1, Chapter 1, Section 44 of the California Code of Regulations. Such additional written comments should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF PROPOSED REGULATIONS

CSFA has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at CSFA's office at 915 Capitol Mall, Sacramento, California, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons, and the proposed text of the Regulations. Copies of these items are available upon request, from the Agency Contact Person designated in this Notice. The Sacramento address will also be the location for inspection of the ru-

lemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rule-making file, including the Initial Statement of Reasons and the proposed text, may be viewed on CSFA's Web site at www.treasurer.ca.gov/csfa.

PUBLIC HEARING

No public hearing regarding the Regulations has been scheduled. Anyone wishing a public hearing must submit a request in writing, pursuant to Section 11346.8 of the Government Code, to CSFA at least 15 days before the end of the written comment period. Such request should be addressed to the Agency Contact Person identified in this Notice and should specify the Regulations for which the hearing is being requested.

15-DAY AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, CSFA may adopt the Regulations substantially as described in this Notice, without further notice. If CSFA makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through CSFA's Web site described above) for at least fifteen (15) calendar days before CSFA adopts the proposed Regulations, as modified. Inquiries about and requests for written copies of any changed or modified regulations should be addressed to the Agency Contact Person identified in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

CSFA is required to prepare a Final Statement of Reasons pursuant to Government Code Section 11346.9. Once CSFA has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on CSFA's Web site described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

TITLE 15. 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, proposes to amend Sections 3006, 3134.1, and 3135 of the California Code of Regulations (CCR), Title 15, Division 3 concerning Obscene Material.

PUBLIC HEARING

Date and Time: **June 17, 2014 —10:00 a.m. to 11:00 a.m.**
Place: Department of Corrections and Rehabilitation
Kern Room
1515 S Street — North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

PUBLIC COMMENT PERIOD:

The public comment period will close **June 17, 2014, at 5:00 p.m.** Any person may submit public comments in writing (by mail, by fax, or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or 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) 445-2269**

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

**R. Ruiz
Regulation and Policy Management Branch
Telephone (916) 445-2244**

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

**Christopher Abshire
Division of Adult Institutions,
Standardized Procedures Unit
Telephone (916) 327-5305**

AUTHORITY AND REFERENCE

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

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

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

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to GC Section 11340.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Current laws expressly define what is considered obscene matter, and further provide for prison officials to disallow obscene material as contraband. The proposed amendments clarify Department regulations concerning obscene material as contraband, ensuring compliance with statute concerning the established standard for obscene material.

The specific benefits anticipated with these regulations include greater transparency in business and government, preventing discrimination, promoting fairness and social equality, and improved worker safety.

This action provides the following:

- Clarifies Department regulations concerning obscene material as contraband as provided for by statute.
- Provides references of existing Department regulations, in compliance with PC, for the definition of the terms “obscene material” and “sexually explicit.”
- Designates the Division of Adult Institutions (DAI) as the sole Department authority to designate text-only publications as obscene material, and place the text-only publication on the Department’s Centralized List of Disapproved Publications.
- Specifies CDCR institutions may withhold publications on a temporary basis, pending an “obscene material” determination from DAI.

- Utilizes the term Security Threat Group (STG) in place of the terms: “prison gang,” “disruptive group,” and “street gang.”
- Establishes that written material and photographs that indicate an association with validated STG members or associates are not permitted into the institutions, and shall be included on the Department’s Centralized List of Disapproved Publications.

INCORPORATED BY REFERENCE

The following document is incorporated by reference into these regulations and will be made available to the public along with the Notice of Proposed Regulations, Text of Proposed Regulations, and Initial Statement of Reasons.

- CDCR Form 1819 (Rev. 08/08), Notification of Disapproval–Mail/Packages/Publications

EVALUATION OF CONSISTENCY/COMPATIBILITY WITH EXISTING REGULATIONS

In developing the proposed regulations, the Department researched existing regulations on this topic and determined that this action is not inconsistent or incompatible with existing State regulations. California PC provides that obscene matter is matter that, when taken as a whole, to the average person applying contemporary statewide standards, appeals to the prurient interest and depicts or describes sexual conduct in a patently offensive way, and that, when taken as a whole, lacks serious literary, artistic, political, or scientific value. The proposed regulations are in compliance with PC, and are consistent with existing regulations in the CCR.

LOCAL MANDATES

The proposed regulatory action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Part 7 (Section 17561) of Division 4.

FISCAL IMPACT STATEMENT

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

EFFECT ON HOUSING COSTS:

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESS

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT

The Department has determined that the proposed regulations will not have an impact on the creation of new or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California, as the proposed regulations clarify the Department's regulations concerning obscene material as contraband and affect the internal management of prisons only.

The proposed regulations promote worker safety of CDCR staff and the safety of CDCR inmates by helping to reduce animosity within the prisons concerning publications designated obscene material and disallowed into the institutions.

SPECIFIC BENEFITS ANTICIPATED BY THE PROPOSED REGULATIONS

The proposed regulatory action will provide clarity and guidance to CDCR staff and inmates concerning Department regulations for obscene material to appropriately identify obscene material disallowed as contraband, as provided for by statute. The proposed regulations will ensure compliance with statute concerning obscene material, reducing animosity in the prisons and improving worker safety.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

EFFECT ON SMALL BUSINESSES

It is determined that this action has no significant adverse economic impact on small business as the proposed regulations solely affect the internal management of prisons.

CONSIDERATION OF ALTERNATIVES

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF THE FINAL STATEMENT
OF REASONS

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

**TITLE 15. 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 (GC) Section 12838.5 and Penal Code (PC) Section 5055, and the rulemaking authority granted by PC Section 5058 and 5058.3, in order to implement, interpret and make specific PC section 5054, proposes to amend Sections 3290 and 3315, of the California Code of Regulations (CCR), Title 15, Division 3, concerning the implementation of a Mandatory Random Urinalysis Program and revisions to Inmate Discipline by increasing sanctions for drug use in prison.

PUBLIC HEARING

Date and Time: May 27, 2014 10:00 a.m. to 11:00 a.m.
Place: Department of Corrections and Rehabilitation Kern Room
1515 S Street—North Building
Sacramento, CA 95811
Purpose: To receive comments about this action.

INFORMATIVE DIGEST

Current departmental regulations provide for methods for testing of controlled substances, as well as for use of alcohol. There are currently no regulations for mandatory random urinalysis testing. In this regulatory action, the Secretary proposes to amend regulatory provisions by identifying and implementing a department-wide/standardized Mandatory Random Urinalysis Program (MRUP), and increase sanctions for drug use in prison, thereby enhancing the safety and security of CDCR institutions, staff, and inmate population and increasing the inmates' abilities to successfully complete substance abuse treatment programs. The proposed regulations are intended to provide guidance and clarity to staff and inmates by identifying a Mandatory Random Urinalysis Program (MRUP), and resulting disciplin-

ary measures that may act as a deterrent to the use of illicit drugs.

This action provides the following:

- Amends Subsection 3290 by implementing a statewide mandatory random urinalysis testing program, which includes allowing an inmate the option of accepting the results of urine field test, and specifies that inmates will not be subject to additional disciplinary action for a positive test if that positive test is cumulative evidence of a previously charged disciplinary action.
- Amends Section 3315 by adding new language to establish and incorporate additional progressive disciplinary actions for drug related offenses. These actions will provide additional deterrents to in prison drug use and will help incentivize those inmates who chose to remain drug free.

POLICY STATEMENT OVERVIEW

The anticipated benefits of the proposed regulations will enhance the safety and security of CDCR institutions, staff, and inmate population by providing a consistent means for testing inmates for controlled substances and increase sanctions for drug use in prison. Increased random urinalyses in the institutions, coupled with other drug and contraband interdiction strategies, will act as a deterrent to the use of illicit drugs, and can increase the inmates' abilities to successfully complete substance abuse treatment programs. The Department believes that these regulations may promote continued rehabilitation and positive programming.

EVALUATION OF
INCONSISTENCY/INCOMPATIBILITY WITH
EXISTING STATE REGULATIONS

Pursuant to Government Code 11346.5(a)(3)(D), the Department must evaluate whether the proposed regulations are inconsistent or incompatible with existing State regulations. Pursuant to this evaluation, the Department has reviewed existing regulations pertaining to the testing of controlled substances and inmate disciplinary measures within CCR, Title 15, Division 3 and determined that these proposed regulations are not inconsistent or incompatible.

LOCAL MANDATES

The Department has determined that these regulations do not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement of costs or savings pursuant to Government Code Sections 17500–17630.

FISCAL IMPACT STATEMENT

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

SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT AFFECTING BUSINESSES

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

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

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

RESULTS OF ECONOMIC IMPACT ASSESSMENT

These regulations are directed at the internal management of State prisons and do not impose any obligations, duties, fees, costs, responsibilities, reporting requirements, etc. on California businesses, large or small. No economic impacts have been brought to the attention of the Department. The Department has therefore concluded that these regulations will have no impact on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California. Regarding benefits, these regulations will protect the health and safety of California residents, worker safety, and the State's environment by providing a safe environment that will encourage visitation for families, which will have a positive impact on inmates, and increase worker safety.

EFFECT ON SMALL BUSINESSES

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

conomic impact on small business because they are not affected by the internal management of state prisons.

EFFECT ON HOUSING COSTS

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

CONSIDERATION OF ALTERNATIVES

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

CONTACT PERSON

Please direct any inquiries regarding this action to:

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

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

Anthony Carter
Regulation and Policy Management Branch
Telephone (916) 445-2220

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

John Peterson, Correctional Administrator
General Population-Males,
Division of Adult Institutions
(916) 324-1653

WRITTEN COMMENT PERIOD:

The public comment period will close May 27, 2014 at 5:00 p.m. Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action (by mail, by

fax, or by e-mail) to CDCR, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 324-6075; or by e-mail at RPMB@cdcr.ca.gov before the close of the comment period.

AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

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

AVAILABILITY OF CHANGES TO PROPOSED TEXT

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

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons will be available on the Department's website at <http://www.cdcr.ca.gov>, and may also be obtained from the Department's contact person.

TITLE 18. BOARD OF EQUALIZATION

The State Board of Equalization Proposes to Adopt Amendments to California Code of Regulations, Title 18, Section 133, *Business Inventory Exemption*

NOTICE IS HEREBY GIVEN

The State Board of Equalization (Board), pursuant to the authority vested in it by Government Code section 15606, proposes to adopt amendments to California Code of Regulations, title 18, section (Property Tax Rule) 133, Business Inventory Exemption. The proposed amendments to Property Tax Rule 133 clarify that space flight property, not operationally reusable, listed in the International Traffic in Arms Regulations on the United States Munitions List, and the control of which is relinquished by the owner upon launch, is classified as business inventory within the meaning of Revenue and Taxation Code (RTC) sections 129 and 219.

PUBLIC HEARING

The Board will conduct a meeting in Room 121, at 450 N Street, Sacramento, California, on May 22-23, 2014. The Board will provide notice of the meeting to any person who requests that notice in writing and make the notice, including the specific agenda for the meeting, available on the Board's website at www.boe.ca.gov at least 10 days in advance of the meeting.

A public hearing regarding the proposed regulatory action will be held at 10:00 a.m. or as soon thereafter as the matter may be heard on May 22 or 23, 2014. At the hearing, any interested person may present or submit oral or written statements, arguments, or contentions regarding the adoption of the proposed amendments to Property Tax Rule 133.

AUTHORITY

Government Code section 15606

REFERENCE

RTC sections 129 and 219

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

Current Law

California Constitution, article XIII, section 1 provides that, unless otherwise provided by the California Constitution or by the laws of the United States, all property is taxable. All property includes tangible personal property. However, RTC section 219 provides that, “For the 1980–81 fiscal year and fiscal years thereafter, business inventories are exempt from taxation and the assessor shall not assess business inventories.”

Under Government Code section 15606, subdivision (c), the State Board of Equalization (Board) is authorized to prescribe rules and regulations to govern local boards of equalization and assessment appeals boards when equalizing and county assessors when assessing. Government Code section 15606, subdivision (f) authorizes the Board to prescribe “rules, regulations, instructions, and forms relating to classifications of kinds of property and evaluation procedures.” The Board adopted California Code of Regulations, title 18, section (Property Tax Rule) 133, Business Inventory Exemption, pursuant to Government Code section 15606, to implement, interpret, and make specific the provisions, under article XIII of the California Constitution and the RTC, applicable to the exemption of business inventories.

In particular, Property Tax Rule 133 implements, interprets, and makes specific RTC sections 129 and 219. RTC section 129 defines “business inventories” as follows:

“Business inventories” shall include goods intended for sale or lease in the ordinary course of business and shall include raw materials and work in process with respect to such goods. “Business inventories” shall also include animals and crops held primarily for sale or lease, or animals used in the production of food or fiber and feed for such animals.

“Business inventories” shall not include any goods actually leased or rented on the lien date nor shall “business inventories” include business machinery or equipment or office furniture, machines or equipment, except when such property is held for sale or lease in the ordinary course of business. “Business inventories” shall not include any item held for lease which has been or is intended to be used by the lessor prior to or subsequent to the lease. “Business inventories” shall not include goods intended for sale or lease in the ordinary course of business which cannot be legally sold or leased in this state. If goods which cannot be legally sold or leased are not reported by

the taxpayer pursuant to Section 441, it shall be conclusively presumed that the value of the goods when discovered is the value of the goods on the preceding lien date.

“Business inventories” shall also include goods held by a licensed contractor and not yet incorporated into real property.

As relevant here, subdivision (a)(1) of Property Tax Rule 133 further defines the term “business inventories” and also defines the phrases “ordinary course of business” and “goods intended for sale or lease,” as used in RTC section 129. The Board added the current provisions of subdivision (a)(2)(A), (C), and (D) to Property Tax Rule 133, in 2000, in order to provide a list of the specific types of property that the Board had previously determined are included within the meaning of the term “business inventories” prior to 2000. And, the Board added subdivision (a)(2)(B) to Property Tax Rule 133, in 2000, to clarify that the Board had recently determined that new and used oak barrels are business inventories, under specific circumstances.

Effects, Objectives, and Benefits of the Proposed Amendments

The transfer of control of space flight property to the federal government is required by Air Force Space Command (AFSPC). Authority over space flight property launch is granted to the Air Force via the Commercial Space Launch Act of 1984, as amended in 1988 (49 U.S.C. §§ 2601–23, October 30, 1984) which grants regulatory authority over space flight property to the Department of Transportation, which through the Federal Aviation Administration Office for Commercial Space Transportation entered into an agreement with the United States Air Force regarding the implementation of procedures for commercial space transportation and range activities. (See Memorandum of Agreement Between Department of the Air Force and Federal Aviation Administration on Safety for Space Transportation and Range Activities, at https://www.faa.gov/about/office_org/headquarters_offices/ast/media/moa.pdf (as of March 18, 2014).)

AFSPC directs safety requirements for both range users and air force space command organizations and requires that control over space flight property be transferred to a federal launch safety authority for flight termination purposes upon launch. (Chapters 6 and 7 of Launch Safety Requirements for Air Force Space Command Organizations, Air Force Space Command Manual 91–711 (February 1, 2007) (AFSPC Manual 91–711) provide mission flight control officers with power to issue flight termination commands.) The federal launch safety authority, in its sole discretion, may terminate the flight. (AFSPC Manual 91–711, § 7.1.1.1.) Termination of the flight would result in de-

struction of the space flight property. Because the federal launch safety authority may, in its sole discretion, destroy the space flight property, all meaningful control over such property has been ceded to it.

Prior to December 2013, the Board had provided general guidance regarding the business inventory exemption and specific guidance regarding its application to various types of property; however, the previous Board guidance had not specifically discussed the application of the business inventory exemption to space flight property. By letter dated December 24, 2013, the Board's Legal Department opined that the business inventory exemption applies to space flight property fabricated and used to transport satellites and cargo to locations in outer space and over which the owner relinquishes ultimate control at launch. In the letter, the Board's Legal Department also opined that Property Tax Rule 133 should be amended to specifically address the applicability of the business inventory exemption to space flight property governed by federal statutes and regulations.

As relevant here, RTC section 129 includes as business inventory "goods intended for sale . . . in the ordinary course of business." The Property Tax Law (RTC § 50 et seq.) does not specifically define this phrase. Property Tax Rule 133, subdivision (a)(1)(A) provides, however, that, "The phrase 'ordinary course of business' . . . require[s] that the property be intended for sale or lease in accordance with the regular and usual practice and method of the business of the vendor or lessor." Due to the unique nature of the space flight industry, the determination of whether space flight property is a "good intended for sale in the ordinary course of business" must be based upon all the relevant facts and circumstances and take into account the heavy federal regulation which constrains the transfer of title of space flight property. (The Arms Export Control Act (AECA) (22 U.S.C. § 2778) authorizes the President to designate items as defense articles and defense services on the United States Munitions List (Munitions List) for purposes of promulgating regulations for the import and export of such articles (22 U.S.C. § 2278, subd. (a)(1)); and the Munitions List is contained in and regulated by the International Traffic in Arms Regulations (ITAR), which places a number of requirements on any company intending to export items on the Munitions List (22 C.F.R. §§ 120–130).) Within that context, the Board's Legal Department determined that the transfer of control to the federal launch safety authority upon launch, for a consideration, is a "sale" and makes space flight property "goods intended for sale in the ordinary course of business" within the meaning of RTC sections 129 and 219 and Property Tax Rule 133. The Board's Legal Department also based its determination that space flight property is business inventory, under such

circumstances, on the fact that it is consistent with the Sales and Use Tax Law (RTC § 6001 et seq.) as well as case law regarding the business inventory exemption from property tax.

In determining whether property qualifies as business inventory for property tax purposes, the Board's Legal Department found that courts have looked to whether sales tax is owed on transactions involving the property as an important factor in determining whether that property was in fact sold and intended for sale (i.e., was business inventory) prior to such sale. (See *Westinghouse Beverage Group v. County of San Diego* (1988) 203 Cal.App.3d 1442 (hereafter, *Westinghouse*) [soft drink manufacturer's reusable containers supplied to wholesale customers held not to be business inventory where manufacturer did not collect sales tax reimbursement under Cal. Code Regs., tit. 18, § 1700]); See also *Amdahl Corporation v. County of Santa Clara* (2004) 116 Cal.App.4th 604 [sales tax reimbursement not collected on rotatable spare parts — held not business inventory].) This is because sales tax is imposed on retailers and is measured by each retailer's gross receipts from each "retail sale," which is defined as "a sale for any purpose other than resale in the regular course of business." (RTC §§ 6006, 6007, and 6051.) And, it follows that if sales tax is owed on a transaction involving specified property that was entered into in the ordinary course of business, then the property was "sold" in a retail sale and that same property was necessarily, prior to sale, property that was "intended for sale in the ordinary course of business" (i.e., business inventory). Thus, the courts recognize that the definition of "goods intended for sale in the ordinary course of business" must have the same meaning for the same transaction, and thus the same definition is applicable to both sales and property tax. In other words, there is not one definition of inventory for sales tax purposes and a different definition of inventory for property tax purposes.

