



California Regulatory Notice Register

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

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**PROPOSED ACTION ON
REGULATIONS**

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**TITLE 2. FAIR POLITICAL PRACTICES
COMMISSION**

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

CONFLICT-OF-INTEREST CODES

AMENDMENT

MULTICOUNTY Sonoma Marin Area Rail
 Transit

A written comment period has been established commencing on **April 18, 2014** and closing on **June 2, 2014**. Written comments should be directed to the Fair Political Practices Commission, Attention Ivy Branaman, 428 J Street, Suite 620, Sacramento, California 95814.

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

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

The Executive Director of the Commission, upon her or its own motion or at the request of any interested person, will approve, or revise and approve, or return the

proposed code(s) to the agency for revision and re-submission within 60 days without further notice.

Any interested person may present statements, arguments or comments, in writing to the Executive Director of the Commission, relative to review of the proposed conflict-of-interest code(s). Any written comments must be received no later than **June 2, 2014**. If a public hearing is to be held, oral comments may be presented to the Commission at the hearing.

COST TO LOCAL AGENCIES

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

**EFFECT ON HOUSING COSTS
AND BUSINESSES**

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

AUTHORITY

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

REFERENCE

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

CONTACT

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

AVAILABILITY OF PROPOSED
CONFLICT-OF-INTEREST CODES

Copies of the proposed conflict-of-interest codes may be obtained from the Commission offices or the respective agency. Requests for copies from the Commission should be made to Ivy Branaman, Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, California 95814, telephone (916) 322-5660.

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

The Department of Food and Agriculture proposes to repeal section 3277 of the regulations in Title 3 of the California Code of Regulations pertaining to Cereal Leaf Beetle Exterior Quarantine.

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 or email. The written comment period closes at 5:00 p.m. on June 2, 2014. The Department will consider only comments received at the Department offices by that time. Submit comments to:

Lindsay Rains
Department of Food and Agriculture
Plant Health and Pest Prevention Services
1220 N Street
Sacramento, CA 95814
lindsay.rains@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 of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

INFORMATIVE DIGEST/POLICY STATEMENT
OVERVIEW

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

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

Anticipated Benefits from This Regulatory Action

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. The Secretary has investigated the cereal leaf beetle infestations in Modoc and Siskiyou counties and determined that they cannot be eradicated. Additionally, the best integrated pest management control option would be the use of biocontrol. The Secretary also investigated the feasibility of adopting a parallel State Cereal Leaf Beetle Interior Quarantine, mirroring the exterior quarantine requirements, and determined that this is not feasible.

As a State interior quarantine cannot be adopted, this proposed repeal of the Cereal Leaf Beetle Exterior Quarantine benefits interstate shippers of host commodities and regulated articles which would otherwise face unfair interstate commerce restrictions.

Other states' departments of agriculture and the Canadian Food Inspection Agency will benefit by no longer having to supervise treatments and provide certification to meet California's entry requirements for cereal grains, hay, and cut Christmas trees.

The repeal of this regulation benefits the California Border Protection Stations whose staffs will no longer be required to conduct Cereal Leaf Beetle inspections on incoming cereal grains, host plants, and harvesting/baling equipment.

Each cereal leaf beetle rejection on average takes one hour for the station inspector to process. This includes conducting the initial inspection, issuing the Notice of Rejection, follow-up phone calls, and ensuring the rejected commodity/equipment is treated or refused entry into California.

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

The Department considered any other possible related regulations in this area, and we find that these are the only regulations dealing in this subject area, and the only State agency which can implement plant quaran-

tines. 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.

REPEALED TEXT

This proposed repeal of the regulation would remove authority for the State to enforce the exterior quarantine currently in place.

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: There are no costs for compliance as the repeal of this regulation removes all regulatory requirements.

Small Business Determination

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

Significant effect on housing costs: None.

Results of the Economic Impact Analysis

Amendment of these regulations will not:

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

The Department is not aware of any specific benefits the amendment of this regulation will have on worker safety or the health of California residents.

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 repeal section 3277 pursuant to the authority vested by sections 407, 5301, 5302 and 5322 of the Food and Agricultural Code.

REFERENCE

The Department proposes this action to implement, interpret and make specific sections 5301, 5302 and 5322 of the Food and Agricultural Code.

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 Lindsay Rains, Department of Food and Agriculture, Plant Health and Pest Prevention Services, 1220 N Street, Room 210, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: Lindsay.rains@cdfa.ca.gov. In her absence, you may contact Stephen Brown at (916) 654-1017. Questions regarding the substance of the proposed regulation should be directed to Lindsay Rains.

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 of Food and Agriculture has prepared an initial statement of reasons for the proposed actions, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, when

completed, the final statement of reasons will be available upon request. Requests should be directed to the contact named herein.

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

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1844, AUTHORIZED MEDICATION

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

PROPOSED REGULATORY ACTION

The proposed amendment to Rule 1844, Authorized Medication, would revise the levels of specified authorized medications in subsection 1844(e) and add additional drug substances to subsection 1844(f).

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 19, 2014**, or as soon after that as business before the Board will permit, in the Baldwin Terrace Room at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on June 2, 2014**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone (916) 263-6025
Fax: (916) 263-6022
E-mail: esward@chrb.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19440 and 19562, Business and Professions Code. Reference: Sections 19580 and 19581, Business and Professions Code.

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

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19440 provides that the Board shall have all powers necessary and proper to enable it to carry out fully and effectually the purposes of this chapter. Responsibilities of the Board shall include adopting rules and regulations for the protection of the public and the control of horse racing and pari-mutuel wagering. Business and Professions Code section 19562 states the Board may prescribe rules, regulations and conditions under which all horse races with wagering on their results shall be conducted in California. Business and Professions Code section 19580 requires the Board to adopt regulations to establish policies, guidelines, and penalties relating to equine medication to preserve and enhance the integrity of horse racing in California. Business and Professions Code section 19581 provides that no substance of any kind shall be administered by any means to a horse after it has been entered to race, unless the Board has, by regulation, specifically authorized the use of the substance and the quantity and composition thereof. Board Rule 1844, Authorized Medication, names drug substances and medications authorized by the Board that may be administered to safeguard the health of the horse entered to race. The rule lists the drug substances that may be found in official test samples and the level at which such drugs may occur.

The proposed amendment to Rule 1844 will bring the regulation in line with current research regarding therapeutic medications for equines, and with the recommendations of the Racing Medication Testing Consortium's National Uniform Medication Program. The proposed amendment will provide guidance to trainers,

horsemen, and veterinarians regarding the administration of specific therapeutic drug substances and medications to horses entered to race, and the levels of such substances that may be present in official post-race test samples. The proposed amendment to subsection 1844(e)(1) changes the allowable level of Acepromazine from 20 to 10 nanograms per milliliter. Under a new subsection 1844(e)(4), the allowable level of Procaine has been changed from 50 to 25 nanograms per milliliter. The allowable level is the level at which a medication or drug substance may be present in an official test sample. Research has demonstrated that at the current allowable level for these therapeutic drug substances, administration may occur within 48 hours of a race, which is prohibited under Rule 1843.5, Medication, Drugs and Other Substances. Lowering the allowable level of these therapeutic drug substances will require that the substances be administered outside the 48 hour time line, as provided under Rule 1843.5. Therapeutic medications such as Acepromazine and Procaine are appropriately administered to alleviate pain and to permit or promote healing; however, Rule 1843.5 provides that drugs, medications or any other substances shall not be administered by any means to a horse within 48 hours of the post time of the race in which the horse is entered, except as specified. The proposed amendment to Rule 1844 provides appropriate withdrawal times if the medications are used properly. Therapeutic positive test results are the bulk of CFIRB medication violations, and most of these violations are the result of inadvertent mistakes with therapeutic medications. Lowering the allowable levels of Acepromazine and Procaine will help horsemen avoid inadvertent positives.

The proposed amendments to subsections 1844(e)(3), 1844(e)(5), and 1844(e)(6) remove the medications Promazine, Atropine, and Benzocaine. These medications are not included in the Racing Medication Testing Consortium Uniform Medication Program. Promazine is no longer commercially available in the United States and Atropine, while available, has never been present in any post-race test samples to date. Its use provides a significant concern for cardiovascular, respiratory, and central nervous system issues. Benzocaine is commercially available, but no information on it has been found to justify its inclusion as a recognized therapeutic medication in equines. The Board's Equine Medical Director stated that Benzocaine is not approved for use in horses by the Federal Drug Administration (FDA), is not effective, and in the last seven years, there has been only one Benzocaine violation in which the drug was found in excess of the threshold.

The proposed amendment to subsection 1844(e)(9) changes the level of Clenbuterol allowed in post race urine test samples from 5 nanograms to 140 picograms per milliliter, and the amended subsection 1844(f) re-

moves Clenbuterol as a drug that may be found in blood test samples. These changes are necessary because Clenbuterol has been abused for its androgenic side effects which mimic anabolic steroids. Androgenic-anabolic steroids are synthetic derivatives of the male hormone testosterone. They can exert strong effects that may be beneficial for athletic performance. This is supported in the research study: The Effect of Chronic Clenbuterol Administration on Mucociliary Clearance and Body Fat in Adult Horses. Clenbuterol is also banned by the World Anti-Doping Association (WADA) as an anabolic agent as listed in The World Anti-Doping Code: The 2014 Prohibited List International Standard. To prevent its use as an anabolic agent the recommended time of administration of the substance is outside of 14 days prior to racing. Clenbuterol is only detectable in blood for 3-7 days, therefore it will not be present in any blood test samples 14 days after administration. A finding of Clenbuterol in a blood test sample will indicate the drug was administered in violation of the Board's rules. Because Clenbuterol does have legitimate clinical use in small airway disease such as allergic or infectious bronchitis, the Board will continue to allow the use of Clenbuterol when clinically appropriate. Clenbuterol is approved by the FDA for use in horses. The proposed amendment to subsection 1844(e)(9) allows 140 picograms of Clenbuterol per milliliter in urine. The proposal allows a 14-day withdrawal time and is supported in the Maddy Equine Laboratory study: Detection, Pharmacokinetics and Cardiac Effects Following Administration of Clenbuterol to Exercised Horses. The amendment to Rule 1844 provides racing regulators an opportunity to see if Clenbuterol can be administered appropriately for its intended use, as a bronchodilator to treat small airway disease.

The proposed amendment to subsection 1844(e)(10) removes Stanozolol from the list of drugs allowed in official urine test samples. The amendment also eliminates the one exception to non-endogenous anabolic steroids in Rule 1844. Stanozolol is a manufactured anabolic steroid. It was used in racing until 2008 when a threshold level was established in Rule 1844 to restrict its use. At that time, other manufactured anabolic steroids were banned. The new restriction allowed Stanozolol at the 1 nanogram per milliliter level and established a roughly 30-day withdrawal period as a step towards eliminating the drug. As an anabolic steroid, Stanozolol is a recognized performance enhancing drug. The national (and international) consensus is anabolic steroids have no place in athletic competition. Steroids like Stanozolol need to be eliminated prior to racing because they can provide an unfair advantage. Eliminating the threshold for Stanozolol eliminates the anabolic steroid from any use at any time prior to racing.

Subsection 1844(e)(11) adds Omeprazole and subsection 1844(e)(15) adds Butorphanol to the list of drugs permitted in official urine test samples. Omeprazole is commonly used for the treatment and prevention of equine stomach ulcers and Butorphanol is a commonly used sedative/tranquilizer approved for use in horses. The amendments are consistent with the National Uniform Medication Program recommendations. The proposed amendments will also help deter race day administration of Omeprazole and Butorphanol because, if administered on race day, the drugs will exceed the proposed allowed levels in the urine test samples, resulting in a violation.

The proposed amendment to Rule 1844 will modify subsection 1844(f) to add 15 drug substances that may be present at specified levels in the official blood test sample. Subsection 1844(f)(1–15) adds specified drug substances, their metabolites, and analogs that may be found in official blood test samples. This amendment is in line with the National Uniform Medication Program recommendation. The Racing Medication Testing Consortium has conducted research on these therapeutic drugs to establish the blood thresholds. Whenever possible, therapeutic drugs should be regulated in the blood. Blood is a cleaner and a more pharmacologically stable testing matrix than urine. Blood testing is not possible in all drugs based on a number of factors related to testing sensitivity and drug metabolism. The original thresholds proposed in the mid 1990's have very little solid scientific drug administration to back them up. At that time, the laboratory sensitivity was not adequate to find any of these drugs in blood unless at very high levels. Today, the technology has changed and blood testing is very sensitive and accurate. It is the preferable testing matrix in horse racing for therapeutic medications, when possible. The proposed amendment to subsection 1844(f)(1–15) will reflect current research and the National Uniform Medication Program recommendations.

The Association of Racing Commissioners International is composed of the governmental regulators of horse and greyhound racing in the United States, Canada, Mexico, Jamaica, and Trinidad–Tobago. Association of Racing Commissioners International collaborates with other racing industry organizations who share its common goal of ensuring integrity in racing. Association of Racing Commissioners International is a not–for–profit trade association with no regulatory authority. Its members individually possess regulatory authority within their jurisdictions and solely determine whether or not to adopt Association of Racing Commissioners International recommendations on policies and rules.