In addition, under the Sales and Use Tax Law, the term "sale" means any transfer of title to or possession of property for a consideration and the term "transfer of possession" includes those transactions found by the Board to be in lieu of a transfer of title. (RTC § 6006.) Due to the unique nature of the space flight industry, the Board's Legal Department concluded that when a space flight property company transfers possession (control) of specified space flight property to the federal government at launch, for a consideration paid to the company by its customer, the transfer of possession is in lieu of a transfer of title. Accordingly, the transfer of space flight property to federal government control at launch, for a consideration, is a retail sale for sales tax purposes pursuant to RTC sections 6006 and 6007. And, but for the specific exemption for qualified property for use in space flight provided by RTC section 6380, space flight

property companies would owe sales tax on such transfers. Therefore, since for sales tax purposes, a retail sale has taken place under such circumstances, it necessarily follows that such goods, prior to sale, were intended for sale in the ordinary course of business, requiring the classifying of such property as business inventory.

Furthermore, the classification of space flight property as business inventory is also consistent with California property tax cases considering the element of control over the property in determining whether the property qualifies for the business inventory exemption. For example, in *Westinghouse, supra*, 203 Cal.App.3d 1442, the court considered syrup and CO₂ containers. It held that such containers did not qualify as inventory since the seller retained control over the containers on the lien date even though the containers were in the physical possession of its customers. The court contrasted this situation with returnable bottles in which soft drinks are sold because the bottles were not within the seller's control once sold. In *Transworld Systems v. County of Sonoma* (2000) 78 Cal.App.4th 713, 717 (hereafter, *Transworld*), the court opined that property transferred with a nonprofessional service constituted business inventory since the goods were transferred away from the business pursuant to a customer's direction. Implicit in this reasoning is that the customer, not the business, had control, albeit indirect, of where the goods would be delivered. Also, in *Transworld*, the court explained that "[w]hile statutes granting property tax exemptions are generally construed strictly, that approach 'does not require that the narrowest possible meaning be given to words descriptive of the exemption, for a fair and reasonable interpretation must be made of all laws, with due regard for the ordinary acceptance of the language employed and the object sought to be accomplished thereby. [Citations].'" (*Id.* at p. 716.) Therefore, based upon the heavy federal regulation, which constrains the transfer of title to space flight property, and the above discussion of property and sales tax law, the Board's Legal Department concluded that space flight property to which control is ceded to the federal launch safety authority, for a consideration, is property that is intended to be sold in the ordinary course of business and is properly classified as inventory. And, as inventory, such property qualifies for the business inventory exemption under the current provisions of RTC sections 129 and 219.

In Letter to Assessors (LTA) 2014/004, *Property Tax Rule 133, Business Inventory Exemption*, dated January 8, 2014, the Board's Property and Special Taxes Department advised interested parties that a project had been initiated to proposed revisions to Property Tax Rule 133 due to "inquiries as to whether the business inventory exemption applies to certain space flight property regulated under the Arms Export Control Act

(AECA) and the International Traffic in Arms Regulations (ITAR)" (footnotes omitted). The LTA also noted the Legal Department's December 24, 2013, letter regarding space flight property (discussed above), provided a link to a redacted copy of the letter posted on the Board's website, and gave the interested parties an opportunity to provide comments and suggestions by January 31, 2014.

Board staff conducted an interested parties meeting on February 6, 2014, to discuss the proposed revisions to Property Tax Rule 133. Staff subsequently prepared Formal Issue Paper 14-002, which included as attachments the comments received in support of and in opposition to Board staff's proposed amendment to Property Tax Rule 133, and submitted it to the Board for consideration during its February 25, 2014, Property Tax Committee meeting.

In the formal issue paper, Board staff recommended that the Board amend Property Tax Rule 133 to add subdivision (a)(1)(E), to clarify that space flight property, not operationally reusable and the control over which is relinquished by the owner upon launch, qualifies for the business inventory exemption. The formal issue paper recommended that the Board propose to add the following language to Property Tax Rule 133, subdivision (a)(1):

(E) Space flight property, not operationally reusable, listed in the International Traffic in Arms Regulations on the United States Munitions List (22 CFR § 121.1), the control over which is relinquished by the owner upon launch.

(i) "Space flight" means any flight designed for suborbital, orbital, or interplanetary travel.

(ii) The phrase "control over which is relinquished by the owner upon launch" means the transfer of control to a federal launch safety authority for space flight termination purposes.

In addition, in the formal issue paper, Board staff summarized the comments in support of and in opposition to its proposed amendments to Property Tax Rule 133. Board staff responded to the comments in opposition. Board staff also specifically explained that the proposed amendments clarifying the definition of "business inventories" will not apply to "reusable" space flight property. Board staff specifically explained that its proposed amendments are "very narrowly tailored to interpret [RTC] sections 129 and 219 to include as business inventory only spaceflight property regulated by federal statutes and regulations and for which control is relinquished upon launch." Board staff specifically explained that the proposed amendments are more limited than the exemption afforded by Assembly Bill No.

(AB) 777 (2013–2014 Reg. Sess.) because Property Tax Rule 133 only applies to business inventory, while AB 777 would exempt all spaceflight property whether inventory or not. And, Board staff specifically explained that “[because the issue of the qualification of space flight property as exempt business inventory is one that has potential statewide significance and is interpretative of and consistent with existing statutes, it is the proper subject of rulemaking.”

At the conclusion of the Board’s discussion of Formal Issue Paper 14–002 during the February 25, 2014, Property Tax Committee meeting, the Board determined that Property Tax Rule 133 does not address the application of the business inventory exemption to space flight property, and that it is necessary to amend Property Tax Rule 133, as recommended by staff, to have the effect and accomplish the objective of addressing the application of the business inventory exemption to space flight property. Therefore, the Board agreed with staff’s recommendation and the Board Members unanimously voted to propose the amendments to Property Tax Rule 133 recommended by staff, and requested that staff provide additional clarification regarding the “ceding of control” and additional analysis of the federal authority regarding the transfer of control, which is provided above and in the initial statement of reasons.

The Board anticipates that the proposed amendments to Property Tax Rule 133 will promote fairness and benefit taxpayers, Board staff, and the Board, by clarifying that RTC sections 129 and 219 apply to non-reusable space flight property, the control over which is relinquished by the owner upon launch.

The Board has performed an evaluation of whether the proposed amendments to Property Tax Rule 133 are inconsistent or incompatible with existing state regulations. The Board has determined that the proposed amendments are not inconsistent or incompatible with existing state regulations because Property Tax Rule 133 is the only regulation implementing RTC sections 129 and 219, and the proposed amendments make Property Tax Rule 133 consistent with the statutes as discussed above. In addition, the Board has determined that there are no comparable federal regulations or statutes to Property Tax Rule 133 or the proposed amendments to Property Tax Rule 133.

NO MANDATE ON LOCAL AGENCIES AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 133 will not impose a mandate on local agencies or school districts, including a mandate that is required to be reim-

bursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code.

NO COST OR SAVINGS TO STATE AGENCIES, LOCAL AGENCIES, AND SCHOOL DISTRICTS

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 133 will result in no direct or indirect cost or savings to any state agency, cost to local agencies or school districts that is required to be reimbursed under part 7 (commencing with section 17500) of division 4 of title 2 of the Government Code, other non-discretionary cost or savings imposed on local agencies, or cost or savings in federal funding to the State of California.

NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT DIRECTLY AFFECTING BUSINESS

The Board has made an initial determination that the adoption of the proposed amendments to Property Tax Rule 133 will not have a significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The adoption of the proposed amendments to Property Tax Rule 133 may affect small business.

NO COST IMPACTS TO 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.

RESULTS OF THE ECONOMIC IMPACT ASSESSMENT REQUIRED BY GOVERNMENT CODE SECTION 11346.3, SUBDIVISION (b)

The Board has prepared the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1), and included it in the initial statement of reasons.

The Board has determined that the adoption of the proposed amendments to Property Tax Rule 133 will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses nor create or expand business in the State of California. Furthermore, the Board has determined that the adoption of the proposed amendments to Property Tax Rule 133 will not affect the benefits of Property Tax Rule 133 to the health and welfare of California residents, worker safety, or the state’s environment.

**NO SIGNIFICANT EFFECT ON
HOUSING COSTS**

Adoption of the proposed amendments to Property Tax Rule 133 will not have a significant effect on housing costs.

**DETERMINATION REGARDING
ALTERNATIVES**

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

CONTACT PERSONS

Questions regarding the substance of the proposed amendments should be directed to Leslie Ang, Tax Counsel, by telephone at (916) 323-9856, by e-mail at leslie.ang@boe.ca.gov, or by mail at State Board of Equalization, Attn: Leslie Ang, MIC:82, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0082.

Written comments for the Board's consideration, notice of intent to present testimony or witnesses at the public hearing, and inquiries concerning the proposed administrative action should be directed to Mr. Rick Bennion, Regulations Coordinator, by telephone at (916) 445-2130, by fax at (916) 324-3984, by e-mail at Richard.Bennion@boe.ca.gov, or by mail at State Board of Equalization, Attn: Rick Bennion, MIC:80, 450 N Street, P.O. Box 942879, Sacramento, CA 94279-0080.

WRITTEN COMMENT PERIOD

The written comment period ends at 10:00 a.m. on May 22, 2014, or as soon thereafter as the Board begins the public hearing regarding the proposed amendments to Property Tax Rule 133 during the May 22-23, 2014, Board meeting. Written comments received by Mr. Rick Bennion at the postal address, email address, or fax number provided above, prior to the close of the written comment period, will be presented to the Board and the Board will consider the statements, arguments, and/or contentions contained in those written comments before the Board decides whether to adopt the

proposed amendments to Property Tax Rule 133. The Board will only consider written comments received by that time.

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

The Board has prepared an underline and strikethrough version of the text of Property Tax Rule 133 illustrating the express terms of the proposed amendments and an initial statement of reasons for the adoption of the proposed amendments, which includes the economic impact assessment required by Government Code section 11346.3, subdivision (b)(1). These documents and all the information on which the proposed amendments are based are available to the public upon request. The rule-making file is available for public inspection at 450 N Street, Sacramento, California. The express terms of the proposed amendments and the initial statement of reasons are also available on the Board's website at www.boe.ca.gov.

**SUBSTANTIALLY RELATED CHANGES
PURSUANT TO GOVERNMENT CODE
SECTION 11346.8**

The Board may adopt the proposed amendments to Property Tax Rule 133 with changes that are nonsubstantial or solely grammatical in nature, or sufficiently related to the original proposed text that the public was adequately placed on notice that the changes could result from the originally proposed regulatory action. If a sufficiently related change is made, the Board will make the full text of the proposed amendments, with the change clearly indicated, available to the public for at least 15 days before adoption. The text of the resulting amendments will be mailed to those interested parties who commented on the original proposed amendments orally or in writing or who asked to be informed of such changes. The text of the resulting amendments will also be available to the public from Mr. Bennion. The Board will consider written comments on the resulting amendments that are received prior to adoption.

**AVAILABILITY OF FINAL STATEMENT
OF REASONS**

If the Board adopts the proposed amendments to Property Tax Rule 133, the Board will prepare a final statement of reasons, which will be made available for inspection at 450 N Street, Sacramento, California, and available on the Board's website at www.boe.ca.gov.

TITLE 23. CENTRAL VALLEY FLOOD PROTECTION BOARD

PUBLIC PROCEEDINGS

AMENDMENTS TO THE CALIFORNIA CODE OF REGULATIONS DIVISION 1 REGARDING CHANGES TO ENFORCEMENT ACTIONS

NATURE OF PROCEEDING

NOTICE IS HEREBY GIVEN that the Central Valley Flood Protection Board (Board) proposes to adopt the following Sections in Division 1, Chapter 1 of Title 23, California Code of Regulations:

- Section 13.2 (Evidentiary Hearings before a Hearing Officer or Committee)
- Section 21 (Conduct Subject to Enforcement)
- Section 22 (Settlement of Violations)
- Section 23 (Delegation of Enforcement Authority)
- Section 24 (Board Approval of Cease and Desist Orders)
- Section 25 (Enforcement Order Hearing Procedures)
- Section 27 (Emergency Actions)
- Section 29 (Lien Procedures)

In addition, the Board proposes to amend the following sections in Division 1, Chapter 1 of Title 23, California Code of Regulations:

- Section 13 (Evidentiary Hearings)
- Section 13.1 (Conduct and Order of Evidentiary Hearing Proceedings)
- Section 13.2 renumbered to 13.3 (Consent Calendar)
- Section 20 (Purpose and Authority)
- Section 21 renumbered to 26 (Maintenance Activities)
- Section 26 renumbered to 28 (Permit Revocation)
- Section 28 renumbered to 30 (Reconsideration)

In addition, the Board proposes to repeal the following sections in Division 1, Chapter 1 of Title 23, California Code of Regulations:

- Section 23 (Notice of Violation)
- Section 24 (Cease and Desist Orders Issued by the Executive Officer)
- Section 25 (Cease and Desist Order Board Hearing Procedures)
- Section 27 (Nuisance and Civil Penalty Provisions)

A public hearing regarding this proposal is scheduled on:

Friday, May 23, 2014 at 1:00 p.m.
(Check website (www.cvfpb.ca.gov) for agenda 10 days prior)

Hearing Location:
City of Sacramento City Hall
First Floor Council Chamber
915 I Street,
Sacramento, CA 95814

Oral or written testimony may be given by any interested person on the day of the hearing. Following the public hearing, the Board may adopt the proposals substantially as described herein and in the Initial Statement of Reasons or may modify the proposals. Those unable to attend the hearing but interested in having their written comments considered by the Board may submit them prior to 5:00 p.m. on Tuesday, May 20, 2014 to:

Primary: Curt M. Taras, P.E., Supervising Engineer
curt.taras@water.ca.gov 1-916-574-0684

Alternate: Eric R. Butler, P.E., Supervising Engineer
eric.butler@water.ca.gov 1-916-574-0707

Central Valley Flood Protection Board
3310 El Camino Avenue, Room 151
Sacramento, California 95821
(FAX) at (916) 574-0682

AUTHORITY AND REFERENCE

Authority and Reference Citations

California Water Code Section 8571 authorizes the Central Valley Flood Protection Board to adopt, amend, or repeal rules to promote the convenient, orderly, and just conduct of the business of the board and of the drainage district. The proposed rulemaking amends regulations regarding the Board's encroachment removal authority and are specifically authorized by Water Code § 8709.

INFORMATIVE DIGEST

Pursuant to the authority vested by California Water Code Sections 8571 and 8709 the purpose of the proposed rulemaking is for the Central Valley Flood Protection Board to implement an enforcement program to correct code violations on levees and in its flood control system. This comprehensive approach to en-

encroachment violations was preceded by the addition of Water Code Section 8579, the repeal and addition of Water Code Sections 8700–8709 and the amendment of Water Code Section 8732 under SB 753 (Steinberg 2013). Water Code §§ 8701 thru 8703 detail the enforcement action process. This process begins with the issuance of a notice of violation followed by a cease and desist order, an enforcement hearing, and an enforcement order. Water Code §§ 8704–8704.1 describe the civil penalties and administrative penalties that may, be imposed for violations. Water Code § 8704.2 allows the Board to record a lien on the property where the violation is located.

Regulatory Benefits

The proposed regulatory action is anticipated to improve public safety through efficient enforcement of flood protection code violations. Unchecked encroachments and unauthorized activities on State Plan of Flood Control facilities can lead to deleterious effects on system performance during high water events. These rules implement a process for removal of those encroachments that is designed to be simple to understand and protects the due process rights of individuals, yet contains an adequate number of potential consequences to violators to gain maximum compliance.

Evaluation of Compatibility

The proposed regulations are consistent and compatible with existing state regulations. Any inconsistent existing regulations are being amended to comply with the 2013 Water Code amendments of SB 753 (Steinberg 2013) and are part of this rulemaking process. The regulations govern the enforcement of flood protection codes in the Central Valley. The Central Valley Flood Protection Board is the State agency responsible for regulating flood control in California’s Central Valley. The proposed regulations were written by the Board to be compatible with its other regulations.

Mandate on Local Agencies or School Districts

The proposed regulatory action would not impose a mandate on local agencies or school districts. This regulatory action does not require reimbursement by the State pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. No non-discretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

Costs or Savings to State Agencies

The proposed regulatory action will not result in any increase in costs to the state and no additional staff is needed to implement the regulations.

Costs or Savings in Federal Funding to the State

The proposed regulatory action will not result in any increase in direct costs or savings in federal funding to the state because the Board’s enforcement program does not receive federal funding.

Effect on Housing Costs

The proposed regulations have no anticipated effect on housing costs.

Cost Impacts on a Representative Private Person or Business

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

ECONOMIC IMPACT ASSESSMENT/ANALYSIS

The proposed regulations implement an enforcement program allowed by the 2013 changes to the Water Code granting the Central Valley Flood Protection Board greater encroachment removal authority over the State Plan of Flood Control facilities. No economic impact to businesses, housing or other government agencies is anticipated by these changes. The economic impact analysis for the proposed regulations considered the following:

- A) The creation or elimination of jobs within the state.
 - The proposed flood protection enforcement regulations are for the enforcement of flood protection codes on levees and floodways. The proposed flood protection enforcement regulations are not expected to create or eliminate jobs within the state.
- (B) The creation of new businesses or the elimination of existing businesses within the state.
 - The proposed flood protection enforcement regulations are for the enforcement of flood protection codes on levees and floodways. The proposed flood protection enforcement regulations are not expected to create or eliminate businesses within the state.
- (C) The expansion of businesses currently doing business within the state.
 - The proposed flood protection enforcement regulations are for the enforcement of flood protection codes on levees and floodways. The proposed regulations are not expected to affect expansion of businesses currently doing business within the State.
- (D) The benefits of the regulations to the health and welfare of California residents, worker safety, and the state’s environment.

The proposed regulations will benefit the safety and welfare of California residents by helping to prevent floods caused by the catastrophic failure of a levee or flood control feature.

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

The proposed flood protection enforcement regulations are found to have no significant statewide adverse economic impact directly affecting business. These regulatory changes impact the California Central Valley Flood Protection Board enforcement program. The enforcement, program ensures the State — Federal flood protection system of levees and floodways in the Central Valley are regulated and maintained to State and Federal Standards. The State–Federal flood protection system is a public facility and the enforcement program is a function of public agencies. The evidence supporting the finding of no significant statewide adverse economic impact directly affecting business is as follows:

- (A) The creation or elimination of jobs within the state.
The proposed flood protection enforcement regulations are for the enforcement of flood protection codes on levees and floodways. They are not expected to create or eliminate jobs within the state.
- (B) The creation of new businesses or the elimination of existing businesses within the state.
The proposed flood protection enforcement regulations are for the enforcement of flood protection codes on levees and floodways. They are not expected to create or eliminate businesses within the state.
- (C) The competitive advantages or disadvantages for businesses currently doing business within the state.
The proposed flood protection enforcement regulations are for the enforcement of flood protection codes on levees and floodways. They are not expected to create a competitive advantage or disadvantage for businesses currently doing business in the state.