The Racing Medication and Testing Consortium strives to develop and promote uniform rules, policies

and testing standards at the national level; coordinate research and educational programs that seek to ensure the integrity of racing and the health and welfare of racehorses and participants; and to protect the interests of the racing public. The Racing Medication Testing Consortium was founded in 2001 by representatives of a broad spectrum of racing–related groups who participated in an industry effort to determine potential consensus points on the most basic elements of a uniform national medication policy for racehorses. The Racing Medication and Testing Consortium is incorporated as a 501(c)(3) charitable organization with both scientific and educational purposes. It is governed by a board of directors consisting of 24 industry stakeholder groups.

The National Uniform Medication Program was recommended by the Racing Medication and Testing Consortium and approved by the Association of Racing Commissioners International and includes regulatory levels and restricted administration times for controlled therapeutic medications.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1844 promotes the safety and welfare of horse and rider. The amendment provides guidelines for treating horses with medications in a manner that will increase the safety and welfare of both equine and human athletes. Strong pain–masking medications are sometimes used inappropriately to allow horses to train and race, before they are fully healed from an injury. Masking a horse's condition with pain–masking medications has the potential to cause additional injuries to occur. Using pain–masking medications before a horse is fully healed can place a horse at a higher risk for breakdown, which can cause injury to horse and rider. The proposed amendment to Rule 1844 is based on solid research that provides sound recommendations to trainers, owners, and veterinarians, so that therapeutic medications can be used appropriately. The proposed amendment will also provide clarity for horsemen because it is in line with the National Uniform Medication Program recommendations of the Racing Medication Testing Consortium. Regardless of which state they are from, trainers and owners will be clear on what the rules for authorized medications are because other states are implementing, or have already implemented, similar rules. The proposed amendment to Rule 1844 can help to reduce medication violations and promote medication safety, as owners and trainers will not be forced to change medications as they move across the country and into California. This will help increase efficiency in the enforcement of the Board's medication rules and regulations because out–of–state owners and trainers will be familiar with autho-

rized medications. If trainers and owners are complying with the Board's rules, the public will have more confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Consistency with Existing State Regulations: During the process of developing the regulation and amendments, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment to Rule 1844 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

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

Cost impact on representative private persons or businesses: None.

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.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1844 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 proposed amendment to Rule 1844 promotes the safety and welfare of horse and rider. The amendment provides guidelines for treating horses with medications in a manner that will increase the safety and welfare of both equine and human athletes. Strong pain-masking medications are sometimes used inap-

propriately to allow horses to train and race, before they are fully healed from an injury. Masking a horse's condition with pain-masking medications has the potential to cause additional injuries to occur. Using pain-masking medications before a horse is fully healed can place a horse at a higher risk for breakdown, which can cause injury to horse and rider. The proposed amendment to Rule 1844 is based on solid research that provides sound recommendations to trainers, owners, and veterinarians, so that therapeutic medications can be used appropriately. The proposed amendment will also provide clarity for horsemen because it is in line with the National Uniform Medication Program recommendations of the Racing Medication Testing Consortium. Regardless of which state they are from, trainers and owners will be clear on what the rules for authorized medications are because other states are implementing, or have already implemented, similar rules. The proposed amendment to Rule 1844 can help to reduce medication violations and promote medication safety, as owners and trainers will not be forced to change medications as they move across the country and into California. This will help increase efficiency in the enforcement of the Board's medication rules and regulations because out-of-state owners and trainers will be familiar with authorized medications. If trainers and owners are complying with the Board's rules, the public will have more confidence in California horse racing, which may result in increased wagering. An increase in wagering will have a positive economic impact on the industry by increasing handle, which in turn increases purses and commissions.

Effect on small businesses: none. The proposal to amend Rule 1844 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

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

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chrb.ca.gov

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

Harold Coburn,
Manager
Telephone: (916) 263-6397

AVAILABILITY OF INITIAL STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Erica Ward, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF STATEMENT OF REASONS

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

BOARD WEB ACCESS

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

TITLE 4. CALIFORNIA HORSE RACING BOARD

NOTICE OF PROPOSAL TO AMEND RULE 1689.1, SAFETY VEST REQUIRED

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

PROPOSED REGULATORY ACTION

The proposed amendment to Rule 1689.1, Safety Vest Required, would extend the requirement to wear a safety vest to pony riders who pony or lead or are mounted on any horse on the grounds of a racing association or racing fair.

PUBLIC HEARING

The Board will hold a public hearing starting at **9:30 a.m., Thursday, June 19, 2014**, or as soon after that as business before the Board will permit, in the **Baldwin Terrace Room** at the **Santa Anita Park Race Track, 285 West Huntington Drive, Arcadia, California**. At the hearing, any person may present statements or arguments orally or in writing about the proposed action described in the informative digest. It is requested, but not required, that persons making oral comments at the hearing submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested persons, or their authorized representative, may submit written comments about the proposed regulatory action to the Board. The written comment period closes at **5:00 p.m., on June 2, 2014**. The Board must receive all comments at that time; however, written comments may still be submitted at the public hearing. Submit comments to:

Erica Ward, Regulation Analyst
 California Horse Racing Board
 1010 Hurley Way, Suite 300
 Sacramento, CA 95825
 Telephone (916) 263-6025 Fax: (916) 263-6022
 E-mail: esward@chr.ca.gov

AUTHORITY AND REFERENCE

Authority cited: Sections 19420, 19481 and 19562, Business and Professions Code. Reference: Section 19481, Business and Professions Code.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Business and Professions Code section 19420 provides that jurisdiction and supervision over meetings in the State where horse races with wagering on their results are held or conducted, and over all persons or things having to do with the operation of such meetings, is vested in the California Horse Racing Board (Board). Business and Professions Code section 19481 states that in performing its responsibilities, the Board shall establish safety standards governing equipment for horse and rider to improve the safety of horses, riders, and workers in the racing inclosure. Board Rule 1689.1, Safety Vest Required, requires jockeys and apprentice jockeys to wear safety vests when riding in a race. Additionally, the rule provides that jockeys, apprentice jockeys and exercise riders must wear a safety vest when they train or exercise any horse on the grounds of a racing association or racing fair. Rule 1689.1 also specifies that such safety vests shall meet the British Equestrian Trade Association (BETA) standard for horse riders' body and shoulder protectors.

The Board proposes to amend Rule 1689.1 to specify that no pony rider shall pony or lead a horse or be mounted on a horse on the grounds of a racing association, racing fair, or authorized training facility unless wearing a safety vest. Rule 1689.1 does not currently address pony riders, which means that pony riders are not required to wear a safety vest. Rule 1689, Safety Helmets Required, does however require everyone on

horseback, including pony riders, to wear a safety helmet. The proposed amendment to Rule 1689.1 would add pony riders to the list of those who must wear a safety vest. The rule was last amended on July 2010 when harness drivers and assistant starters were added to the list of those who must wear a safety vest. The starting gate crews are addressed in the current rule under subsection 1689.1(b), which provides that an assistant starter shall not handle any horse unless wearing a safety vest. Safety vests protect the inner organs, ribs and spine. The padding helps prevent or lessen an injury from the impact of a fall, and reduce the amount of damage should the wearer be hit by a hoof. Pony riders are individuals who ride a calm horse to lead the race horse to the track. Some of the pony riders' duties can include diverting riders from another rider involved in an accident on the track, riding after a runaway horse to help a rider regain control, leading a racehorse to the paddock or receiving barn after a race, helping horse ambulance workers take away wounded horses from the track, and grooming and feeding racehorses. While pony riders are not exposed to the dangers of a race, they are subject to the rigors of handling powerful animals, which may result in injury. The amendment to Rule 1689.1 will serve to provide those pony riders who pony, lead, or who are mounted on a racehorse on the track with an additional measure of personal safety.

POLICY STATEMENT OVERVIEW OF ANTICIPATED BENEFITS OF PROPOSAL

The proposed amendment to Rule 1689.1 promotes the protection of pony rider health and safety. The health and safety of pony riders is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If pony riders are wearing safety vests, the risk of injury is decreased. The safety vest protects the torso of a pony rider should they fall off a racehorse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects the pony riders' internal organs, spine, and ribs. If the safety practices of pony riders improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

Consistency with Existing State Regulations: During the process of developing the regulation and amendment, the Board has conducted a search of any similar regulations on this topic and has concluded that the regulation is neither inconsistent nor incompatible with existing state regulations.

DISCLOSURE REGARDING THE
PROPOSED ACTION

Mandate on local agencies and school districts: none.

Cost or savings to any state agency: none.

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

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

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

The Board has made an initial determination that the proposed amendment of Rule 1689.1 will not have a significant statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states.

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

Cost impact on representative private persons or businesses: The proposed amendment requires pony riders to wear safety vests when training or exercising a horse at a racetrack or racing fair. The Board has determined that there will be an approximate one-time cost of \$170.00 to \$280.00 per individual pony rider. The cost of the safety vest is a variable that cannot be controlled by the Board.

Significant effect on housing costs: none.

RESULT OF ECONOMIC IMPACT ANALYSIS

The adoption of the proposed amendment to Rule 1689.1 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 proposed amendment of Rule 1689.1 promotes the protection of pony rider health and safety. The health and safety of pony riders is just as vital to protect as those of jockeys, apprentice jockeys, exercise riders, and drivers. If pony riders are wearing safety vests, the risk of injury is decreased. The safety vest protects the torso of pony riders should they fall off a racehorse. Also, if kicked by a horse when grooming or feeding a horse, the safety vest protects the pony riders' internal organs, spine, and ribs. If the safety practices of pony riders improve, the public will see horse racing as a safer sport which in turn may draw individuals to participate in the sport.

Effect on small businesses: none. The proposal to amend Rule 1689.1 does not affect small businesses because horse racing is not a small business under Government Code Section 11342.610.

CONSIDERATION OF ALTERNATIVES

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

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

CONTACT PERSON

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

Erica Ward, Regulation Analyst
California Horse Racing Board
1010 Hurley Way, Suite 300
Sacramento, CA 95825
Telephone: (916) 263-6025
E-mail: esward@chr.ca.gov

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

Harold Coburn,
Regulation Analyst
Telephone: (916) 263-6397

AVAILABILITY OF INITIAL STATEMENT OF
REASONS AND TEXT OF
PROPOSED REGULATION

The Board will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its offices at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulation, and the initial statement of reasons. Copies may be obtained by contacting Erica Ward, or the alternative contact person at the address, phone number or e-mail address listed above.

AVAILABILITY OF MODIFIED TEXT

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

AVAILABILITY OF STATEMENT OF REASONS:

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

BOARD WEB ACCESS

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

TITLE 11. DEPARTMENT OF JUSTICE

Notice is hereby given that the Department of Justice (DOJ) proposes to amend section 999.5 of Title 11, Division 1, Chapter 15, of the California Code of Regulations (CCR) regarding the Attorney General's review of proposals to transfer health facilities under Corporations Code sections 5914 et seq. and 5920 et seq.

PUBLIC HEARING

DOJ will hold a public hearing to receive public comments on the proposed regulatory action at 10:00 a.m. on Wednesday, June 04, 2014, at the Junipero Serra Office Building Auditorium located at 320 West Fourth Street in Los Angeles, California 90013. The auditorium is wheelchair accessible. At the hearing, any person may present oral or written comments regarding the proposed regulatory action. DOJ requests, but does not

require, that persons making oral comments at the hearing also submit a written copy of their testimony.

WRITTEN COMMENT PERIOD

Any interested party, or his or her duly authorized representative, may submit written comments relevant to the proposed regulatory action to the contact person listed below. The written comment period closes on June 13, 2014 at 5:00 p.m. Only written comments received by that time shall be reviewed and considered by the Department of Justice before it amends the regulation.

Joseph N. Zimring, Deputy Attorney General
 California Department of Justice
 Charitable Trusts Section
 300 S. Spring Street, Suite 1702
 Los Angeles, CA 90013
 Fax: (213) 897-7605
 Email: Joseph.Zimring@doj.ca.gov

AUTHORITY AND REFERENCE

DOJ proposes to amend California Code of Regulations Title 11, Division 1, Chapter 15, section 999.5 pursuant to the authority vested in it by Corporations Code section 5925. The proposed regulations will implement, interpret, and clarify the provisions of Corporations Code sections 5914, 5918, 5920, 5924 and 5925.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws and Regulations:

Nonprofit health facilities must provide notice to and obtain the approval of the Attorney General prior to transferring ownership. (Corporations Code sections 5914 through 5925; Cal. Code Regs., tit. 11, § 999.5.) These provisions address both procedural and substantive aspects of the review process including the contents of the notice to the Attorney General, the information required to be provided, public notice and participation in the process and the time for review by the Attorney General,

Effect of the Proposed Rulemaking:

The proposed amendments clarify what information is needed by the Attorney General to properly conduct the review of the proposed transaction. The proposed amendments will also increase and improve public access to the information. The information provided by the applicant to the Attorney General will be posted online to increase public access and awareness. Additional information will be provided to the Attorney General

to ensure that any substantial effects that may result from the transaction can be considered and addressed by the Attorney General. This includes additional information regarding the effects of the transfer on the community served by the health facility, along with information regarding contracts with local government, treatment of Medi-Cal patients, reproductive services and compliance with seismic safety requirements. Much of this information is already routinely requested as part of the Attorney General's review. The proposed amendments will also make the language in the regulation uniform with respect to both nonprofit health facilities and nonprofit facilities that provide similar health care services. Finally, the proposed amendments codify the Attorney General's authority to enforce the conditions imposed on the approval of a transaction.

Comparable Federal Regulations:

There are no existing federal regulations or statutes comparable to the proposed regulations.

Policy Statement Overview and Anticipated Benefits of the Proposed Regulations:

The proposed amendments are intended to assist the Attorney General in understanding the potential effects on the communities served by the health facility proposing to be transferred. The proposed amendments are also intended to ensure that members of the public are informed about the transaction and the health care services that might be impacted so that the public may participate in the process in a meaningful way.

The additional information will ensure that the Attorney General will be informed of the significant effects of the transfer and will be able to make an informed and fair decision in approving, denying or imposing appropriate conditions on the transfer to protect the public interest.

Determination of Inconsistency/Incompatibility with Existing State Regulations:

The Department has conducted an evaluation for any regulations relating to this area and has concluded that these are the only regulations dealing with notice to, and approval by, the Attorney General of transactions involving nonprofit health facilities. Therefore, the proposed regulations are not inconsistent or incompatible with existing state regulations.

Forms Incorporated by Reference:

None.

Mandated by Federal Law or Regulations:

None.

Other Statutory Requirements:

None.

DISCLOSURES REGARDING THE PROPOSED ACTION

DOJ has made the following initial determinations:

Mandate on Local Agencies and School Districts: None.

Cost to any Local Agencies and School Districts: None.

Cost or Savings to any State Agency: None.

Other Non-Discretionary Cost or Savings Imposed on Local Agencies: None.

Cost or Savings in Federal Funding to the State: None.

Significant Effect on Housing Costs: None.

Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including Ability to Compete:

DOJ initially determines that there is no significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. DOJ is not aware of any significant cost impacts that a business would necessarily incur in reasonable compliance with the proposed action. Nonprofit health facilities are already subject to the notice and consent requirements set forth with California Code of Regulations, title 11, section 999.5. The proposed amendments should not create any significant increase in the costs incurred by an applicant. Additionally, fewer than six facilities request consent to transfer a health care facility in a typical year.

Results of the Economic Impact Analysis/Assessment:

Adoption of these regulations will not:

- (1) Create or eliminate jobs within California;
- (2) Create new businesses or eliminate existing businesses within California;
- (3) Affect the expansion of businesses currently doing business within California; or
- (4) Adversely effect the health and welfare of California residents, worker safety, or the state's environment. The proposed amendments will benefit the health and welfare of California residents who are served by the nonprofit health facility proposing to be transferred because they will have a greater ability to be informed and participate in the approval process. The additional information will assist the Attorney General in evaluating and, where appropriate, mitigating the significant effects of the transfer of the nonprofit health facility. With the additional information, the Attorney General will be better able to make an informed and fair decision in approving, denying or imposing appropriate conditions on the transfer of the nonprofit health facility to protect the health

and welfare of California residents affected by the transfer.

Cost Impacts on Representative 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.

Business Report:

It is necessary for the health, safety, or welfare of the people of the state that the regulations apply to businesses. Existing law requires nonprofit health facilities to provide notice to, and obtain approval from, the Attorney General prior to any transfer of ownership to protect the access to health care services for the impacted communities. The proposed amendments to the regulations do not change these requirements. The proposed amendments clarify the information which must be provided to the Attorney General and increase public access to information regarding the proposed transfer.

Small Business Determination:

Pursuant to Government Code section 11342.610, subdivision (b)(6), a “small business” does not include an entity organized as a nonprofit corporation. Because the regulations only apply to nonprofit corporations, DOJ has determined that the proposed regulations do not affect small businesses. There is no adverse economic impact on small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5, subdivision (a)(13), DOJ must determine that no reasonable alternative to the proposed regulations that would be more effective in carrying out the purpose for which the action is proposed, would be as effective or less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. DOJ invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the public comment period.

CONTACT PERSONS

Inquiries concerning the proposed administrative action may be directed to:

Joseph N. Zimring, Deputy Attorney General
 California Department of Justice
 Charitable Trusts Section
 300 S. Spring Street, Suite 1702
 Los Angeles, CA 90013
 Fax: (213) 897-7605
 Email: Joseph.Zimring@doj.ca.gov

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

Maria Elena Hernandez, Legal Analyst
 California Department of Justice
 Charitable Trusts Section
 300 S. Spring Street, Suite 1702
 Los Angeles, CA 90013
 Fax: (213) 897-7605
 Email: MariaElena.Hernandez@doj.ca.gov

Please direct requests for copies of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, or other information upon which the rulemaking is based to Deputy Attorney General Joseph Zimring at the above address.

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

DOJ will make the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office located at California Department of Justice, Charitable Trusts Section, 300 S. Spring Street, Suite 1702, Los Angeles, CA 90013, Fax: (213) 897-7605, and on DOJ website at www.ag.ca.gov/charities.

As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the express terms of the regulations, the initial statement of reasons, any information upon which the proposed rulemaking is based, and an economic impact assessment contained in the initial statement of reasons. Copies may be obtained by contacting the person via the address or phone number listed above.

**AVAILABILITY OF CHANGED OR
 MODIFIED TEXT**

After considering all timely and relevant comments received, DOJ may adopt the proposed regulations substantially as described in this notice. If DOJ makes modifications which are sufficiently related to the origi-

nally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before DOJ adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of the person at the address indicated above. DOJ will accept written comments on the modified regulations for 15 days after the date on which they are made available to the public.

AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Upon its completion, copies of the Final Statement of Reasons may be obtained by contacting Deputy Attorney General Joseph N. Zimring at the above address.

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 on the Attorney General’s website at www.ag.ca.gov/charities.

GENERAL PUBLIC INTEREST

DEPARTMENT OF FISH AND WILDLIFE

**CALIFORNIA ENDANGERED SPECIES ACT
FISH AND GAME CODE SECTION 2080.3
CONCURRENCE NO. 2080–2014–006–04**

Project: San Joaquin River Restoration Program
Spring–Run Chinook Salmon
Collection, Rearing and Release Project
Location: Butte, Napa, Yolo, and Fresno Counties
Permittee: U.S. Fish and Wildlife Service

Background

On March 21, 2014, the National Marine Fisheries Service (NMFS) issued Enhancement of Survival Permit 17781 (Permit) to the U.S. Fish and Wildlife Service (USFWS), pursuant to section 10(a)(1)(A) of the federal Endangered Species Act (ESA). The Permit authorizes USFWS to take ESA-listed Central Valley spring–run Chinook salmon (*Oncorhynchus tshawytscha*) (spring–run Chinook salmon) from the Feather River Fish Hatchery (FRFH) and the salmon conservation and research facility (SCARF) for scientific research and enhancement purposes, in order to establish

an experimental population of spring–run Chinook salmon in the San Joaquin River, activities that are associated with the San Joaquin River Restoration Program (SJRRP). More specifically, through December 31, 2019, the Permit authorizes USFWS, under the implementation of the SJRRP , to 1) collect spring–run Chinook juveniles and eggs from the FRFH; 2) transport collected spring–run Chinook to holding pens located in the San Joaquin River; 3) tag (including coded wire tags) (CWT), adipose fin–clip, calcein mark, PIT tag and/or acoustic tag FRFH and/or SCARF collected spring–run Chinook; 4) transport collected spring–run Chinook eggs from the FRFH to stream side incubators located alongside the San Joaquin River; 5) release tagged juvenile spring–run Chinook in years 1–5 of the Permit from FRFH and/or SCARF, or those juveniles that were raised in the stream side incubators; 6) release tagged adult salmon in years 4–5 of the Permit from SCARF; 7) monitor and evaluate; and 8) if required, conduct quarantine and pathology testing on eggs and/or juveniles collected from FRFH. Spring–run Chinook salmon is designated as a threatened species pursuant to the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.). (See Cal. Code Regs., tit. 14, § 670.5, subd. (b)(2)(C).)

The Permit that is the subject of this determination, as well as the Permit’s associated biological opinion, arise from the SJRRP. The SJRRP executes a legal settlement from the lawsuit, *NRDC et al. v. Kirk Rodgers et al.* In 1988, a coalition of environmental groups, led by the Natural Resources Defense Council (NRDC), filed a lawsuit challenging the renewal of long–term water service contracts between the United States and California’s Central Valley Project Friant Division contractors. After more than 18 years of litigation, the Settling Parties reached a Stipulation of Settlement Agreement (Settlement). The Settling Parties, including NRDC, Friant Water Users Authority (now known as the Friant Water Authority), and the U.S. Departments of the Interior and Commerce, agreed on the terms and conditions of the Settlement, which was subsequently approved on October 23, 2006. The Settlement establishes two primary goals:

- **Restoration Goal** — To restore and maintain fish populations in “good condition” in the mainstem San Joaquin River below Friant Dam to the confluence with the Merced River, including naturally reproducing and self–sustaining populations of salmon and other fish.
- **Water Management Goal** — To reduce or avoid adverse water supply impacts to all of the Friant Division long–term contractors that may result from the Interim Flows and Restoration Flows provided for in the Settlement.

Through a 2006 memorandum of understanding between the California Department of Fish and Wildlife (CDFW) and other state agencies and the Settling Parties, CDFW stated its intention to assist the Settling Parties in implementation of the Settlement consistent with CDFW's authorities, resources, and broader regional resource strategies. Subsequently, President Obama signed the San Joaquin River Restoration Act on March 30, 2009, giving the Department of Interior full authority to implement the SJRRP. The implementing agencies, consisting of the Department of Interior, Bureau of Reclamation (Reclamation) and USFWS, NMFS, CDFW, and California Department of Water Resources (DWR) organized a Program Management Team (PMT) and associated Work Groups to begin Settlement implementation.

The Settlement requires the reintroduction of spring-run Chinook salmon into the San Joaquin River. To implement the Settlement, the SJRRP's Hatchery and Genetics Management Plan (HGMP) (2010) for the SJRRP proposes using a Conservation Facility (Interim Facility and future SCARF) to develop a self-sustaining population of spring-run Chinook salmon for the SJRRP using genetic management and conservation hatchery techniques. On October 11, 2012, NMFS issued Enhancement of Survival Permit 14868 to USFWS, authorizing take of spring-run Chinook eggs or juveniles from the FRFH to establish broodstock methodologies and begin studies associated with holding practices. Subsequently on December 18, 2012, CDFW issued a concurrence (CDFW file No. 2080-2012-017-04) pursuant to Fish and Game Code section 2080.3 that Permit 14868 would further the conservation of spring-run Chinook salmon. This permit does not authorize release of fish to the wild. On December 31, 2013, NMFS issued final regulations designating an experimental population of spring-run Chinook salmon under Section 1539(j) of Title 16 of the United States Code and establishing take provisions for members of that population.

Because the Program is expected to result in take of a species designated as threatened under the federal ESA, USFWS consulted with NMFS as required by Section 7 of the ESA. On December 5, 2013, USFWS submitted its final 10(a)(1)(A), *Enhancement of the Species Permit Application for the Release of Central Valley Spring-Run Chinook Salmon and Eggs from the Feather River Fish Hatchery and the Interim Conservation Facility into the San Joaquin* (10(a)(1)(A) Application) to NMFS. On March 14, 2014, NMFS issued a Biological Opinion (NMFS file No. 17781SWR2013SA00288) (BiOp) to USFWS for the collection of juvenile spring-run Chinook salmon, transportation of collected juveniles to net-pens in the San Joaquin River, transportation of eggs from the

FRFH to streamside incubators located at the future SCARF, release of marked translocated juveniles, marked juveniles raised at the SCARF and adults (in years 4 and 5) from the SCARF, and monitoring and evaluation of reintroduction success (Project).

As described above, NMFS issued the Permit on March 21, 2014. The Permit describes the Project and the authorized take, and requires USFWS to comply with measures to minimize any adverse impacts on listed species during research activities. The associated BiOp provides further detail on the Project and protocols.

The SJRRP proposes and the Permit allows USFWS to implement the Project during an initial testing phase only, during which the collection, transportation, holding, rearing, and release techniques can be tested to ensure the reintroduction will not have an adverse effect on fish. The FRFH has adjusted its operations to supply juveniles for the Project while still meeting the FRFH's other production goals.

On March 26, 2014, the Director of CDFW received a letter from USFWS notifying CDFW pursuant to Fish and Game Code section 2080.3 that it had received a 10(a)(1)(A) permit authorizing the taking of spring-run Chinook salmon in order to establish or maintain an experimental population in the San Joaquin River. USFWS' notification requested that CDFW: (1) make a determination that the Permit will further the conservation of the species; and (2) publish the notification as required by Fish and Game Code section 2080.3(a)(2).