- (D) The increase or decrease of investment in the state.
The proposed regulations are for the enforcement of flood protection codes on levees and floodways. They are not expected to increase or decrease investment in the state.
- (E) The incentives for innovation in products, materials, or processes.
The proposed regulations are for the enforcement of flood protection codes on levees and in floodways. They do not create an incentive or disincentive for innovation in products, materials, or processes.
- (F) The benefits of the regulations, including, but not limited to, benefits to the health, safety, and welfare of California residents, worker safety, and the state’s environment and quality of life, among any other benefits identified by the agency.
The proposed regulations will benefit the safety and welfare of California residents by helping to prevent floods caused by the catastrophic failure of a levee or flood control feature.

BUSINESS REPORT AND SMALL BUSINESS

The proposed regulations do not require a report to be made or place a reporting requirement on any business. The proposed regulations do not affect small businesses. The proposed regulations enhance the enforcement authority of the State to prevent and remove safety code violations from levees and flood protection facilities which is not a small business activity.

CONSIDERATION OF ALTERNATIVES

A rulemaking agency must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective as, and less burdensome to, affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. The Board held a public meeting on November 22, 2013 for interested persons prior to the approval of the emergency regulations. The Board considered and incorporated, where appropriate, the suggestions made during that public meeting including

those submitted in writing in advance of the meeting. No other alternatives proposed by interested persons, or otherwise considered by the Board, have been determined to be either more effective in carrying out the purpose for which the regulations are proposed, as effective as, or less burdensome to affected private persons.

**COMPATIBILITY WITH
FEDERAL REGULATIONS**

The proposed flood protection enforcement regulations do not duplicate or conflict with federal regulations. The regulations support federal requirements that the local flood protection system sponsor assure the federal government that they will operate and maintain the flood protection system to federal standards. This includes enforcing the standards for encroachments. The State of California — Central Valley Flood Protection Board is the local sponsor of the flood protection system in California's Central Valley. Therefore, the adoption of these regulations satisfies the federal requirement for the State to enforce standards for the levees and floodways for which it is responsible.

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

The Board has prepared and has available for public review an Initial Statement of Reasons for the proposed regulations, the text of the proposed regulations, and the rulemaking file. A copy of the Initial Statement of Reasons and a copy of the proposed text will be posted on the Board's website at www.cvfpb.ca.gov at least 45 days prior to adoption at the public hearing described above.

**AVAILABILITY OF CHANGED OR
MODIFIED TEXT**

After holding the hearing and considering all timely and relevant comments received, the Board may adopt the proposed regulations substantially as described in this notice. If the Board makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Board adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention the contact persons indicated below. The Board will accept written comments on the modified regulations for 15 days after the date on which they are made available.

**AVAILABILITY OF THE FINAL STATEMENT
OF REASONS**

After adoption, a copy of the Final Statement of Reasons will be published on the Board's website at www.cvfpb.ca.gov. For those without internet access, the final statement of reasons will also be available through the contact persons listed below.

**AVAILABILITY OF DOCUMENTS ON
THE INTERNET**

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

CONTACT PERSONS

Please direct requests for copies of the proposed text (the "express terms") of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other information upon which the rulemaking is based to the contact persons using the following contact information.

Primary: Curt M. Taras, P.E., Supervising Engineer
curt.taras@water.ca.gov 1-916-574-0684

Alternate: Eric R. Butler, P.E., Supervising Engineer
eric.butler@water.ca.gov 1-916-574-0707

GENERAL PUBLIC INTEREST

**DEPARTMENT OF HEALTH CARE
SERVICES**

**THE DEPARTMENT OF HEALTH CARE
SERVICES IS UPDATING THE MEDI-CAL
ALL PATIENT REFINED DIAGNOSIS
RELATED GROUPS (APR-DRG) PAYMENT
PARAMETERS**

This notice is to provide information of public interest about the California Department of Health Care Services' (Department) intent to update Year 2 Diagnosis Related Group (DRG) payment parameters for general acute inpatient services provided by hospitals, including out-of-state hospitals and hospitals designated by Medicare as critical access hospitals.

On October 19, 2010, Senate Bill 853 added Section 14105.28 to the Welfare and Institutions Code. Section

14105.28 required the replacement of two Medi-Cal fee-for-service (FFS) acute inpatient reimbursement methodologies: the Selective Provider Contracting Program (SPCP) (Article 2.6 of the Welfare and Institutions Code, commencing with section 14081) and non-SPCP, cost-based FFS reimbursement (Section 14087 of the Welfare and Institutions Code). Unless listed below as an exempt hospital type, these two FFS reimbursement methodologies were replaced with a diagnosis related grouping in order to comply with the purpose of Section 14105.28, subdivision (a) of the Welfare and Institutions Code. The diagnosis related grouping is the All Patient Refined — Diagnosis Related Grouping (APR-DRG).

Hospital types excluded from the APR-DRG methodology are:

- Psychiatric hospitals and distinct-part psychiatric units at general hospitals
- Rehabilitation hospitals and distinct-part units at general acute-care hospitals, including alcohol and drug rehabilitation services
- Designated public hospitals

The Department implemented Year 1 payment methodology and DRG payment parameters for all admissions on and after July 1, 2013 for private hospitals and on and after January 1, 2014 for nondesignated public hospitals. The Year 2 base-payment parameters will take effect for private hospitals and nondesignated public hospitals admissions on and after July 1, 2014 which are reimbursed using the APR-DRG methodology. Possible reasons for changes in the payment parameters may include the following:

- Changes in the Medicare wage index value assigned to hospitals.
- Changes in the APR-DRG grouping algorithm and relative weights due to version updates.
- Changes that stem from the Department's monitoring of the new payment method after implementation.

PUBLIC REVIEW AND COMMENTS

Copies of the State Plan Amendment that amends California's Medicaid State Plan may be requested, in writing, from Mr. John Mendoza, Department of Health Care Services, Safety Net Financing Division, MS 4518, P.O. Box 997436, Sacramento, CA 95899-7436.

Written comments concerning the proposal may be mailed to Mr. Mendoza at the above address and must be received on or before May 19, 2014.

DEPARTMENT OF PUBLIC HEALTH

TITLE: PREVENTIVE HEALTH AND HEALTH SERVICES BLOCK GRANT (INCREASED FUNDING FOR CALIFORNIA) FOR FEDERAL FISCAL YEAR (FFY) 2014

ACTION: NOTICE OF HEARING FOR PROPOSED FUNDING

SUBJECT

The Centers for Disease Control and Prevention has made additional funds available to the California Department of Public Health (CDPH) for the development and implementation of programs and activities to decrease the morbidity and mortality that results from preventable disease and injury. The purpose of this hearing is to inform the public of increased federal funding and to discuss and receive comments on the use of these federal funds during State Fiscal Year 14/15 (FFY 2014).

PUBLIC HEARING PROCESS

Notice is hereby given that CDPH will hold a public hearing commencing at 11:00 a.m. and ending at 12:00 p.m. on Monday, April 14, 2014 in Room 74.463 (Kings Room) 1616 Capitol Avenue, Sacramento, California, at which time any person may present statements or arguments orally or in writing relevant to the action described in this notice. If you plan to attend the Public Hearing, please be sure to bring identification so you can be admitted into the building by the security guard. The Chronic Disease Control Branch, CDPH, 1616 Capitol Avenue, MS 7208, P.O. Box 997377, Sacramento, CA., 95899-7377 must receive any written statements or arguments by 5:00 p.m. April 14, 2014 which is hereby designated as the close of the written comment period. It is requested, but not required, that written statements or arguments be submitted in triplicate.

CONTACT

Inquiries concerning the action described in this notice may be directed to Ms. Anita Butler, Preventive Health and Health Services Block Grant Coordinator, at (916) 552-9964 or Anita.Butler@cdph.ca.gov or the Chronic Disease Control Branch at (916) 552-9900 or mail to: CDCB@cdph.ca.gov. In any such inquiries, please identify the action by using the Department Control letters "PHHSBG."

**AVAILABILITY OF INFORMATION
FOR REVIEW**

The Agenda will be available for review at 1616 Capitol Avenue, Sacramento, California, from 8:00 a.m. to 5:00 p.m., April 4, 2014 through April 14, 2014. It will also be available on the following website <http://cdphinternet/programs/cdcb/Pages/default.aspx> from 8:00 a.m. to 5:00 p.m., April 4, 2014 through April 14, 2014. In addition, the notice will be made available in appropriate alternative formats, upon request by any person with a disability as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec 12132), and the applicable federal rules and regulations. Any request for such information must be received by the CDPH 14 days prior to April 14, 2014.

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**CHEMICALS DELISTED EFFECTIVE
APRIL 4, 2014**

**AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE REPRODUCTIVE TOXICITY:**

**n-BUTYL GLYCIDYL ETHER, DIGLYCIDYL
ETHER, PHENYL GLYCIDYL ETHER,
METHYL ISOPROPYL KETONE AND
 α -METHYL STYRENE**

APRIL 4, 2014

Effective April 4, 2014, Office of Environmental Health Hazard Assessment (OEHHA) is removing n-butyl glycidyl ether, diglycidyl ether, phenyl glycidyl ether, methyl isopropyl ketone and α -methyl styrene from the list of chemicals known to the State to cause reproductive toxicity for purposes of Proposition 65¹. n-Butyl glycidyl ether, diglycidyl ether, and phenyl glycidyl ether were added to the list on August 7, 2009; α -methyl styrene was added to the list on July 29, 2011;

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

and methyl isopropyl ketone was added to the list on February 17, 2012.