Project Summary

The activities described in the Permit will result in the intentional take¹ of spring-run Chinook salmon. Spring-run Chinook salmon will be intentionally taken at the FRFH.² The Permit authorizes the collection, transport, rearing, and imprinting of up to 54,400 FRFH spring-run Chinook juvenile fingerlings or 80,000 FRFH spring-run Chinook eggs annually. In addition, the Permit authorizes release from the SCARF of up to 300 broodstock yearlings during years 2 and 3 of the Permit, and 800 to 2,000 broodstock yearlings during years 4 and 5. Up to 100 adult broodstock may be released directly from the SCARF to the San Joaquin River during years 4 and 5, and up to 50,000 eggs or juveniles from the SCARF may be placed in streamside incubators/net pens for rearing, then be tagged, adipose

¹ Pursuant to Fish and Game Code section 86, "'Take' means hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill."

² The FRFH, in Oroville, California, is the only source of hatchery-produced spring-run Chinook salmon in the Central Valley. Spring-run Chinook salmon are spawned at the FRFH in mid- to late-September of each year. The selection and collection of juveniles for the SJRRP are the only activities at the FRFH regulated under the Permit.

clipped and released into the San Joaquin River. The Permit authorizes up to 434,700 juveniles either from FRFH, SCARF or streamside incubators to be calcein marked prior to release.

Out of these totals, a low level of intentional lethal take may also occur. In the event that fish need to be transported from FRFH to a quarantine facility, a maximum of 60 juveniles may be taken annually for pathology analysis prior to transport to ensure that pathogens are not transferred. Once pathogen results are confirmed negative, collected individuals will be moved to the quarantine facility (Silverado Fisheries Base (SFB) in Yountville CA, or the Center for Aquatic Biology and Aquaculture (CABA), in Davis, CA). The 60 juveniles collected for lethal take will be humanely euthanized once they have reached sufficient size for pathology testing. After the quarantine period, the eggs or juveniles will be trucked to the streamside incubators or net pens in the San Joaquin River.

Indirect mortality of spring-run Chinook salmon may also occur. Indirect mortality may occur during transportation (FRFH to San Joaquin River, FRFH to SFB/CABA, and SFB/CABA to San Joaquin River, SCARF to San Joaquin River, between San Joaquin River Reaches when conditions do not allow natural passage, from rotary screw trap in San Joaquin River downstream), rearing (SFB, CABA, SCARF, San Joaquin River), marking/tagging (SCARF, San Joaquin River) and research and monitoring (SCARF, San Joaquin River).

The Permit includes measures and conditions for the selection of individual eggs and juveniles from the FRFH, transport and handling, rearing, marking and tagging, and release. The Project will be monitored and assessed for adult and juvenile abundance and survival. All fish will be adipose fin clipped and tagged with a CWT prior to release.

Determination

CDFW has determined that the Permit will further the conservation of the species. Specifically, as authorized by Fish and Game Code section 2080.3, CDFW finds that (1) take of spring-run Chinook salmon is for the purposes of establishing or maintaining an experimental population in the San Joaquin River pursuant to Section 1539(j) of Title 16 of the United States Code and the San Joaquin River Restoration Settlement Act; and (2) the measures identified in the 10(a)(1)(A) permit, as well as the accompanying BiOp and the HEMP, include methods and procedures which are necessary to bring spring-run Chinook salmon to the point at which the protections of CESA are no longer necessary. The measures in the 10(a)(1)(A) permit and BiOp include, but are not limited to, the following:

Measures to Reduce Impacts of Research Activities

1. USFWS will handle spring-run Chinook salmon with extreme care and keep fish in water to the maximum extent possible during sampling and processing procedures. Adequate circulation and replenishment of water in holding units is required. When using gear that captures a mix of species, ESA-listed salmonids shall be processed first and be released as soon as possible after being captured to minimize the duration of handling stress.
2. USFWS will use dip-nets with knotless nylon mesh to minimize scale and mucus abrasion and shall select the smallest mesh-size dip-net that is appropriate to achieve sampling objectives while reducing the probability that smaller fish will become gilled in the net.
3. USFWS will not handle spring-run Chinook salmon if water temperatures at the capture site exceed 18 degrees Celsius (°C). Under these conditions, fish shall not be collected.
4. USFWS will take extreme care when using sedation (tricaine methanesulfonate (MS-222)) to use the minimum amount of substance necessary to immobilize spring-run Chinook salmon for handling and sampling procedures. It is the responsibility of USFWS to determine when sedation is necessary to reduce injuries to spring-run Chinook salmon during handling and sampling activities. Adult spring-run Chinook salmon will not be anesthetized.
5. USFWS will transport spring-run Chinook salmon in a manner that minimizes fluctuations in water quality and the effects of handling and stress. The holding water will be monitored at all times, and requires enriched dissolved oxygen levels to be at or near saturation and water temperature may not vary more than two °C (+ or -) during holding and/or transport.
6. USFWS will transport any juveniles between facilities utilizing a 500-gallon transport tank and trailer. The tank will be filled with water from the FRFH (for transport from FRFH to egg boxes, net pens, or quarantine facilities if needed) or from the San Joaquin River (for transport from egg boxes to net pen or net pens to the San Joaquin River release sites) just prior to transport. If quarantine is required, tanks will be filled with water from the quarantine facilities (Silverado Fisheries Base or CABA). Transport times will depend on the location, but may not exceed 5 hours. Before transferring fish, the water will be tempered to

- within two °C of the water temperature at the receiving facility.
7. Eggs from IHNV and BKD negative females will be properly disinfected at FRFH and transported for translocation to streamside incubators when they are most shock resistant. As they develop into juveniles they will be transferred to in-river holding pens and tagged and clipped when they reach the appropriate size. Eggs for translocation will not be taken to the SCARF.
 8. Eggs will be placed in a specialized shipping container (e.g., Styrofoam cooler) to reduce excessive movement and limit damage to the egg membrane. Eggs will be segregated in wet cheesecloth and securely tied, then placed in the shipping container, kept cool and moist using non-chlorinated ice, and transported in a dark environment. Ice will be in a separate compartment of the shipping container, so as not to be in direct contact with the eggs. The ideal temperature for transport is between 5 and 10 °Celsius. A standard vehicle will be used to transport eggs.
 9. USFWS will randomly select individuals from preferred crosses/trays for broodstock. Corresponding individual fish data will be collected for each cross; including Hallprint tag number, adipose fin status, head tag number, CWT number, gender, weight, fork length, ovarian fluid sample number, tissue sample number, and corresponding genetic analysis data. These data will be used to select preferred crosses for the Project and guided by the following criteria:
 - a. Disease Status — Parents of juveniles test negative for major virulent pathogens and in particular, Infectious Hematopoietic Necrosis Virus (IHNV) and Bacterial Kidney Disease (BKD).
 - b. Genetic Variability — The collections accurately represent the genetic diversity of the donor population. Siblings should comprise less than 2 percent of the total collection [based on the goal of 50 crosses from unrelated individuals (i.e., non-siblings)].
 - c. Run Timing – the SJRRP may include natural-origin (NO) fish with only one generation of documented spring-run Chinook phenotype (and lacking phenotypic information for previous generations) from the Feather River into the translocation collections. A maximum of 25% from NOxNO crosses AND 25% from NOx Hatchery Origin (HO) crosses, with a minimum of 50% HOxHO crosses. (NO= natural origin; HO=Hatchery Origin) This design will allow a formal evaluation of whether the phenotype reversion or domestication are significant factors.
 - d. Age of Maturing — Two year old males and females (based on length data) will comprise less than 5 percent of the parental crosses.
 10. Intentional lethal take under the Permit is only authorized for the 60 individuals that will be used for pathogen testing purposes; no other intentional lethal take is authorized.
 11. Quarantine requirements, as defined by CDFW pathologists, will be followed for juveniles being directly released into the San Joaquin River. If quarantine is required, the following methods will be used. Risk assessments for fish transfers will be conducted and based on the USFWS Aquatic Health Policy (713 FW 5). Fish health assessments will be conducted through the CDFW Fish Health Lab (Rancho Cordova, CA) and based on procedures described in the American Fisheries Society blue book: Suggested procedures for the detection and identification of certain finfish and shellfish pathogens (AFS-FHS 2010).
 12. The juvenile downstream migrant traps (i.e., rotary screw traps) shall be checked every morning (or more frequently as conditions warrant) of operation at a minimum to remove captured fish and debris. Additionally, to minimize mortality, traps shall be checked more frequently during periods of peak migration, high flows, and/or debris levels during storm periods to minimize mortality. The traps shall be adequately removed to allow both upstream and downstream adult ESA-list salmonids passage during high flow events. Additionally, during periods of operation, any adult ESA-listed salmonids captured in the downstream migrant traps shall be processed first and immediately released downstream of the trap.

13. Stream side incubators will be equipped with a flow through water system, and monitored daily for dissolved oxygen and temperature. Dissolved oxygen levels should be maintained near saturation (approximately between 80–100%), and water temperature should not exceed 20°C. If dissolved oxygen levels drop below 80% saturation then the water will be oxygenated using bottled oxygen with oxygen stones and impellor driven aerators or fish densities will be lowered by, for example, thinning fish to other tanks. Both total suspended solid and carbon dioxide levels will be maintained at or below 10 mg/L. The tanks will be cleaned as needed, and the automatic feeders would be checked and reloaded once a day. The maximum allowable density index would be 0.15 lb/ft³/in as proposed by Banks (1994) and Ewing and Ewing (1995) for spring–run Chinook. Depending on the number and size of fish, multiple tanks may be necessary as not to exceed the maximum density. As fish grow the density will increase, thus fish may need to be split into multiple tanks as they grow. Feeding and growth rates will be monitored, per the HGMP associated with permit 14868. This information would be used to determine densities and when/if multiple tank(s) are necessary.
14. Only researchers that are trained and qualified can perform PIT and acoustic tagging on ESA–listed salmonids. USFWS must notify NMFS prior to tagging to confirm that researchers have been properly trained to perform PIT and acoustic tagging procedures on juvenile ESA–listed salmonids and provide documentation of training to NMFS prior to conducting research.
15. Only juvenile spring–run Chinook salmon that are greater than 60 mm FL and in good condition will be PIT tagged.
16. Tag burden for acoustic tags can be no greater than 5% of body weight for spring–run Chinook salmon.
17. All marked, tagged, and subsequently recaptured spring–run Chinook salmon must be documented.
18. The following conditions must be met when using calcein marking:
 - a. Only fish 2.0 grams or less may be used for calcein marking.
 - b. Coordination with Ms. Bonnie Johnson on numbers of fish to be marked must occur. Phone: 406–994–9905 Fax: 406–582–0242 bonnie_johnson@fws.gov
 - c. Method of administration: Immersion: standing–bath treatment only.
 - d. Treatment dosage: Option A: 125 — 250 milligrams calcein per liter Option B: 2.5 – 5.0 grams calcein per liter (finfish only).
 - e. Treatment regimen: Option A: Treatment duration is 1–6 hours. Option B: Treatment duration is 1–7 minutes. (Note: Treatment may include a pretreatment with a 1–5 percent salt solution for approx. 3.5 minutes.) Calcein may be applied as a single treatment, or repeated treatments.
 - f. Withdrawal period: None for fish; they may be released immediately following treatment for those treated at less than 2 grams and for federally threatened and endangered species.
 - g. Required test parameters: Investigator must collect mark retention and mortality data. Investigator should also report general fish behavior and any adverse effects relating to treatment.
 Limitations or restrictions on use: Treatment is restricted to finfish having a body weight of 2 grams or less. Repeated treatments may be conducted to establish multiple marks. However, an interval of at least 2 days should be observed between treatment events. No discharge of calcein marking solution is allowed. Although used calcein marking solution may be stored on station in a secure, leak–proof container, it must ultimately be disposed of according to procedures detailed in a general Waste–stream profile (See Study Protocol for a Compassionate Aquaculture Investigational New Animal Drug (INAD) Exemption for Calcein (SE–MARK®) (INAD 10–987)). Investigator must follow all instructions in the Study Protocol for INAD 10–987 regarding drug acquisition and handling, fish treatment and disposition, and data reporting requirements.
19. Spring–run Chinook juveniles will be released either volitionally or in adjacent slow moving water near the net pens and allowed to migrate downstream unassisted between January and April. During the holding period, fish health and temperature conditions will be carefully monitored. Juveniles to be released will be placed in net pens below Friant Dam for a minimum of 3 days to acclimate to the San Joaquin River, after which they will be transported to other locations in the San Joaquin River depending on conditions as follows:
 - a. Good Condition: Good conditions are defined as complete juvenile passage (i.e., full river connectivity, passage at structures,

and stream temperatures below migration objectives of 18 °C) between Friant Dam to the confluence of the Merced River. Holding time would be dependent on the length of time “good” conditions are expected, based on daily monitoring of flow and temperature conditions. If stream temperatures exceed 22 °C or fish mortality exceeds 2 percent, juveniles will immediately be released in areas of the river that have connectivity to the ocean to migrate downstream. Under good conditions, juveniles will be released from the net pens below Friant Dam.

- b. **Moderate Condition:** Moderate conditions are defined as reduced levels of juvenile passage (i.e., areas of no river connectivity, areas of no passage at structures, and stream temperatures above migration objectives of 18 °C) between Friant Dam and the Merced River confluence which prevent full volitional migration and require juveniles to be released at a location downstream of passage barriers. Under moderate conditions, juveniles will be placed in holding pens below Friant Dam for a minimum of 3 days to acclimate to the San Joaquin River. Then, they will be transported to a release location. Release location would depend on the location of juvenile passage barriers, but sites include: 1) below Mendota Pool (if volitional migration through Mendota Pool is limited by operations); 2) below Sack Dam (if volitional migration below Mendota Pool through Sack Dam is limited by release quantity, temperature, or diversions into Arroyo Canal); 3) in Reach 5, likely downstream of Hwy 165 (if flow release quantity and quality upstream limit volitional outmigration). If the release location was below Mendota or Sack dams, fish would be held for additional imprinting in net pens in Mendota Pool for a minimum of 3 days prior to release. If the release location will be in Reach 5, fish will be held in net pens for additional imprinting in Mendota Pool for a minimum of 3 days and in Reach 5 for a minimum of 3 days prior to release. If stream temperatures exceed 22 °C or fish mortality exceeds 2 percent, juveniles will immediately be released in areas of the river that have connectivity to the ocean to migrate downstream.

- c. **Poor Condition:** Poor conditions are defined as significantly reduced juvenile passage conditions (i.e., areas of no river connectivity, areas of no passage at structures, and stream temperatures above migration objectives of 18 °C) between Friant Dam and the Merced River that require release of juveniles in Reach 5 without additional holding between Friant Dam and the release site. Under poor conditions, juveniles will be placed in net pens below Friant Dam for a minimum of 3 days to acclimate to the San Joaquin River, or acclimated directly in Reach 5 for 3–7 days if projections of Reach 5 temperatures precluded additional holding below Friant Dam. Juveniles will be transported to a release location in Reach 5, below all potential barriers to outmigration, and held in net pens for 3–7 days for acclimation prior to release. During the holding period, fish health and temperature conditions would be monitored. If stream temperatures exceed 22 °C or mortality exceeds 2% of fish, juveniles would be immediately released to migrate downstream.

- d. **Unsuitable Conditions:** Unsuitable conditions are defined as no river connectivity, no passage at structures, or stream temperatures above migration objectives of 18 °C between Friant Dam and the Merced River that prevent the release of juveniles anywhere within the San Joaquin River Restoration Area. If conditions in the San Joaquin River are unsuitable at the time fish are to be received, fish will not be transported to the San Joaquin River. In addition, if conditions in the Delta become severe enough that the survival of spring–run Chinook would be appreciably lower than rates used to calculate expected returns in this permit application, spring–run Chinook will not be transported to the San Joaquin for release. If spring–run Chinook raised at SCARF or stream side incubators cannot be released, USFWS must work with NMFS to develop a suitable plan for the disposition of those fish.

20. Temperatures for release will be monitored and reported to NMFS in real time, as follows:

- a. At the proposed release sites, real time temperatures will be collected daily in the AM for a minimum of 4 days prior to proposed release date.
 - b. The 22 °C criterion of Special Condition 19 will be measured using temperature data collected from CDFW temperature sensor stations, or an alternative monitoring system approved by and shared with NMFS, along the San Joaquin River within the Restoration Area. The daily maximum temperature, for a minimum of 3 days prior to proposed release, will be used to determine the appropriate release location and if the 22 °C criterion is met. Temperature monitoring will continue to occur during the release period.
 - c. The daily maximum temperature must be below the 22 °C threshold for a minimum of 4 days prior to collection of fish to be translocated.
21. The maximum allowable density of fish in net pens will be 0.15 lb/ft³/in.
 22. Within one year of issuance of the Permit, USFWS must work with NMFS to submit a plan, for NMFS approval, specifically identifying implementation of a segregation protocol which will be implemented to ensure to the greatest extent possible the prevention of fall–run genetic introgression into the spring–run Chinook population and fall–run superimposition on spring–run Chinook redds.
 23. Implementation of the aforementioned segregation protocol must be complete within two years of issuance of this permit.
 24. If any issues arise associated with this permit, USFWS must work with NMFS to develop a suitable plan for the disposition of the fish rearing and being held in the stream side incubators, net pens, and SCARF in addition to any adult spring–run Chinook that return to spawn before a segregation protocol is in place.
 25. If conditions prevent juvenile spring–run Chinook from being placed into the river during the first year of the Permit, all subsequent placement year requirements for ancillary yearlings which are currently allowed to be placed in the river in years 2–5 of the Permit will then be changed to years 3–5 of the Permit, and adult placement year requirements which currently allow placement in years 4–5 will be changed to year 5.
 26. USFWS shall coordinate with other co–managers and/or researchers to ensure that no unnecessary research duplication and/or adverse cumulative effects to ESA–listed salmonids occur as a result of the permit holder’s activities.
 27. If take estimates are exceeded for the periods identified in the section above, the project shall be suspended and NMFS shall be notified within one calendar day, or on the next working day.
 28. USFWS is responsible for the actions of any individual operating under the authority of the Permit. Any personnel operating under the Permit that require Federal or State licenses to practice their profession must be duly licensed under the appropriate law.

Monitoring and Reporting Measures

1. If the USFWS exceeds take estimates for the periods identified in the Permit, the USFWS must suspend the Project and NMFS shall be notified within one calendar day, or on the next working day. USFWS will also notify NMFS in the event of any take of ESA–listed species not included in the Permit. Although not a condition of the Permit, CDFW requests the USFWS notify CDFW as well.
2. NMFS will monitor project activities to ensure that the project is operating satisfactorily as described in the Permit and associated BiOp. NMFS will monitor actual take of ESA–listed species associated with the proposed Project (as provided in monthly and annual reports or by other means). Authorized take may be reduced if population data indicate that the take described in the Permit are deemed to be excessive, or if cumulative take authorizations for spring–run Chinook salmon are determined to operate to the disadvantage of listed fish. Although not a condition of the Permit, CDFW requests the USFWS notify CDFW if NMFS adjusts annual permitted take levels.
3. USFWS will submit annual reports to NMFS. Although not a condition of the Permit, CDFW requests the USFWS provide its annual reports to CDFW as well Annual Reports shall include:
 - a. Description of any problems and/or any unforeseen effects and any steps taken (or proposed) to resolve such problems.
 - b. Description of what measures were taken to minimize the permitted activities’ effects on animals and the effectiveness of these measures.

- c. If animals were unintentionally injured or killed, description of the circumstances. Description of how they were disposed of if it wasn't in the way described in the authorization/permit.
 - d. Description of the physical condition of animals taken and used in the permitted activities.
 - e. Description of the effects permitted activities had on animals, including any unforeseen responses or effects.
 - f. If applicable, description of the method used to estimate take if it differed from USFWS' proposed method.
 - g. Statement of steps taken to coordinate the permitted activities with other permit holders.
 - h. Summary of any preliminary findings.
 - i. List of titles of reports or publications resulting from reporting period.
 - j. Any additional findings, results, or information for comment.
4. USFWS will preserve all spring-run Chinook tissue samples as voucher specimens and send to: CDFW Tissue Archive Lab, 8175 Alpine Ave Suite F, Sacramento, CA 95826.

Pursuant to Fish and Game Code section 2080.3, no further take authorization under CESA is required for the USFWS to take spring-run Chinook salmon, as identified in, and in accordance with the federal Permit and associated BiOp and HGMP. The timing and extent of take authorization under this concurrence is limited to the terms in the federal Permit and expires upon the expiration date of the federal Permit. If there are any substantial changes to the Project, including changes to the measures or conditions, or if the NMFS amends or replaces the Permit, BiOp or associated HGMP, the

USFWS shall be required to obtain a new concurrence or a CESA permit for the Project from CDFW. (See generally Fish & G. Code, § 2080.3).

Date: 4/1/14

By: /s/
Sandra Morey, Deputy Director
California Department of Fish and Wildlife

PROPOSITION 65

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**CHEMICALS KNOWN TO THE STATE
TO CAUSE CANCER OR
REPRODUCTIVE TOXICITY
APRIL 18, 2014**

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

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</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
Allyl chloride <u>Delisted October 29, 1999</u>	107-05-1	January 1, 1990
2-Aminoanthraquinone	117-79-3	October 1, 1989
p-Aminoazobenzene	60-09-3	January 1, 1990
ortho-Aminoazotoluene	97-56-3	July 1, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92-67-1	February 27, 1987
1-Amino-2,4-dibromoanthraquinone	81-49-2	August 26, 1997
3-Amino-9-ethylcarbazole hydrochloride	6109-97-3	July 1, 1989
2-Aminofluorene	153-78-6	January 29, 1999
1-Amino-2-methylantraquinone	82-28-0	October 1, 1989
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712-68-5	July 1, 1987
4-Amino-2-nitrophenol	119-34-6	January 29, 1999
Amitrole	61-82-5	July 1, 1987
Amsacrine	51264-14-3	August 7, 2009
Analgesic mixtures containing phenacetin	—	February 27, 1987
Androstenedione	63-05-8	May 3, 2011
Aniline	62-53-3	January 1, 1990
Aniline hydrochloride	142-04-1	May 15, 1998
ortho-Anisidine	90-04-0	July 1, 1987
ortho-Anisidine hydrochloride	134-29-2	July 1, 1987
Antimony oxide (Antimony trioxide)	1309-64-4	October 1, 1990
Anthraquinone	84-65-1	September 28, 2007
Aramite	140-57-8	July 1, 1987
Areca nut	—	February 3, 2006
Aristolochic acids	—	July 9, 2004
Arsenic (inorganic arsenic compounds)	—	February 27, 1987
Asbestos	1332-21-4	February 27, 1987
Auramine	492-80-8	July 1, 1987
Azacitidine	320-67-2	January 1, 1992
Azaserine	115-02-6	July 1, 1987
Azathioprine	446-86-6	February 27, 1987
Azobenzene	103-33-3	January 1, 1990
Benthiavalicarb-isopropyl	177406-68-7	July 1, 2008
Benz[a]anthracene	56-55-3	July 1, 1987
Benzene	71-43-2	February 27, 1987
Benzidine [and its salts]	92-87-5	February 27, 1987
Benzidine-based dyes	—	October 1, 1992
Benzo[b]fluoranthene	205-99-2	July 1, 1987

<i>Chemical</i>	<i>CASNumber</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 Delisted January 4, 2013	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

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<i>Chemical</i>	<i>CAS Number</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

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

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

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IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180-96-6	April 1, 1990
Iprodione	36734-19-7	May 1, 1996
Iprovalicarb	140923-17-7	June 1, 2007
	140923-25-7	
Iron dextran complex	9004-66-4	January 1, 1988
Isobutyl nitrite	542-56-3	May 1, 1996
Isoprene	78-79-5	May 1, 1996
Isopyrazam	881686-58-1	July 24, 2012
Isosafrole <u>Delisted December 8, 2006</u>	120-58-1	October 1, 1989
Isoxaflutole	141112-29-0	December 22, 2000
Kresoxim-methyl	143390-89-0	February 3, 2012
Lactofen	77501-63-4	January 1, 1989
Lasiocarpine	303-34-4	April 1, 1988
Lead acetate	301-04-2	January 1, 1988
Lead and lead compounds	—	October 1, 1992
Lead phosphate	7446-27-7	April 1, 1988
Lead subacetate	1335-32-6	October 1, 1989
Leather dust	—	April 29, 2011
Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Lynestrenol	52-76-6	February 27, 2001
Malonaldehyde, sodium salt	24382-04-5	May 3, 2011
Mancozeb	8018-01-7	January 1, 1990
Maneb	12427-38-2	January 1, 1990
Marijuana smoke	—	June 19, 2009
Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006-83-7	January 1, 1990
Medroxyprogesterone acetate	71-58-9	January 1, 1990
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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Methyl iodide	74-88-4	April 1, 1988
Methylmercury compounds	—	May 1, 1996
Methyl isobutyl ketone	108-10-1	November 4, 2011
Methyl methanesulfonate	66-27-3	April 1, 1988
2-Methyl-1-nitroanthraquinone (of uncertain purity)	129-15-7	April 1, 1988
N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	April 1, 1988
N-Methylolacrylamide	924-42-5	July 1, 1990
α -Methyl styrene (alpha-Methylstyrene)	98-83-9	November 2, 2012
Methylthiouracil	56-04-2	October 1, 1989
Metiram	9006-42-2	January 1, 1990
Metronidazole	443-48-1	January 1, 1988
Michler's ketone	90-94-8	January 1, 1988
Mirex	2385-85-5	January 1, 1988
Mitomycin C	50-07-7	April 1, 1988
MON 4660 (dichloroacetyl-1-oxa-4-azaspiro(4,5)-decane)	71526-07-3	March 22, 2011
MON 13900 (furilazole)	121776-33-8	March 22, 2011
3-Monochloropropane-1,2-diol (3-MCPD)	96-24-2	October 8, 2010
Monocrotaline	315-22-0	April 1, 1988
MOPP (vincristine-prednisone-nitrogen mustard-procarbazine mixture)	113803-47-7	November 4, 2011
5-(Morpholinomethyl)-3-[(5-nitro-furfurylidene)-amino]-2-oxazolidinone	139-91-3	April 1, 1988
Mustard Gas	505-60-2	February 27, 1987
MX (3-chloro-4-(dichloromethyl)-5-hydroxy-2(5H)-furanone)	77439-76-0	December 22, 2000
Nafenopin	3771-19-5	April 1, 1988
Nalidixic acid	389-08-2	May 15, 1998
Naphthalene	91-20-3	April 19, 2002
1-Naphthylamine	134-32-7	October 1, 1989
2-Naphthylamine	91-59-8	February 27, 1987
Nickel (Metallic)	7440-02-0	October 1, 1989
Nickel acetate	373-02-4	October 1, 1989
Nickel carbonate	3333-67-3	October 1, 1989
Nickel carbonyl	13463-39-3	October 1, 1987
Nickel compounds	—	May 7, 2004
Nickel hydroxide	12054-48-7; 12125-56-3	October 1, 1989
Nickelocene	1271-28-9	October 1, 1989
Nickel oxide	1313-99-1	October 1, 1989
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987
Nickel subsulfide	12035-72-2	October 1, 1987
Niridazole	61-57-4	April 1, 1988
Nitrapyrin	1929-82-4	October 5, 2005
Nitrilotriacetic acid	139-13-9	January 1, 1988
Nitrilotriacetic acid, trisodium salt monohydrate	18662-53-8	April 1, 1989
5-Nitroacenaphthene	602-87-9	April 1, 1988
5-Nitro- <i>o</i> -anisidine <u>Delisted December 8, 2006</u>	99-59-2	October 1, 1989
<i>o</i> -Nitroanisole	91-23-6	October 1, 1992
Nitrobenzene	98-95-3	August 26, 1997
4-Nitrobiphenyl	92-93-3	April 1, 1988
6-Nitrochrysene	7496-02-8	October 1, 1990
Nitrofen (technical grade)	1836-75-5	January 1, 1988
2-Nitrofluorene	607-57-8	October 1, 1990