These five chemicals were originally added to the Proposition 65 list as causing reproductive toxicity pursuant to Labor Code Section 6382(d), which is incorporated by reference in Health and Safety Code Section 25249.8(a). Based on changes to certain federal regulations that affect the bases for the original listings, OEHHA referred these chemicals to the Developmental and Reproductive Toxicant Identification Committee (DARTIC) for reconsideration. In its official capacity as the "state's qualified experts" at a public meeting held on March 19, 2014, the DARTIC determined that the five chemicals have not been clearly shown, through scientifically valid testing according to generally accepted principles, to cause reproductive toxicity and should be removed from the list. Regulations governing the listing of chemicals by the DARTIC are set out in Title 27, California Code of Regulations, section 25305(b)(1).

A complete, updated chemical list is published in this issue of the California Regulatory Notice Register and is available on the OEHHA website at http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

**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 4, 2014**

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

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

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

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

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

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

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

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

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
Megestrol acetate	595-33-5	March 28, 2014
MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094-11-2	October 1, 1994
MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	77500-04-0	October 1, 1994
Melphalan	148-82-3	February 27, 1987
Mepanipyryn	110235-47-7	July 1, 2008
Merphalan	531-76-0	April 1, 1988
Mestranol	72-33-3	April 1, 1988
Metam potassium	137-41-7	December 31, 2010
Metham sodium	137-42-8	November 6, 1998
8-Methoxypsoralen with ultraviolet A therapy	298-81-7	February 27, 1987
5-Methoxypsoralen with ultraviolet A therapy	484-20-8	October 1, 1988
2-Methylaziridine (Propyleneimine)	75-55-8	January 1, 1988
Methylazoxymethanol	590-96-5	April 1, 1988
Methylazoxymethanol acetate	592-62-1	April 1, 1988
Methyl carbamate	598-55-0	May 15, 1998
3-Methylcholanthrene	56-49-5	January 1, 1990
5-Methylchrysene	3697-24-3	April 1, 1988
4,4' -Methylene bis(2-chloroaniline)	101-14-4	July 1, 1987
4,4' -Methylene bis(N,N-dimethyl)benzenamine	101-61-1	October 1, 1989
4,4' -Methylene bis(2-methylaniline)	838-88-0	April 1, 1988
4,4' -Methylenedianiline	101-77-9	January 1, 1988
4,4' -Methylenedianiline dihydrochloride	13552-44-8	January 1, 1988
Methyleugenol	93-15-2	November 16, 2001
Methylhydrazine and its salts	—	July 1, 1992
2-Methylimidazole	693-98-1	June 22, 2012
4-Methylimidazole	822-36-6	January 7, 2011

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
α -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990

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

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Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
Phenoxybenzamine hydrochloride	63-92-3	April 1, 1988
<i>o</i> -Phenylenediamine and its salts	95-54-5	May 15, 1998
Phenyl glycidyl ether	122-60-1	October 1, 1990
Phenylhydrazine and its salts	—	July 1, 1992
<i>o</i> -Phenylphenate, sodium	132-27-4	January 1, 1990
<i>o</i> -Phenylphenol	90-43-7	August 4, 2000
PhiP(2-Amino-1-methyl-6-phenylimidazol[4,5-b]pyridine)	105650-23-5	October 1, 1994
Polybrominated biphenyls	—	January 1, 1988
Polychlorinated biphenyls	—	October 1, 1989
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988
Polychlorinated dibenzo- <i>p</i> -dioxins	—	October 1, 1992
Polychlorinated dibenzofurans	—	October 1, 1992
Polygeenan	53973-98-1	January 1, 1988
Ponceau MX	3761-53-3	April 1, 1988
Ponceau 3R	3564-09-8	April 1, 1988
Potassium bromate	7758-01-2	January 1, 1990
Primidone	125-33-7	August 20, 1999
Procarbazine	671-16-9	January 1, 1988
Procarbazine hydrochloride	366-70-1	January 1, 1988
Procymidone	32809-16-8	October 1, 1994
Progesterone	57-83-0	January 1, 1988
Pronamide	23950-58-5	May 1, 1996
Propachlor	1918-16-7	February 27, 2001
1,3-Propane sultone	1120-71-4	January 1, 1988
Propargite	2312-35-8	October 1, 1994
beta-Propiolactone	57-57-8	January 1, 1988
Propoxur	114-26-1	August 11, 2006
Propylene glycol mono- <i>t</i> -butyl ether	57018-52-7	June 11, 2004
Propylene oxide	75-56-9	October 1, 1988
Propylthiouracil	51-52-5	January 1, 1988
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
Saccharin <u>Delisted April 6, 2001</u>	81-07-2	October 1, 1989
Saccharin, sodium <u>Delisted January 17, 2003</u>	128-44-9	January 1, 1988
Safrole	94-59-7	January 1, 1988
Salted fish, Chinese-style	—	April 29, 2011
Selenium sulfide	7446-34-6	October 1, 1989
Shale-oils	68308-34-9	April 1, 1990
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987
Spirodiclofen	148477-71-8	October 8, 2010
Spirolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997

<u>Chemical</u>	<u>CASNumber</u>	<u>Date</u>
Sterigmatocystin	10048-13-2	April 1, 1988
Streptozotocin (streptozocin)	18883-66-4	January 1, 1988
Strong inorganic acid mists containing sulfuric acid	—	March 14, 2003
Styrene oxide	96-09-3	October 1, 1988
Sulfallate	95-06-7	January 1, 1988
Sulfasalazine (Salicylazosulfapyridine)	599-79-1	May 15, 1998
Talc containing asbestiform fibers	—	April 1, 1990
Tamoxifen and its salts	10540-29-1	September 1, 1996
Terrazole	2593-15-9	October 1, 1994
Testosterone and its esters	58-22-0	April 1, 1988
3,3',4,4'-Tetrachloroazobenzene	14047-09-7	July 24, 2012
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	1746-01-6	January 1, 1988
1,1,1,2-Tetrachloroethane	630-20-6	September 13, 2013
1,1,2,2-Tetrachloroethane	79-34-5	July 1, 1990
Tetrachloroethylene (Perchloroethylene)	127-18-4	April 1, 1988
p-a,a,a-Tetrachlorotoluene	5216-25-1	January 1, 1990
Tetrafluoroethylene	116-14-3	May 1, 1997
Tetranitromethane	509-14-8	July 1, 1990
Thioacetamide	62-55-5	January 1, 1988
4,4' -Thiodianiline	139-65-1	April 1, 1988
Thiodicarb	59669-26-0	August 20, 1999
Thiouracil	141-90-2	June 11, 2004
Thiourea	62-56-6	January 1, 1988
Thorium dioxide	1314-20-1	February 27, 1987
Titanium dioxide (airborne, unbound particles of respirable size)	—	September 2, 2011
Tobacco, oral use of smokeless products	—	April 1, 1988
Tobacco smoke	—	April 1, 1988
Toluene diisocyanate	26471-62-5	October 1, 1989
ortho-Toluidine	95-53-4	January 1, 1988
ortho-Toluidine hydrochloride	636-21-5	January 1, 1988
para-Toluidine <u>Delisted October 29, 1999</u>	106-49-0	January 1, 1990
Toxaphene (Polychlorinated camphenes)	8001-35-2	January 1, 1988
Toxins derived from <i>Fusarium moniliforme</i> (<i>Fusarium verticillioides</i>)	—	August 7, 2009
Treosulfan	299-75-2	February 27, 1987
S,S,S-Tributyl phosphorotrithioate (Tribufos, DEF)	78-48-8	February 25, 2011
Trichlormethine (Trimustine hydrochloride)	817-09-4	January 1, 1992
Trichloroacetic acid	76-03-9	September 13, 2013
Trichloroethylene	79-01-6	April 1, 1988
2,4,6-Trichlorophenol	88-06-2	January 1, 1988
1,2,3-Trichloropropane	96-18-4	October 1, 1992
Trimethyl phosphate	512-56-1	May 1, 1996
2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
2,4,6-Trinitrotoluene (TNT)	118-96-7	December 19, 2008
Triphenyltin hydroxide	76-87-9	July 1, 1992
Tris(aziridinyl) para-benzoquinone (Triaziquone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52-24-4	January 1, 1988
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988