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Nitrofurazone	59-87-0	January 1, 1990
1-[(5-Nitrofurfurylidene)-amino]-2-imidazolidinone	555-84-0	April 1, 1988
N-[4-(5-Nitro-2-furyl)-2-thiazolyl]acetamide	531-82-8	April 1, 1988
Nitrogen mustard (Mechlorethamine)	51-75-2	January 1, 1988
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55-86-7	April 1, 1988
Nitrogen mustard N-oxide	126-85-2	April 1, 1988
Nitrogen mustard N-oxide hydrochloride	302-70-5	April 1, 1988
Nitromethane	75-52-5	May 1, 1997
2-Nitropropane	79-46-9	January 1, 1988
1-Nitropyrene	5522-43-0	October 1, 1990
4-Nitropyrene	57835-92-4	October 1, 1990
N-Nitrosodi-n-butylamine	924-16-3	October 1, 1987
N-Nitrosodiethanolamine	1116-54-7	January 1, 1988
N-Nitrosodiethylamine	55-18-5	October 1, 1987
N-Nitrosodimethylamine	62-75-9	October 1, 1987
p-Nitrosodiphenylamine	156-10-5	January 1, 1988
N-Nitrosodiphenylamine	86-30-6	April 1, 1988
N-Nitrosodi-n-propylamine	621-64-7	January 1, 1988
N-Nitroso-N-ethylurea	759-73-9	October 1, 1987
3-(N-Nitrosomethylamino)propionitrile	60153-49-3	April 1, 1990
4-(N-Nitrosomethylamino)-1-(3-pyridyl)1-butanone	64091-91-4	April 1, 1990
N-Nitrosomethylethylamine	10595-95-6	October 1, 1989
N-Nitroso-N-methylurea	684-93-5	October 1, 1987
N-Nitroso-N-methylurethane	615-53-2	April 1, 1988
N-Nitrosomethylvinylamine	4549-40-0	January 1, 1988
N-Nitrosomorpholine	59-89-2	January 1, 1988
N-Nitrosornicotine	16543-55-8	January 1, 1988
N-Nitrosopiperidine	100-75-4	January 1, 1988
N-Nitrosopyrrolidine	930-55-2	October 1, 1987
N-Nitrososarcosine	13256-22-9	January 1, 1988
o-Nitrotoluene	88-72-2	May 15, 1998
Norethisterone (Norethindrone)	68-22-4	October 1, 1989
Norethynodrel	68-23-5	February 27, 2001
Ochratoxin A	303-47-9	July 1, 1990
Oil Orange SS	2646-17-5	April 1, 1988
Oral contraceptives, combined	—	October 1, 1989
Oral contraceptives, sequential	—	October 1, 1989
Oryzalin	19044-88-3	September 12, 2008
Oxadiazon	19666-30-9	July 1, 1991
Oxazepam	604-75-1	October 1, 1994
Oxymetholone	434-07-1	January 1, 1988
Oxythioquinox (Chinomethionat)	2439-01-2	August 20, 1999
Palygorskite fibers (> 5µm in length)	12174-11-7	December 28, 1999
Panfuran S	794-93-4	January 1, 1988
Pentachlorophenol	87-86-5	January 1, 1990
Pentosan polysulfate sodium	—	April 18, 2014
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

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Phenoxybenzamine	59-96-1	April 1, 1988
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
<u>Pioglitazone</u>	<u>111025-46-8</u>	<u>April 18, 2014</u>
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
<u>Pulegone</u>	<u>89-82-7</u>	<u>April 18, 2014</u>
Pymetrozine	123312-89-0	March 22, 2011
Pyridine	110-86-1	May 17, 2002
Quinoline and its strong acid salts	—	October 24, 1997
Radionuclides	—	July 1, 1989
Reserpine	50-55-5	October 1, 1989
Residual (heavy) fuel oils	—	October 1, 1990
Resmethrin	10453-86-8	July 1, 2008
Riddelliine	23246-96-0	December 3, 2004
<u>Saccharin Delisted April 6, 2001</u>	<u>81-07-2</u>	<u>October 1, 1989</u>
<u>Saccharin, sodium Delisted January 17, 2003</u>	<u>128-44-9</u>	<u>January 1, 1988</u>
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

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Spirodiclofen	148477-71-8	October 8, 2010
Spironolactone	52-01-7	May 1, 1997
Stanozolol	10418-03-8	May 1, 1997
Sterigmatocystin	10048-13-2	April 1, 1988
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
<u>Triamterene</u>	<u>396-01-0</u>	<u>April 18, 2014</u>
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(aziridiny)l-para-benzoquinone (Triaziqunone) <u>Delisted December 8, 2006</u>	68-76-8	October 1, 1989
Tris(1-aziridiny)lphosphine sulfide (Thiotepa)	52-24-4	January 1, 1988

<u>Chemical</u>	<u>CAS Number</u>	<u>Date</u>
Tris(2-chloroethyl) phosphate	115-96-8	April 1, 1992
Tris(2,3-dibromopropyl)phosphate	126-72-7	January 1, 1988
Tris(1,3-dichloro-2-propyl) phosphate (TDCPP)	13674-87-8	October 28, 2011
Trp-P-1 (Tryptophan-P-1)	62450-06-0	April 1, 1988
Trp-P-2 (Tryptophan-P-2)	62450-07-1	April 1, 1988
Trypan blue (commercial grade)	72-57-1	October 1, 1989
Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Uracil mustard	66-75-1	April 1, 1988
Urethane (Ethyl carbamate)	51-79-6	January 1, 1988
Vanadium pentoxide (orthorhombic crystalline form)	1314-62-1	February 11, 2005
Vinclozolin	50471-44-8	August 20, 1999
Vinyl bromide	593-60-2	October 1, 1988
Vinyl chloride	75-01-4	February 27, 1987
4-Vinylcyclohexene	100-40-3	May 1, 1996
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106-87-6	July 1, 1990
Vinyl fluoride	75-02-5	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79-00-5	October 1, 1990
Wood dust	—	December 18, 2009
2,6-Xylidine (2,6-Dimethylaniline)	87-62-7	January 1, 1991
Zalcitabine	7481-89-2	August 7, 2009
Zidovudine (AZT)	30516-87-1	December 18, 2009
Zileuton	111406-87-2	December 22, 2000
<u>Zineb Delisted October 29, 1999</u>	<u>12122-67-7</u>	<u>January 1, 1990</u>

CHEMICALS KNOWN TO THE STATE TO CAUSE REPRODUCTIVE TOXICITY

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Acetazolamide	developmental	59-66-5	August 20, 1999
Acetohydroxamic acid	developmental	546-88-3	April 1, 1990
Acrylamide	developmental, male	79-06-1	February 25, 2011
Actinomycin D	developmental	50-76-0	October 1, 1992
All-trans retinoic acid	developmental	302-79-4	January 1, 1989
Alprazolam	developmental	28981-97-7	July 1, 1990
Altretamine	developmental, male	645-05-6	August 20, 1999
Amantadine hydrochloride	developmental	665-66-7	February 27, 2001
Amikacin sulfate	developmental	39831-55-5	July 1, 1990
Aminoglutethimide	developmental	125-84-8	July 1, 1990
tert-Amyl methyl ether	developmental	994-05-8	December 18, 2009
<u>Delisted December 13, 2013</u>			
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54-62-6	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774-82-4	August 26, 1997
Amitraz	developmental	33089-61-1	March 30, 1999
Amoxapine	developmental	14028-44-5	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117-37-3	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50-78-2	July 1, 1990
Atenolol	developmental	29122-68-7	August 26, 1997
Auranofin	developmental	34031-32-8	January 29, 1999
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
<u>Bisphenol A (BPA)</u> <u>Delisted April 19, 2013</u>	developmental	80-05-7	April 11, 2013
Bromacil lithium salt	developmental male	53404-19-6	May 18, 1999 January 17, 2003
1-Bromopropane	developmental, female, male	106-94-5	December 7, 2004
2-Bromopropane	female, male	75-26-3	May 31, 2005
Bromoxynil	developmental	1689-84-5	October 1, 1990
Bromoxynil octanoate	developmental	1689-99-2	May 18, 1999
Butabarbital sodium	developmental	143-81-7	October 1, 1992
1,3-Butadiene	developmental, female, male	106-99-0	April 16, 2004
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55-98-1	January 1, 1989
Butyl benzyl phthalate (BBP)	developmental	85-68-7	December 2, 2005
<u>n-Butyl glycidyl ether</u> <u>Delisted April 4, 2014</u>	male	2426-08-6	August 7, 2009
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298-46-4	January 29, 1999
Carbaryl	developmental, female, male	63-25-2	August 7, 2009
Carbon disulfide	developmental, female, male	75-15-0	July 1, 1989
Carbon monoxide	developmental	630-08-0	July 1, 1989
Carboplatin	developmental	41575-94-4	July 1, 1990
Chenodiol	developmental	474-25-9	April 1, 1990
Chlorambucil	developmental	305-03-3	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620-21-9	July 1, 1987
Chlordecone (Kepone)	developmental	143-50-0	January 1, 1989
Chlordiazepoxide	developmental	58-25-3	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438-41-5	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010-47-4	July 1, 1990
Chloroform	developmental	67-66-3	August 7, 2009
2-Chloropropionic acid	male	598-78-7	August 7, 2009
Chlorsulfuron	developmental, female, male	64902-72-3	May 14, 1999

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Chromium (hexavalent compounds)	developmental, female, male	—	December 19, 2008
Cidofovir	developmental, female, male	113852-37-2	January 29, 1999
Cladribine	developmental	4291-63-8	September 1, 1996
Clarithromycin	developmental	81103-11-9	May 1, 1997
Clobetasol propionate	developmental, female	25122-46-7	May 15, 1998
Clomiphene citrate	developmental	50-41-9	April 1, 1990
Clorazepate dipotassium	developmental	57109-90-7	October 1, 1992
Cocaine	developmental, female	50-36-2	July 1, 1989
Codeine phosphate	developmental	52-28-8	May 15, 1998
Colchicine	developmental, male	64-86-8	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725-46-2	April 1, 1990
Cycloate	developmental	1134-23-2	March 19, 1999
Cyclohexanol	male	108-93-0	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66-81-9	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50-18-0	January 1, 1989
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
2,4 DP (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
Dichlorophenamide	developmental	120-97-8	February 27, 2001
Diclofop methyl	developmental	51338-27-3	March 5, 1999
Dicumarol	developmental	66-76-2	October 1, 1992
Di(2-ethylhexyl)phthalate (DEHP)	developmental, male	117-81-7	October 24, 2003
Diethylstilbestrol (DES)	developmental	56-53-1	July 1, 1987
Diflunisal	developmental, female	22494-42-4	January 29, 1999
Diglycidyl ether	male	2238-07-5	August 7, 2009
<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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
N,N-Dimethylacetamide	developmental, male	127-19-5	May 21, 2010
<i>m</i> -Dinitrobenzene	male	99-65-0	July 1, 1990
<i>o</i> -Dinitrobenzene	male	528-29-0	July 1, 1990
<i>p</i> -Dinitrobenzene	male	100-25-4	July 1, 1990
2,4-Dinitrotoluene	male	121-14-2	August 20, 1999
2,6-Dinitrotoluene	male	606-20-2	August 20, 1999
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999
Dinocap	developmental	39300-45-3	April 1, 1990
Dinoseb	developmental, male	88-85-7	January 1, 1989
Diphenylhydantoin (Phenytoin)	developmental	57-41-0	July 1, 1987
Disodium cyanodithioimidocarbonate	developmental	138-93-2	March 30, 1999
Doxorubicin hydrochloride (Adriamycin)	developmental, male	25316-40-9	January 29, 1999
Doxycycline (internal use)	developmental	564-25-0	July 1, 1990
Doxycycline calcium (internal use)	developmental	94088-85-4	January 1, 1992
Doxycycline hyclate (internal use)	developmental	24390-14-5	October 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086-28-1	October 1, 1991
Endrin	developmental	72-20-8	May 15, 1998
Environmental tobacco smoke (ETS)	developmental	—	June 9, 2006
Epichlorohydrin	male	106-89-8	September 1, 1996
Ergotamine tartrate	developmental	379-79-3	April 1, 1990
Estropipate	developmental	7280-37-7	August 26, 1997
Ethionamide	developmental	536-33-4	August 26, 1997
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987
Ethyl- <i>tert</i> -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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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
ciclovir	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
zepam	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
Meproamate	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