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<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
Zineb <u>Delisted October 29, 1999</u>	12122-67-7	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
Avermectin B1 (Abamectin)	developmental	71751-41-2	December 3, 2010
Azathioprine	developmental	446-86-6	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534-09-8	May 15, 1998
Benomyl	developmental, male	17804-35-2	July 1, 1991
Benzene	developmental, male	71-43-2	December 26, 1997
Benzodiazepines	developmental	—	October 1, 1992
Benzphetamine hydrochloride	developmental	5411-22-3	April 1, 1990
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154-93-8	July 1, 1990
Bisphenol A (BPA) <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental	53404-19-6	May 18, 1999
1-Bromopropane	male		January 17, 2003
2-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
Bromoxynil	female, male	75-26-3	May 31, 2005
Bromoxynil octanoate	developmental	1689-84-5	October 1, 1990
Butabarbital sodium	developmental	1689-99-2	May 18, 1999
1,3-Butadiene	developmental	143-81-7	October 1, 1992
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental, female, male	106-99-0	April 16, 2004
Butyl benzyl phthalate (BBP)	developmental	55-98-1	January 1, 1989
n-Butyl glycidyl ether <u>Delisted April 4, 2014</u>	developmental	85-68-7	December 2, 2005
	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, <u>female</u> , male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055-19-2	January 1, 1989
Cyhexatin	developmental	13121-70-5	January 1, 1989
Cytarabine	developmental	147-94-4	January 1, 1989
Dacarbazine	developmental	4342-03-4	January 29, 1989
Danazol	developmental	17230-88-5	April 1, 1990
Daunorubicin hydrochloride	developmental	23541-50-6	July 1, 1990
2,4-D butyric acid	developmental, male	94-82-6	June 18, 1999
o,p' -DDT	developmental, female, male	789-02-6	May 15, 1998
p,p' -DDT	developmental, female, male	50-29-3	May 15, 1998
2,4DP (dichloroprop)	developmental	120-36-5	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64-73-3	January 1, 1992
Diazepam	developmental	439-14-5	January 1, 1992
Diazoxide	developmental	364-98-7	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96-12-8	February 27, 1987
Di-n-butyl phthalate (DBP)	developmental, female, male	84-74-2	December 2, 2005
Dichloroacetic acid	developmental, male	79-43-6	August 7, 2009
1,1-Dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE)	developmental, male	72-55-9	March 30, 2010
Dichlorophene	developmental	97-23-4	April 27, 1999
Dichlorphenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidylether	male	2238-07-5	August 7, 2009
<u>Delisted April 4, 2014</u>			
Di-n-hexyl phthalate (DnHP)	female, male	84-75-3	December 2, 2005
Dihydroergotamine mesylate	developmental	6190-39-2	May 1, 1997
Di-isodecyl phthalate (DIDP)	developmental	68515-49-1/ 26761-40-0	April 20, 2007
Diltiazem hydrochloride	developmental	33286-22-5	February 27, 2001
N,N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
m-Dinitrobenzene	male	99-65-0	July 1, 1990
o-Dinitrobenzene	male	528-29-0	July 1, 1990
p-Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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
<u>Delisted December 13, 2013</u>			
Ethyl dipropylthiocarbamate	developmental	759-94-4	April 27, 1999
Ethylene dibromide	developmental, male	106-93-4	May 15, 1998
Ethylene glycol monoethyl ether	developmental, male	110-80-5	January 1, 1989
Ethylene glycol monomethyl ether	developmental, male	109-86-4	January 1, 1989
Ethylene glycol monoethyl ether acetate	developmental, male	111-15-9	January 1, 1993
Ethylene glycol monomethyl ether acetate	developmental, male	110-49-6	January 1, 1993
Ethylene oxide	female	75-21-8	February 27, 1987
	developmental, male		August 7, 2009
Ethylene thiourea	developmental	96-45-7	January 1, 1993
2-Ethylhexanoic acid	developmental	149-57-5	August 7, 2009
<u>Delisted December 13, 2013</u>			
Etodolac	developmental, female	41340-25-4	August 20, 1999
Etoposide	developmental	33419-42-0	July 1, 1990
Etretinate	developmental	54350-48-0	July 1, 1987
Fenoxaprop ethyl	developmental	66441-23-4	March 26, 1999
Filgrastim	developmental	121181-53-1	February 27, 2001
Fluazifop butyl	developmental	69806-50-4	November 6, 1998
Flunisolide	developmental, female	3385-03-3	May 15, 1998
Fluorouracil	developmental	51-21-8	January 1, 1989
Fluoxymesterone	developmental	76-43-7	April 1, 1998
Flurazepam hydrochloride	developmental	1172-18-5	October 1, 1992
Flurbiprofen	developmental, female	5104-49-4	August 20, 1999
Flutamide	developmental	13311-84-7	July 1, 1990
Fluticasone propionate	developmental	80474-14-2	May 15, 1998
Fluvalinate	developmental	69409-94-5	November 6, 1998
Ganciclovir	developmental, male	82410-32-0	August 26, 1997
Ganciclovir sodium	developmental, male	107910-75-8	August 26, 1997
Gemfibrozil	female, male	25812-30-0	August 20, 1999
Goserelin acetate	developmental, female, male	65807-02-5	August 26, 1997

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Halazepam	developmental	23092-17-3	July 1, 1990
Halobetasol propionate	developmental	66852-54-8	August 20, 1999
Haloperidol	developmental, female	52-86-8	January 29, 1999
Halothane	developmental	151-67-7	September 1, 1996
Heptachlor	developmental	76-44-8	August 20, 1999
Hexachlorobenzene	developmental	118-74-1	January 1, 1989
Hexafluoroacetone	male	684-16-2	August 1, 2008
Hexamethylphosphoramide	male	680-31-9	October 1, 1994
Histrelin acetate	developmental	—	May 15, 1998
Hydramethylnon	developmental, male	67485-29-4	March 5, 1999
Hydrogen cyanide (HCN) and cyanide salts (CN salts)	male		July 5, 2013
Hydroxyurea	developmental	127-07-1	May 1, 1997
Idarubicin hydrochloride	developmental, male	57852-57-0	August 20, 1999
Ifosfamide	developmental	3778-73-2	July 1, 1990
Iodine-131	developmental	10043-66-0	January 1, 1989
Isotretinoin	developmental	4759-48-2	July 1, 1987
Lead	developmental, female, male	—	February 27, 1987
Leuprolide acetate	developmental, female, male	74381-53-6	August 26, 1997
Levodopa	developmental	59-92-7	January 29, 1999
Levonorgestrel implants	female	797-63-7	May 15, 1998
Linuron	developmental	330-55-2	March 19, 1999
Lithium carbonate	developmental	554-13-2	January 1, 1991
Lithium citrate	developmental	919-16-4	January 1, 1991
Lorazepam	developmental	846-49-1	July 1, 1990
Lovastatin	developmental	75330-75-5	October 1, 1992
Mebendazole	developmental	31431-39-7	August 20, 1999
Medroxyprogesterone acetate	developmental	71-58-9	April 1, 1990
Megestrol acetate	developmental	595-33-5	January 1, 1991
Melphalan	developmental	148-82-3	July 1, 1990
Menotropins	developmental	9002-68-0	April 1, 1990
Meprobamate	developmental	57-53-4	January 1, 1992
Mercaptopurine	developmental	6112-76-1	July 1, 1990
Mercury and mercury compounds	developmental	—	July 1, 1990
Methacycline hydrochloride	developmental	3963-95-9	January 1, 1991
Metham sodium	developmental	137-42-8	May 15, 1998
Methanol	developmental	67-56-1	March 16, 2012
Methazole	developmental	20354-26-1	December 1, 1999
Methimazole	developmental	60-56-0	July 1, 1990
Methotrexate	developmental	59-05-2	January 1, 1989
Methotrexate sodium	developmental	15475-56-6	April 1, 1990
Methyl bromide as a structural fumigant	developmental	74-83-9	January 1, 1993
Methyl chloride	developmental male	74-87-3	March 10, 2000 August 7, 2009
Methyl n-butyl ketone	male	591-78-6	August 7, 2009
Methyl isobutyl ketone (MIBK)	developmental	108-10-1	March 28, 2014
Methyl isocyanate (MIC)	developmental, female	624-83-9	November 12, 2010
Methyl isopropyl ketone	developmental	563-80-4	February 17, 2012
<u>Delisted April 4, 2014</u>			

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α-Methylstyrene	female	98-83-9	July 29, 2011
<u>Delisted April 4, 2014</u>			
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, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonylhydrazide)	developmental	80-51-3	August 7, 2009
<u>Delisted December 13, 2013</u>			
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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenylglycidylether	male	122-60-1	August 7, 2009
<u>Delisted April 4, 2014</u>			
Phenylphosphine	developmental	638-21-1	August 7, 2009
Pimozide	developmental, female	2062-78-4	August 20, 1999
Pipobroman	developmental	54-91-1	July 1, 1990
Plicamycin	developmental	18378-89-7	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128-03-0	March 30, 1999
Pravastatin sodium	developmental	81131-70-6	March 3, 2000
Prednisolone sodium phosphate	developmental	125-02-0	August 20, 1999
Procarbazine hydrochloride	developmental	366-70-1	July 1, 1990
Propargite	developmental	2312-35-8	June 15, 1999
Propylthiouracil	developmental	51-52-5	July 1, 1990
Pyrimethamine	developmental	58-14-0	January 29, 1999
Quazepam	developmental	36735-22-5	August 26, 1997
Quizalofop-ethyl	male	76578-14-8	December 24, 1999
Resmethrin	developmental	10453-86-8	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental male	36791-04-5 36791-04-5	April 1, 1990 February 27, 2001
Rifampin	developmental, female	13292-46-1	February 27, 2001
Secobarbital sodium	developmental	309-43-3	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128-04-1	March 30, 1999
Sodium fluoroacetate	male	62-74-8	November 6, 1998
Streptomycin sulfate	developmental	3810-74-0	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883-66-4	August 20, 1999
Sulfasalazine (Salicylazosulfapyridine)	male	599-79-1	January 29, 1999
Sulfur dioxide	developmental	7446-09-5	July 29, 2011
Sulindac	developmental, female	38194-50-2	January 29, 1999
Tamoxifen citrate	developmental	54965-24-1	July 1, 1990
Temazepam	developmental	846-50-4	April 1, 1990
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992

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

Date: April 4, 2014

DISAPPROVAL DECISION

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

DEPARTMENT OF JUSTICE

**State of California
Office of Administrative Law**

**In re:
Department of Justice**

**Regulatory Action: Title 11,
California Code of Regulations**

Amend sections: 999.121, 999.129, 999.133, 999.137, 999.139, 999.141, 999.143, 999.144, 999.145, 999.146, 999.165, 999.166, 999.168, 999.171, 999.172, 999.173, 999.174, 999.176, 999.178, 999.179, 999.190, 999.191, 999.192, 999.193, 999.195, 999.203, 999.204, 999.206, 999.207, 999.209, 999.210, 999.211, 999.217, 999.219, 999.220, 999.221, 999.223.