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
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 <u>Delisted April 4, 2014</u>	developmental	563-80-4	February 17, 2012
Methyl mercury	developmental	—	July 1, 1987
N-Methylpyrrolidone	developmental	872-50-4	June 15, 2001
α -Methylstyrene <u>Delisted April 4, 2014</u>	female	98-83-9	July 29, 2011
Methyltestosterone	developmental	58-18-4	April 1, 1990
Metiram	developmental	9006-42-2	March 30, 1999
Midazolam hydrochloride	developmental	59467-96-8	July 1, 1990
Minocycline hydrochloride (internal use)	developmental	13614-98-7	January 1, 1992
Misoprostol	developmental	59122-46-2	April 1, 1990
Mitoxantrone hydrochloride	developmental	70476-82-3	July 1, 1990
Molinate	developmental, female, male	2212-67-1	December 11, 2009
Myclobutanil	developmental, male	88671-89-0	April 16, 1999
Nabam	developmental	142-59-6	March 30, 1999
Nafarelin acetate	developmental	86220-42-0	April 1, 1990
Neomycin sulfate (internal use)	developmental	1405-10-3	October 1, 1992
Netilmicin sulfate	developmental	56391-57-2	July 1, 1990
Nickel carbonyl	developmental	13463-39-3	September 1, 1996
Nicotine	developmental	54-11-5	April 1, 1990
Nifedipine	developmental, female, male	21829-25-4	January 29, 1999
Nimodipine	developmental	66085-59-4	April 24, 2001
Nitrapyrin	developmental	1929-82-4	March 30, 1999
Nitrobenzene	male	98-95-3	March 30, 2010
Nitrofurantoin	male	67-20-9	April 1, 1991
Nitrogen mustard (Mechlorethamine)	developmental	51-75-2	January 1, 1989
Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55-86-7	July 1, 1990
Nitrous oxide	developmental, female	10024-97-2	August 1, 2008
Norethisterone (Norethindrone)	developmental	68-22-4	April 1, 1990
Norethisterone acetate (Norethindrone acetate)	developmental	51-98-9	October 1, 1991
Norethisterone (Norethindrone) /Ethinyl estradiol	developmental	68-22-4/ 57-63-6	April 1, 1990
Norethisterone (Norethindrone)/Mestranol	developmental	68-22-4/ 72-33-3	April 1, 1990
Norgestrel	developmental	6533-00-2	April 1, 1990
Oxadiazon	developmental	19666-30-9	May 15, 1998
Oxazepam	developmental	604-75-1	October 1, 1992
p,p'-Oxybis(benzenesulfonylhydrazide) <u>Delisted December 13, 2013</u>	developmental	80-51-3	August 7, 2009
Oxydemeton methyl	female, male	301-12-2	November 6, 1998
Oxymetholone	developmental	434-07-1	May 1, 1997
Oxytetracycline (internal use)	developmental	79-57-2	January 1, 1991

<u>Chemical</u>	<u>Type of Reproductive Toxicity</u>	<u>CAS No.</u>	<u>Date Listed</u>
Oxytetracycline hydrochloride October 1, 1991 (internal use)	developmental	2058-46-0	
Oxythioquinox (Chinomethionat)	developmental	2439-01-2	
November 6, 1998 Paclitaxel	developmental, female, male	33069-62-4	August 26, 1997
Paramethadione	developmental	115-67-3	July 1, 1990
Penicillamine	developmental	52-67-5	January 1, 1991
Pentobarbital sodium	developmental	57-33-0	July 1, 1990
Pentostatin	developmental	53910-25-1	September 1, 1996
Phenacemide	developmental	63-98-9	July 1, 1990
Phenprocoumon	developmental	435-97-2	October 1, 1992
Phenyl glycidyl ether	male	122-60-1	August 7, 2009
<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

<i>Type of</i>	<i>Reproductive</i>	<i>CAS No.</i>	<i>Date Listed</i>
<u>Chemical</u>	<u>Toxicity</u>		
Teniposide	developmental	29767-20-2	September 1, 1996
Terbacil	developmental	5902-51-2	May 18, 1999
Testosterone cypionate	developmental	58-20-8	October 1, 1991
Testosterone enanthate	developmental	315-37-7	April 1, 1990
2,3,7,8-Tetrachlorodibenzo-para-dioxin (TCDD)	developmental	1746-01-6	April 1, 1991
Tetracycline (internal use)	developmental	60-54-8	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64-75-5	January 1, 1991
Thalidomide	developmental	50-35-1	July 1, 1987
Thioguanine	developmental	154-42-7	July 1, 1990
Thiophanate methyl	female, male	23564-05-8	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842-07-1	July 1, 1990
Toluene	developmental	108-88-3	January 1, 1991
	female		August 7, 2009
Triadimefon	developmental, female, male	43121-43-3	March 30, 1999
Triazolam	developmental	28911-01-5	April 1, 1990
Tributyltin methacrylate	developmental	2155-70-6	December 1, 1999
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 18, 2014

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
APRIL 18, 2014**

**CHEMICALS LISTED EFFECTIVE APRIL 18,
2014**

**AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER:**

**PENTOSAN POLYSULFATE SODIUM,
PIOGLITAZONE, AND TRIAMTERENE**

Effective April 18, 2014, the Office of Environmental Health Hazard Assessment (OEHHA) is adding pentosan polysulfate sodium, pioglitazone, and triamterene to the list of chemicals known to the State of California to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹).

Health and Safety Code section 25249.8(a) incorporates California Labor Code sections 6382(b)(1) and 6382(d) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. Labor Code section 6382(d) refers to chemicals that are within the scope of the federal Hazard Communications Standard. The Federal Hazard Communications Standard relies on chemical designations made by IARC. An explanation of the carcinogenicity classifications used by IARC, and the *Monographs* development and peer review by the international working groups of scientific experts convened by IARC, may be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf> (IARC Preamble).

The basis for the listing of pentosan polysulfate sodium, pioglitazone, and triamterene was described in a public notice published in the February 28, 2014, issue of the *California Regulatory Notice Register* (Register 2014, No. 9–Z). The title of the notice was “Notice of Intent to List Chemicals by the Labor Code Mechanism.” The publication of the notice initiated a public comment period that closed on April 1, 2014. OEHHA did not receive any public comments.

¹ Health and Safety Code section 25249.5, *et seq.*

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at <http://www.oehha.ca.gov/prop65.html>.

Chemical	CAS No.	Toxicological Endpoint	Listing Mechanism ²
Pentosan polysulfate sodium	—	cancer	LC
Pioglitazone	111025–46–8	cancer	LC
Triamterene	396–01–0	cancer	LC

² Listing mechanism: LC — “Labor Code” mechanism (Labor Code sections 6382(b)(1) and (d)).

**OFFICE OF ENVIRONMENTAL
HEALTH HAZARD ASSESSMENT**

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

**NOTICE TO INTERESTED PARTIES
APRIL 18, 2014**

**CHEMICALS LISTED EFFECTIVE APRIL 18,
2014**

**AS KNOWN TO THE STATE OF CALIFORNIA
TO CAUSE CANCER:
PULEGONE**

Effective April 18, 2014, the Office of Environmental Health Hazard Assessment (OEHHA) is adding pulegone to the list of chemicals known to the State of California to cause cancer for purposes of the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65¹).

Health and Safety Code section 25249.8(a) incorporates California Labor Code sections 6382(b)(1) and 6382(d) into Proposition 65. The law requires that certain substances identified by the International Agency for Research on Cancer (IARC) be listed as known to cause cancer under Proposition 65. Labor Code section 6382(b)(1) refers to substances identified as human or animal carcinogens by IARC. Labor Code section 6382(d) refers to chemicals that are within the scope of the federal Hazard Communications Standard. The Federal Hazard Communications Standard relies on chemical designations made by IARC. An explana-

¹ Health and Safety Code section 25249.5, *et seq.*

tion of the carcinogenicity classifications used by IARC, and the *Monographs* development and peer review by the international Working Groups of scientific experts convened by IARC, may be found at the following URL: <http://monographs.iarc.fr/ENG/Preamble/CurrentPreamble.pdf> (IARC Preamble).

The basis for the listing of pulegone was described in a public notice published in the February 7, 2014, issue of the *California Regulatory Notice Register* (Register 2014, No. 6–Z). The title of the notice was “Notice of Intent to List Pulegone by the Labor Code Mechanism.” The publication of the notice initiated a public comment period that closed on March 10, 2014. We received one public comment. Responses to that comment are posted on our website at: http://www.oehha.ca.gov/prop65/CRNR_notices/admin_listing/intent_to_list/noiLCset20_pulegone.html.

A complete, updated Proposition 65 list is published elsewhere in this issue of the *California Regulatory Notice Register* and is available on the OEHHA website at <http://www.oehha.ca.gov/prop65.html>.

Chemical	CASNo.	Toxicological Endpoint	Listing Mechanism ²
Pulegone	89–82–7	cancer	LC

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# 2014–0313–02
 BOARD OF EQUALIZATION
 Relief From Liability

The Board of Equalization amended section 1705 of title 18 of the California Code of Regulations to extend the relief of liability for the payment of sales and use

taxes, including penalties and interest, when the liability resulted from the failure to make a timely return in reliance upon written advice given by the Board of Equalization to a person with shared accounting and common ownership with the audited person.

Title 18
 California Code of Regulations
 AMEND: 1705
 Filed 04/02/2014
 Effective 07/01/2014
 Agency Contact:
 Richard E. Bennion (916) 445–2130

File# 2014–0328–02
 CALIFORNIA ALTERNATIVE ENERGY AND ADVANCED TRANSPORTATION FINANCING AUTHORITY
 Sales and Use Tax Exclusion Program

The California Alternative Energy and Advanced Transportation Financing Authority submitted this emergency rulemaking readoption action to maintain the effectiveness of the amendments to seven sections in title 4 of the California Code of Regulations that were approved in OAL File No. 2013–0927–06E. The emergency regulations incorporated “advanced manufacturing” processes, as authorized in SB 1128 (Stats.2012, c. 677), into the existing sales and use tax exclusion program already available for manufacturers of alternative source products and advanced transportation products. The emergency regulations also clarified eligibility and evaluation criteria for reviewing applications from manufacturers of energy efficiency products, which are considered alternative source products, and make a number of administrative changes.

Title 4
 California Code of Regulations
 AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036
 Filed 04/03/2014
 Effective 04/03/2014
 Agency Contact: Alejandro Ruiz (916) 651–5101

File# 2014–0305–03
 CALIFORNIA HORSE RACING BOARD
 Application for License to Operate a Mini–satellite Wagering Facility

This rulemaking action increases the term of a license to operate a mini–satellite horse racing wagering facility from two years to five years, consistent with amendment of Business and Professions Code section 19605.25(h) by Senate Bill 305(Chapter 334, Statutes of 2011).

² Listing mechanism: LC — “Labor Code” mechanism (Labor Code sections 6382(b)(1) and (d)).

Title 4
 California Code of Regulations
 AMEND: 2066
 Filed 04/02/2014
 Effective 07/01/2014
 Agency Contact: Leeland Turner (916) 263-6026

File# 2014-0304-01
CALIFORNIA HORSE RACING BOARD
 Vesting of Title to Claimed Horse

This regulatory action provides that the stewards at a horse race shall void a claim and return the horse to the original owner if the horse dies or is euthanized before leaving the track. It also provides that the claim shall not be voided by the stewards if the claimant elects, by indicating this on a form prior to the race, to claim the horse regardless of whether the racing or official veterinarian determine the horse will be placed on the Veterinarian's List as unsound or lame.

Title 4
 California Code of Regulations
 AMEND: 1656, 1658
 Filed 04/07/2014
 Effective 07/01/2014
 Agency Contact: Erica Ward (916) 263-6025

File# 2014-0404-01
DEPARTMENT OF FOOD AND AGRICULTURE
 Asian Citrus Psyllid Interior Quarantine

This emergency regulatory action will expand the quarantine area for the Asian Citrus Psyllid (ACP) *Diaphorina citri* by approximately 84 square miles in San Luis Obispo County. The effect of the amendment provides authority for the state to perform quarantine activities against ACP within this additional area, along with the existing regulated areas in the entire counties of Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura, and a portion of Fresno, Kern and Tulare counties that are already under quarantine for the ACP, totaling approximately 46,420 square miles.

Title 3
 California Code of Regulations
 AMEND: 3435(b)
 Filed 04/04/2014
 Effective 04/04/2014
 Agency Contact: Lindsay Rains (916) 654-1017

File# 2014-0305-02
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
 Commercial Modulares and Special Purpose Commercial Modulares

This action without regulatory effect amends two sections in Title 25 of the California Code of Regulations. The purpose of the amendments is to make regulatory provisions consistent with a change in the California Building Standards Code. The recent adoption of the 2013 California Building Standards Code amended sections referenced in Title 25, sections 4353 and 4369 of the California Code of Regulations. This action updates those regulations to provide proper and correct references to the California Building Standards Code.

Title 25
 California Code of Regulations
 AMEND: 4353, 4369
 Filed 04/07/2014
 Agency Contact: Ruth Ibarra (916) 327-2796

File# 2014-0324-01
DEPARTMENT OF PUBLIC HEALTH
 Primary Care Clinics: Abortion Services

The Department of Public Health (DPH) repealed certain regulations relating to abortion services in primary care clinics as changes without regulatory effect pursuant to section 100(a)(6) of Title 1 of the California Code of Regulations. This repeal is made necessary by the codification of California Health and Safety Code section 18944.18(b), effective January 1, 2014, which requires DPH to repeal the regulations contained in Title 22, Chapter 7, Article 5 of the California Code of Regulations, inclusive of sections 75040, 75041, 75042, 75043, and 75044, no later than July 1, 2014.

Title 22
 California Code of Regulations
 REPEAL: 75040, 75041, 75042, 75043, 75044
 Filed 04/07/2014
 Agency Contact: Dawn Basciano (916) 440-7367

File# 2014-0320-01
FRANCHISE TAX BOARD
 Info Returns of Brokers/Estates Distributable to Non-resident Beneficiaries

This action repeals two regulation sections because the statutes that they were implementing, interpreting and making specific were repealed. California Code of Regulations (CCR) section 18641 is repealed because it

solely describes requirements for a broker that was defined in section 18641 of the Revenue and Taxation Code, which has been repealed.

CCR section 19513 is repealed because it implements and makes specific section 19513 of the Revenue and Taxation Code, which has been repealed.

Title 18
California Code of Regulations
REPEAL: 18641, 19513
Filed 04/09/2014
Agency Contact: Colleen Berwick (916) 845-3306

File# 2014-0320-03
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Tower Cranes

This action corrects a reference citation in section 1619.1(b). The citation inaccurately references section 341.1(b)(2) in title 8 of the California Code of Regulations. This reference does not regard the permitting of tower cranes. The correct reference is section 341.1(c)(2), which regards the permitting of tower cranes, so this action makes that correction.

Title 8
California Code of Regulations
AMEND: 1619.1(b)
Filed 04/09/2014
Agency Contact: Marley Hart (916) 274-5721

File# 2014-0221-02
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD
Operating Rules for Compaction Equipment

This rulemaking action amends section 4355 of Title 8 of the California Code of Regulations to expand the areas that employees are prohibited from riding on compaction equipment. This amendment expands that area to include dangerous areas which are in the line of sight of the operator.

Title 8
California Code of Regulations
AMEND: 4355
Filed 04/03/2014
Effective 07/01/2014
Agency Contact: Marley Hart (916) 274-5721

File# 2014-0227-01
OFFICE OF SPILL PREVENTION AND RESPONSE
Definitions and Cal OES Corrections

The Office of Spill Prevention and Response is amending sections 790 and 820.01 of the California Code of Regulations as a change without regulatory effect. The definitions of “non-persistent” and “small marine fueling facility” are modified to be consistent with the language found in statute. Also, the name of the former Emergency Management Agency is being changed to Office of Emergency Services to be consistent with the name change found in statute. And finally, the title of various documents incorporated by reference are being modified to match the statutory changes.

Title 14
California Code of Regulations
AMEND: 790, 820.01
Filed 04/07/2014
Agency Contact: Mark Neuburger (916) 322-7562

File# 2014-0219-01
OFFICE OF STATEWIDE HEALTH PLANNING
AND DEVELOPMENT
Patient Data Reporting Update for ICD—10

The Office of Statewide Health Planning and Development (Office) amended 13 sections under title 22 of the California Code of Regulations and amended two related incorporated by reference documents. The amendments change the requirement for state licensed hospitals and ambulatory surgery clinics to report certain statutorily required inpatient and outpatient data to the Office using the International Classification of Diseases (ICD) code sets from the ICD-9 version to the ICD-10 version, starting October 1, 2014.

Title 22
California Code of Regulations
AMEND: 97212, 97215, 97225, 97226, 97227,
97228, 97229, 97244, 97248, 97258, 97259, 97260,
97261
Filed 04/03/2014
Effective 07/01/2014
Agency Contact: Irene Ogbonna (916) 326-3937

**CCR CHANGES FILED
WITH THE SECRETARY OF STATE
WITHIN November 6, 2013 TO
April 9, 2014**

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

Title 1

11/21/13 ADOPT: 2002(c)(4), 2002(c)(5), 2002(c)(8)

Title 2

03/10/14 AMEND: 1900, 2002, 2003
03/05/14 ADOPT: 630, 632.5, 632.11 AMEND: 631, 631.5, 632, 632.6, 632.7, 632.8, 632.9, 632.10 REPEAL: 632.5, 632.11
02/10/14 AMEND: 58000
01/27/14 AMEND: 56800
01/21/14 AMEND: 1194
01/13/14 AMEND: 55300
12/23/13 ADOPT: 18950.2 AMEND: 18942, 18944, 18950, 18950.1, 18950.4 REPEAL: 18727.5, 18950.3
12/23/13 AMEND: 18351
12/02/13 ADOPT: 18417
11/19/13 ADOPT: 21001.1, 21001.2, 21001.3 AMEND: 21000, 21001, 21002, 21003, 21004, 21005, 21006, 21007 (re-numbered to 21004.5), 21008, 21009 (re-numbered to 21005.5)

Title 3

04/04/14 AMEND: 3435(b)
03/19/14 AMEND: 3406(b)
03/18/14 ADOPT: 6471 AMEND: 6000, 6400
03/18/14 AMEND: 3423(b)
03/10/14 AMEND: 3589(a)
03/05/14 ADOPT: 1358.3
02/26/14 AMEND: 3434(b)(c)(d)
02/25/14 AMEND: 3417(b)
02/25/14 AMEND: 3700(b)
02/20/14 AMEND: 3423(b)
02/20/14 AMEND: 3701, 3701.1, 3701.2, 3701.3, 3701.4, 3701.5, 3701.6, 3701.7, 3701.8
02/12/14 AMEND: 3700(c)
02/10/14 AMEND: 3435(b)
02/05/14 AMEND: 3435(b)
01/27/14 AMEND: 3406(b)
01/23/14 AMEND: 3591.11

01/14/14 ADOPT: 1392.13
01/09/14 AMEND: 1300, 1300.1, 1300.3, 1300.11, 1300.12, 1300.13, 1300.14, 1300.15 REPEAL: 1300.2, 1300.4
12/16/13 AMEND: 3591.12(a) & (b)
12/05/1 ADOPT: 1280, 1280.1, 1280.8, 1280.10 AMEND: 1280.73
11/25/13 AMEND: 3435(b)
11/13/13 AMEND: 3700(c)
11/07/13 AMEND: 3591.20(a)
11/07/13 AMEND: 6512, 6513
11/06/13 ADOPT: 1180.3.3, 1180.3.4, 1180.3.5, 1180.3.6, 1180.3.7, 1180.3.8, 1180.3.9

Title 4

04/07/14 AMEND: 1656, 1658
04/03/14 AMEND: 10030, 10031, 10032, 10033, 10034, 10035, 10036
04/02/14 AMEND: 2066
03/28/14 AMEND: 10302, 10305, 10315, 10317, 10320, 10322, 10325, 10326, 10327, 10328, 10337
03/24/14 ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15
03/11/14 ADOPT: 1927.1
03/10/14 ADOPT: 10080, 10081, 10082, 10083, 10084, 10085, 10086, 10087
02/03/14 ADOPT: 10170.16, 10170.17, 10170.18, 10170.19, 10170.20, 10170.21, 10170.22, 10170.23, 10170.24
01/21/14 ADOPT: 10170.1, 10170.2, 10170.3, 10170.4, 10170.5, 10170.6, 10170.7, 10170.8, 10170.9, 10170.10, 10170.11, 10170.12, 10170.13, 10170.14, 10170.15
12/26/13 ADOPT: 8034(d)
12/24/13 AMEND: 8070, 8072
12/23/13 AMEND: 5000, 5170, 5190, 5205, 5212, 5230, 5250
12/19/13 AMEND: 10325
12/04/13 AMEND: 12200.20, 12220.20, 12480, 12482, 12500, 12505, 12508 REPEAL: 12488
11/21/13 ADOPT: 7113, 7114, 7115, 7116, 7117, 7118, 7119, 7120, 7121, 7122, 7123, 7124, 7125, 7126, 7127, 7128, 7129
11/21/13 AMEND: 1101, 1126, 1373.2, 1374, 1374.2, 1374.3, 1383.2 REPEAL: 1370, 1374.1

Title 5

04/01/14 AMEND: 80303
04/01/14 ADOPT: 15498, 15498.1, 15498.2, 15498.3

CALIFORNIA REGULATORY NOTICE REGISTER 2014, VOLUME NO. 16-Z

02/28/14 ADOPT: 19843, 19844, 19848, 19849, 19855 AMEND: 19815, 19816, 19816.1, 19817.2, 19819, 19820, 19824, 19828.4, 19840, 19845.2, 19850, 19851, 19852, 19853 REPEAL: 19839

02/13/14 ADOPT: 80033

02/06/14 ADOPT: 15494, 15495, 15496, 15497

02/05/14 ADOPT: 80691, 80692

02/03/14 AMEND: 850, 851, 852, 853, 853.5, 855, 857, 858, 859, 861, 862, 862.5, 863, 864 REPEAL: 854, 864.5, 865, 866, 867, 867.5, 868

01/23/14 AMEND: 22000

12/04/13 AMEND: 15440, 15444, 15445, 15446, 15447, 15448, 15450, 15451, 15453, 15455, 15456, 15460, 15461, 15463, 15464, 15467, 15468, 15469, 15471, 15471.2, 15472, 15473, 15474, 15475, 15480, 15483, 15484, 15485, 15486, 15490, 15493

Title 7

02/27/14 AMEND: 213

Title 8

04/09/14 AMEND: 1619.1(b)

04/03/14 AMEND: 4355

04/01/14 AMEND: 1520, 3384

02/12/14 ADOPT: 9785.5, 9792.6.1, 9792.9.1, 9792.10.1, 9792.10.2, 9792.10.3, 9792.10.4, 9792.10.5, 9792.10.6, 9792.10.7, 9792.10.8, 9792.10.9 AMEND: 9785, 9792.6, 9792.7, 9792.9, 9792.10, 9792.11, 9792.12, 9792.15

02/12/14 ADOPT: 9792.5.4, 9792.5.5, 9792.5.6, 9792.5.7, 9792.5.8, 9792.5.9, 9792.5.10, 9792.5.11, 9792.5.12, 9792.5.13, 9792.5.14, 9792.5.15 AMEND: 9792.5.1, 9792.5.3, 9793, 9794, 9795

02/12/14 AMEND: 9780, 9780.1, 9783, 9783.1, 9785

02/05/14 AMEND: 10133.32, 10133.33, 10133.35, 10133.36

01/21/14 AMEND: 334

01/21/14 AMEND: 344, 344.1

01/09/14 AMEND: 8495, 8496, 8497, 8500

01/09/14 AMEND: 5155

01/07/14 AMEND: 4297

12/26/13 AMEND: 9789.12.2, 9789.12.3, 9789.12.4, 9789.12.8, 9789.19

12/16/13 ADOPT: 10206, 10206.1, 10206.2, 10206.3, 10206.4, 10206.5, 10206.14, 10206.15, 10207, 10208, 10208.1 AMEND: 10205, 10205.12

12/02/13 AMEND: 15600, 15605

11/08/13 ADOPT: 10133.31, 10133.32, 10133.33, 10133.34, 10133.35, 10133.36 AMEND: 9813.1, 10116.9, 10117, 10118, 10133.53, 10133.55, 10133.57, 10133.58, 10133.60 REPEAL: 10133.51, 10133.52

11/06/13 AMEND: 1529, 1532, 1532.1, Appendix B of 1532.1, 1532.2, 1535, 5150, 5189, 5190, 5191, 5192, Appendix A of 5192, 5194, Appendix A of 5194, Appendix B of 5194, Appendix C of 5194, Appendix D of 5194, Appendix E of 5194, Appendix F of 5194, Appendix G of 5194, 5198, Appendix B of 5198, 5200, 5201, 5202, Appendix A of 5202, 5206, 5207, 5208, Appendix J of 5208, 5209, 5210, 5211, 5212, Appendix B of 5212, 5213, 5214, 5217, Appendix A of 5217, 5218, 5220, 8358, Appendix K of 8358, 8359

11/06/13 AMEND: 105

Title 9

01/28/14 ADOPT: 7005.5 AMEND: 7005 REPEAL: 7144, 7145, 7146, 7147

01/14/14 AMEND: 7214.1, 7220.7, 7227.2

Title 10

04/01/14 ADOPT: 6700, 6702, 6704, 6706, 6708, 6710, 6712, 6714, 6716, 6718

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