DECISION OF DISAPPROVAL OF REGULATORY ACTION

Government Code Section 11349.3

OAL File No. 2014–0131–02SR

DECISION SUMMARY

On January 31, 2014, the Department of Justice (Department) submitted to the Office of Administrative Law (OAL), this rulemaking action which concerns the technology, the security of the technology, and the reliability and expertise of the individuals involved in electronic transmission of documents necessary for real property ownership change transactions under the Electronic Recording Delivery Act (ERDA) and through the Electronic Recording Delivery System (ERDS). The action updates the editions of certain National Institutes of Standards and Technology (NIST) and Federal Information Processing Standards (FIPS) documents which are incorporated by reference in these regulations. The action also updates thirteen forms used by the Department in administration of the ERDS because of the reorganization of the Department and the ERDS program becoming a separate Division within the Department.

OAL disapproved the proposed amended regulations for failure to comply with the clarity standard of the California Administrative Procedure Act (APA) and a number of procedural requirements of the APA. The reasons for the disapproval are summarized below:

- A. the proposed regulations fail to comply with the clarity standard of Government Code sections 11349(c) and 11349.1(a)(3) and Title 1 California Code of Regulations (CCR) section 16(a); and
- B. the agency failed to comply with various procedural requirements of the APA and its implementing regulations by failing to include:

- (1) in the record — a statement regarding the mailing of the notice of the proposed action pursuant to Government Code section 11346.4(a) and Title 1 CCR section 86;
- (2) in the record — a Final Statement of Reasons which contained all required alternatives determinations pursuant to Government Code 11346.9(a)(4);
- (3) in the record — a statement regarding the mailing recipients, if any, of the Department’s August 2013 and January 2014 notices of revisions to the text of the regulations pursuant to Government Code section 11347.3(b)(9) and Title 1 CCR section 44;
- (4) with the text of the proposed regulations — copies of all documents, not reasonably available to the public from a commonly known or identified source, which are incorporated by reference by the regulations pursuant Title 1 CCR section 20(d);
- (5) text of the proposed regulations which is free of mistakes, track changes, and underlining/strikeout errors.

All issues must be resolved prior to OAL approval of any resubmission of these regulations. Upon resubmission, OAL reserves the right to review these regulations for compliance with all standards of Government Code section 11349.1(a) and all procedural requirements of the APA.

CONCLUSION

For the foregoing reasons, OAL disapproved the above-referenced rulemaking action. Pursuant to Government Code section 11349.4(a), the Department may resubmit revised regulations within 120 days of its receipt of this Decision of Disapproval. The Department shall make all substantial regulatory text changes, which are sufficiently related to the original text, available for at least 15 days for public comment pursuant to Government Code section 11346.8.

Dated: March 24, 2014

/s/
Dale Mentink, Senior Counsel

For: DEBRAM. CORNEZ
Director

Original: Kamala Harris
Copy: Melan Noble

**SUMMARY OF REGULATORY
ACTIONS**

**REGULATIONS FILED WITH
SECRETARY OF STATE**

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

File# 2014-0311-01
BOARD OF FORESTRY AND FIRE PROTECTION
Section 100 correction to low-end value of Class II Core Zone range.

This action without regulatory effect corrects the low-end value of Class II Core Zone. (Previous OAL file number 2013-1120-01S)

Title 14
California Code of Regulations
AMEND: 916.9(g)(2)(A), 936.9(g)(2)(A),
956.9(g)(2)(A)
Filed 03/26/2014
Agency Contact: George Gentry (916) 653-8031

File# 2014-0319-02
CALIFORNIA HEALTH BENEFIT EXCHANGE
Fingerprinting and Criminal Background Checks

This emergency rulemaking by the California Health Benefit Exchange (Exchange) is a second re-adoption of Section 6456 in Title 10 of the California Code of Regulations, originally adopted by emergency rulemaking file No. 2013-0619-01E relating to the fingerprinting and criminal history requirements for specified employees, prospective employees, contractors, subcontractors, volunteers, or vendors of the Exchange. This action also makes revisions to align regulation section 6456 with Labor Code section 432.7 as amended by Statutes 2013 (S.B. 530). Pursuant to Government Code section 100504, subdivision (a)(6), the "adoption of these regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare."

Title 10
California Code of Regulations
ADOPT: 6456
Filed 03/25/2014
Effective 03/25/2014
Agency Contact:
Gabriela Ventura Gonzales (916) 228-8477

File# 2014-0312-01
CALIFORNIA SCHOOL FINANCE AUTHORITY
Charter School Facility Grant Program

This emergency rulemaking action by the California School Finance Authority (Authority) implements regulations to govern administration of the Charter School Facility Grant Program, under which the Authority administers grant apportionments beginning with the 2013-2014 fiscal year. This is the second and final re-adoption of emergency action no. 2013-0806-02ER (first re-adoption, no. 2014-0109-02EE).

Title 4
California Code of Regulations
ADOPT: 10170.1, 10170.2, 10170.3, 10170.4,
10170.5, 10170.6, 10170.7, 10170.8, 10170.9,
10170.10, 10170.11, 10170.12, 10170.13,
10170.14, 10170.15
Filed 03/24/2014
Effective 04/21/2014
Agency Contact: Katrina Johantgen (213) 620-2305

File# 2014-0220-02
DEPARTMENT OF CORRECTIONS AND
REHABILITATION
Department of Corrections and Rehabilitation

This regulatory action establishes a definition for Non-Disciplinary Segregation (NDS), describes the assignment of privilege group designations and specific privileges allowed to inmates designated NDS and incorporates by reference the NDS Personal Property Matrix.

Title 15
California Code of Regulations
AMEND: 3044, 3190, 3282, 3335
Filed 03/24/2014
Effective 03/24/2014
Agency Contact: Anthony Carter (916) 445-2220

File# 2014-0314-01
DEPARTMENT OF FISH AND WILDLIFE
Suction Dredging; Use of Vacuum and Suction Dredge
Equipment

The Department of Fish and Wildlife (Department) submitted this emergency re-adoption action to extend

the amended definition of suction dredging in title 14, California Code of Regulations, section 228(a) made in OAL File Nos. 2013-0618-02E and 2013-1216-01EE. The amended definition in section 228(a) was made for purposes of Fish and Game Code sections 5653 and 5653.1. In this context, suction dredging or suction dredge mining is a method of vacuuming material from rivers, streams, or lakes for the extraction of minerals. There is currently a statutory moratorium on issuing suction dredge mining permits pursuant to Fish and Game Code section 5653.1(b). The former definition of suction dredging was prescriptive and resulted in members of the public evading compliance with the Fish and Game Code by modifying suction dredging equipment. The Department's amendment closed the loophole in the former definition in order to allow the Department to enforce its regulatory and statutory authority over suction dredge mining activities.

Title 14
 California Code of Regulations
 AMEND: 228(a)
 Filed 03/24/2014
 Effective 03/27/2014
 Agency Contact: Craig Martz (916) 653-4674

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

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

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

File# 2014-0228-01
 DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 Income Limits

This regulatory action is the annual update of income limits for households of varying sizes. The regulation was transmitted to OAL for filing with the Secretary of State and publication in the California Code of Regulations pursuant to Health & Safety Code section 50093.

This filing is exempt from the rulemaking requirements of articles 5 and 6 of chapter 3.5 of the Administrative Procedure Act, and thus, is not subject to OAL's review. (Health & Saf. Code, sec. 50093.) This regulation is effective 2/28/2014, the date the regulation was filed with OAL pursuant to Health & Safety Code section 50093.

Title 25
 ADOPT: 6932 REPEAL: 6932
 Filed 03/24/2014
 Effective 02/28/2014
 Agency Contact:
 Tamara Tran (916) 263-7475

File# 2014-0319-01
 DIVISION OF BOATING AND WATERWAYS
 Quagga and Zebra Mussel Infestation Prevention Program

This emergency rulemaking by the Department of Parks and Recreation, Division of Boating and Waterways is the re-adoption of sections adopted in emergency rulemaking file 2013-1001-02E. There are no changes to the regulation text. The emergency rulemaking added new sections to Title 14 of the California Code of Regulations which clarify the procedures related to administering the mussel fee intended to cover the costs of dreissenid mussel prevention activities.

Title 14
 California Code of Regulations
 ADOPT: 5200, 5201, 5202, 5203, 5204, 5205, 5206, 5207, 5208, 5209, 5210, 5211, 5300, 5301, 5302, 5303, 5304, 5305, 5306, 5307
 Filed 03/25/2014
 Effective 04/09/2014
 Agency Contact: Robin Turgeon (916) 327-1851

File# 2014-0310-01
 OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT
 Patient Data Reporting Requirements: Present on Admission Indicators

This file without regulatory effect conforms the description of "present on admission" conditions with the current national standard.

Title 22
 California Code of Regulations
 AMEND: 97225, 97226, 97227
 Filed 03/25/2014
 Agency Contact: Irene Ogbonna (916) 326-3937

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN October 23, 2013 TO
March 26, 2014**

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

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02/27/14	AMEND: 2922		
02/04/14	AMEND: 2921		
01/09/14	ADOPT: 13.2, 21, 22, 23, 24, 25, 27, 29 AMEND: 13, 13.1, 13.2 (renumbered to 13.3), 20, 21 (renumbered to 26), 26 (renumbered to 28), 28 (renumbered to 30) REPEAL: 23, 24, 25, 27		
12/03/13	AMEND: 597		

